



Spokane Plan Commission Agenda

Wednesday, October 11, 2023

2:00 PM

Hybrid - Council Briefing Center / Webex
808 W Spokane Falls Blvd, Spokane, WA 99201

Virtual Meeting Link - See Below For Information

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Public Comment Period:

3 minutes each

Citizens are invited to address the Plan Commission on any topic not on the agenda.

Commission Briefing Session:

2:00 – 2:20

1. Approve [9/27/2023](#) meeting minutes
2. City Council Report
3. Community Assembly Liaison Report
4. President Report
5. Transportation Sub-Committee Report
6. Secretary Report
7. Approval of current agenda

All
CM Ryan Oelrich
Mary Winkes
Greg Francis
Clifford Winger
Spencer Gardner

Workshops:

2:20 – 2:30

1. Tentative upcoming agenda items

Plan Commission

2:30 – 3:15

2. GFCs

Katherine Miller

3:45 – 4:00

3. Transition to Chambers

Hearing:

4:00-4:30

1. [2024-2029 Citywide CIP](#)

Kevin Freibott

4:30-6:00

2. [Building Opportunity for Housing, Phase 2 Code Amendments](#)
(Code chapters [17A.020](#), [17A.040](#), [17C.110](#), [17C.120](#), [17C.122](#), [17C.200](#), [17C.230](#), [17C.300](#), [17D.060](#), [17G.020](#), [17G.025](#), [17G.060](#), [17G.061](#), and [17G.080](#))

Tim Thompson & KayCee Downey

Adjournment: The next PC meeting will be held on Wednesday, October 25, 2023

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Plan Commission Meeting Information

Wednesday, October 11, 2023

Plan Commission will be held in a hybrid in-person / virtual format. Members of the public are welcome to attend in person at City Hall or online using the following information.

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

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 October 11, 2023. 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. You will have 3 minutes to speak.

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:

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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Plan Commission & Committees

Upcoming Agenda Items

October 25, Plan Commission (90 minutes available) Hybrid		
Housing Work Group		
1:00 – 1:30	GFC Incentives	Teri Stripes
Workshop		
Time	Item	Presenter
2:00 – 2:20	Meeting Briefing	Plan Commission
2:20 – 2:40	(tentative) 29 th Avenue, Martin St to Fiske St – adding a Centers & Corridors Pedestrian Street designation SMC 17C.120.030	Tirrell Black, Brandon Whitmarsh
2:45-3:15	South Logan TOD Subarea Plan & FEIS	Maren Murphy
3:45 – 4:00	Transition to Chambers	
Hearing Items		
4:00 – 5:00	GFCs	Katherine Miller

November 7 – PCTS (Hybrid)		
Time	Item	Presenter
9:00 am – 9:30 am	Meeting Briefing	PCTS

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Spokane Plan Commission - Draft Minutes

September 27, 2023

Webex Teleconference

Meeting Minutes: Meeting called to order at 2:00 PM by Greg Francis

Attendance:

- Board Members Present: Greg Francis (President), Ryan Patterson (Vice President), Jesse Bank, Clifford Winger, Kris Neely, Carole Shook, Michael Baker, Christopher Britt
- Board Members Not Present: Todd Beyreuther, Tim Williams
- Non-Voting Members Present: Mary Winkes (Community Assembly Liaison)
- Non-Voting Members Not present: Council Member Oelrich
- *Quorum Present: yes*
- Staff Members Present: Spencer Gardner, Ryan Benzie, KayCee Downey, Tim Thompson, Kevin Freibott, James Richman, Maren Murphy, Angie McCall

Public Comment: Citizens are invited to address the Plan Commission on any topic not on the agenda. 3 Minutes each. Darin Watkins, with Spokane Association of Realtors spoke in favor of the upcoming 2024 housing changes

Minutes: Minutes from 9/13/2023 approved unanimously (7/7)

Current Agenda: The current agenda was approved unanimously.

Briefing Session:

1. **City Council Liaison Report - Ryan Oelrich**
 - Absent
2. **Community Assembly Liaison Report - Mary Winkes**
 - None
3. **Commission President Report - Greg Francis**
 - Greg Francis gave an update on changes to the building code, which is being delayed into next year.
4. **Transportation Subcommittee Report - Clifford Winger**
 - None
5. **Secretary Report - Spencer Gardner**
 - Spencer introduced new planning clerk Angie McCall who will be taking over for Plan Commission clerical duties.
 - New equipment will be used starting at the next Plan Commission meeting to improve audio quality
 - Spencer reminded Plan Commission members to email Ryan Benzie if they are not registered for the upcoming APA conference and would like to be.

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Workshop(s):

1. General Facilities Charges

- Presentation provided by Katherine Miller, Loren Searl, Raylene Gennett, & Marlene Feist
- Questions asked and answered
- Discussion ensued

2. Building Opportunity for Housing (Code chapters 17A.020, 17A.040, 17C.110, 17C.120, 17C.122, 17C.200, 17C.230, 17C.300, 17D.060, 17G.020, 17G.025, 17G.060, 17G.061, and 17G.080)

- Presentation provided by Tim Thompson and KayCee Downey
- Questions asked and answered
- Discussion ensued

Meeting Adjourned at 4:05 PM

Next Plan Commission Meeting scheduled for Wednesday, October 11, 2023

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**STAFF REPORT FOR 2024-2029 CIP UPDATE**

Department of Neighborhood and Planning Services

The following staff report concerns a proposed amendment to the City's Comprehensive Plan. Amendments to the Comprehensive Plan are enabled by Spokane Municipal Code (SMC) 17G.020 and Revised Code of Washington (RCW) 36.70A.130.

I. PROPOSAL SUMMARY

Description:	The proposal constitutes a six-year citywide capital improvement program (CIP) for the years 2024 through 2029, to be included in Appendix C of the City of Spokane Comprehensive Plan. The CIP includes an inventory, analysis, and a six-year financing plan for needed capital facilities in the city. These capital facilities have been developed through numerous public engagement efforts and technical studies and are necessary to implement the vision and values of the Comprehensive Plan. The CIP is generally updated each year according to the latest available information and, when adopted, supersedes the previously adopted version. CIPs are incorporated by reference into the Comprehensive Plan each year as they are updated and adopted.
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II. APPLICANT SUMMARY

Staff Contact for Plan Commission Action:	Kevin Freibott, Planning & Economic Development (kfreibott@spokanecity.org)
Proposing Department:	City of Spokane Budget Office (Tonya Wallace, CFO)

III. ADDITIONAL INFORMATION

SEPA Status:	A SEPA threshold Determination of Non-Significance (DNS) was made on September 25, 2023. The appeal deadline is 5:00 PM on October 10, 2023.
Plan Commission Hearing Date:	October 11, 2023
Staff Recommendation:	Approve

IV. BACKGROUND INFORMATION

- General Proposal Description:** In accordance with the Growth Management Act (GMA), the City of Spokane adopts and updates its CIP each year for the following six years. An internal technical team is formed each year to review the previous CIP and to update it according to new projects and information obtained since the last CIP update was completed. The CIP includes specific capital improvements that are necessary to serve and accommodate the development outlined in the Comprehensive Plan, consistent with the vision, values, and policies provided by the Comprehensive

Plan. The Proposed 2024-2029 CIP is incorporated into this staff report by reference, and can be retrieved at the following address:

<https://static.spokanecity.org/documents/city/2024-2029-draft-citywide-capital-improvement-program.pdf>

Those without internet access wishing to review the proposed CIP can contact the Staff Contact (above) or by calling 509-625-6500.

The CIP is prepared each year by the Spokane Budget Office in consultation with the various departments involved (i.e. water, sewer, wastewater, libraries, parks, etc.). The primary contact in the budget office is Jessica Stratton (jstratton@spokanecity.org). In order to facilitate orderly and efficient consideration of the proposed CIP by the Spokane Plan Commission, a representative of the Planning & Economic Department has been asked to assist in the process. This year, that representative is Kevin Freibott (kfreibott@spokanecity.org).

2. **Site Description and Physical Conditions:** The CIP calls for future physical improvements to various properties and rights-of-way (ROW) throughout the City. These locations vary in slope, condition, existing use (if any), and other factors. Approval of the CIP is a step in the implementation of the Comprehensive Plan and does not directly approve or impel the improvements described therein. Accordingly, prior to any ground disturbing activities for these various projects, additional analysis and consideration of these physical conditions and effects will be required per SMC requirements.
3. **Property Ownership:** Capital improvements called for in the CIP will be constructed either on property owned by the City of Spokane (including its various departments and agencies) or within ROW of the City (i.e. streets, alleyways, easements).

V. APPLICATION PROCESS AND PUBLIC COMMENT

1. **Key Steps:** The application is being processed according to SMC 17G.020, including the following steps:

Proposal Completed August 30, 2023
Agency Comment Period September 1 - 15, 2023
Public Comment Period September 1 – October 2, 2023
Plan Commission Workshop September 13, 2023
SEPA Determination Issued September 25, 2023
Notice of Public Hearing Posted September 27, 2023
Plan Commission Hearing Date (Scheduled) October 11, 2023

2. **Comments Received:** A request for comments was issued to City departments, local agencies, and departments, providing pertinent application details on September 1, 2023. By the close of agency comment on September 15, 2023, comments were received from the following:

- Randy Abrahamson, Spokane Tribe of Indians, Tribal Historic Preservation Office: Mr. Abrahamson requested that any future projects may require cultural surveys and monitoring.

Staff Response: As a matter of course, the City always consults with the tribe prior to any ground disturbing activities. Furthermore, an inadvertent discovery plan is a required feature of development projects.

- Melinda Rehfeldt, Associate Transit Planner, Spokane Transit Authority: Ms. Rehfeldt provided comments on several transportation projects identified in the proposal with notes that STA would like to be consulted on those projects.

Staff Response: Mr. Freibott forwarded those comments to the Integrated Capital Management department for inclusion in those projects at the time they are implemented. As the proposal is a listing of projects but not approval, design, or planning for those specific projects, no change was necessary to the proposed CIP to accommodate STA's request.

A Notice of Application was issued on September 1, 2023 in the Spokesman Review and via email to the City's Plan Commission and SEPA distribution lists and the full list of neighborhood council contacts. Four comments were received from the public during the public comment period, all regarding concerns about Fire Station 5 in Latah Valley and its continued status as "unfunded" in the CIP. Comments regarding Fire Station 5 and associated fire risk in Latah Valley were received from the following individuals:

- Peter McEvoy
- Molly Marshall
- Charlene Faoro
- Claudia & Daniel Lobb

*Staff Response: As those comments pertain to the overall budget process as well as the CIP itself, the comments have been included in this staff report as **Exhibit D** for the consideration of decision makers going forward.*

3. **Public Workshop:** A public workshop with the Spokane Plan Commission was held on September 13, 2023, during which the particulars of the proposal were presented to the Plan Commission for their consideration and discussion.

VI. APPLICATION REVIEW AND ANALYSIS

1. **Guiding Principles:** SMC 17G.020.010 provides the following guiding principles for the annual comprehensive plan amendment process:
 - A. Keep the comprehensive plan alive and responsive to the community.
 - B. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
 - C. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
 - D. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.

E. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.

F. Amendments to the comprehensive plan must result in a net benefit to the general public.

2. **Review Criteria:** SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, by the plan commission making a recommendation on a proposal, and by the city council in making a decision on the proposal. Following each of the considerations is staff's analysis relative to the proposed amendment.

A. **Regulatory Changes:** *Amendments to the comprehensive plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.*

Staff Analysis: The proposal has been developed to implement the requirements of the Growth Management Act

The proposal satisfies this criterion.

B. **GMA:** *The change must be consistent with the goals and purposes of the State Growth Management Act.*

Staff Analysis: No comments received or other evidence in the record indicates inconsistency between the proposed plan map amendment and the goals and purposes of the GMA.

The proposal satisfies this criterion.

C. **Financing:** *In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.*

Staff Analysis: The proposed action would update the CIP specifically for this purpose.

The proposal satisfies this criterion.

D. **Funding Shortfall:** *If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and capital facilities program.*

Staff Analysis: This proposal does include certain unfunded projects to ensure transparency in future capital improvement planning and design. The proposal does not suggest or require the scaling back of any land use objectives or service level standards thus the proposal meets this criterion.

The proposal satisfies this criterion.

E. **Internal Consistency:**

1. *The requirement for internal consistency pertains to the comprehensive plan as it relates to all its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.*

Staff Analysis: The proposal is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

Capital Facilities Program. The proposed CIP provides for the financial analysis and commitment necessary to implement the capital facilities program in the Comprehensive Plan.

Neighborhood Planning Documents Adopted after 2001. While a number of neighborhood planning documents include requested capital improvements, the capital improvements included in the CIP will not prevent or prohibit the improvements called for in adopted neighborhood planning documents from being implemented.

Miscellaneous Comprehensive Plan Goals and Policies. On each project page of the proposed CIP there is a listing of the goals and policies that individual project would support and/or implement if completed. When considered cumulatively, as an implementation process for the Comprehensive Plan itself, the proposal is generally consistent with the goals, policies, and development vision provided for in the Comprehensive Plan.

The proposal satisfies this criterion.

2. *If a proposed amendment is significantly inconsistent with current policy within the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.*

Staff Analysis: The proposal is generally consistent with current Comprehensive Plan policies, as described in further detail in the staff analysis of Criterion K.2 below and other criteria in this report. Therefore, no amendment to policy wording is necessary and this criterion does not apply to the subject proposal.

The proposal satisfies this criterion.

- F. Regional Consistency:** *All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.*

Staff Analysis: The proposed CIP comprises a necessary implementation action in order to address the development vision encapsulated in the Comprehensive Plan, which is itself consistent with the Countywide Planning Policies. No comments have been received from any agency or neighboring jurisdiction which would indicate that this proposal is not regionally consistent.

The proposal satisfies this criterion.

- G. Cumulative Effect:** *All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.*

1. **Land Use Impacts:** *In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.*
2. **Grouping:** *Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.*

Staff Analysis: This proposal is being considered alone and thus cumulative effects are not expected.

This proposal satisfies this criterion.

- H. SEPA:** *SEPA¹ Review must be completed on all amendment proposals and is described in Chapter 17E.050.*

1. **Grouping:** *When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.*
2. **DS:** *If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).*

Staff Analysis: The application is under review in accordance with the State Environmental Policy Act (SEPA), which requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of the information contained in the environmental checklist, any written comments from local and State departments and agencies concerned with land development within the City, and a review of other information available to the Director of Planning Services, a Determination of Non-Significance was issued on September 25, 2023.

¹ State Environmental Protection Act

The proposal satisfies this criterion.

- I. **Adequate Public Facilities:** *The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.*

Staff Analysis: The proposal intends to accommodate the facility and service needs of the City, according to the development vision and growth planning encapsulated in the Comprehensive Plan.

The proposal satisfies this criterion.

- J. **UGA:** *Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County.*

Staff Analysis: The proposal does not include an expansion to the UGA.

This criterion does not apply.

K. **Demonstration of Need:**

1. **Policy Adjustments:** *Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan.*

Staff Analysis: The proposal does not include a policy adjustment; thus, this criterion does not apply.

2. **Map Changes:** *Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:*

- a. *The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g. compatibility with neighboring land uses, proximity to arterials, etc.);*

Staff Analysis: Not applicable.

- b. *The map amendment or site is suitable for the proposed designation.*

Staff Analysis: Not applicable.

- c. *The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.*

Staff Analysis: The proposal does not include any map amendments; thus, this criterion does not apply.

This proposal satisfies this criterion.

- 3. Rezones, Land Use Plan Amendment:** *Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.*

Staff Analysis: This proposal would not amend any land use plan map designations thus no attendant rezones would be required.

The proposal satisfies this criterion.

VII. CONCLUSION

The proposal has been processed and considered according to the requirements of the Spokane Municipal Code. According to the information provided above and the whole of the administrative record, the proposal is consistent with the approval criteria set forth by SMC 17G.020.

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC Chapter 17G.020, Plan Commission will need to make a recommendation to City Council for approval or denial of the requested amendment to the Land Use Plan map of the City's Comprehensive Plan.

VIII. STAFF RECOMMENDATION

Considering the above information and the whole of the administrative record, staff recommends that Plan Commission and the City Council **approve** this proposal.

IX. LIST OF EXHIBITS

- | | |
|---|-----------------------------|
| A. SEPA Checklist | C. Agency Comments Received |
| B. SEPA Determination of Non-Significance | D. Public Comments Received |

Staff Report – 2024-2029 CIP

Exhibit A

SEPA Checklist



City of Spokane
808 W. Spokane Falls Blvd.
Spokane, WA 99201
www.spokanecity.org

State Environmental Policy Act (SEPA) Environmental Checklist

PLEASE READ CAREFULLY BEFORE COMPLETING THE CHECKLIST!

Purpose of Checklist:

The State Environmental Policy Act (SEPA) chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An Environmental Impact Statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." In addition, complete the Supplemental Sheet For Nonproject Actions (Part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. **Name of proposed project:** Six Year Citywide Capital Improvement Program 2024 through 2029
2. **Applicant:** City of Spokane – Budget Office
Address: 808 W. Spokane Falls Boulevard
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6369
3. **Agent or Primary Contact:** Kevin Freibott (kfreibott@spokanecity.org)
Address: 808 W. Spokane Falls Boulevard
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6500
4. **Location of Project:** Not applicable. This is a non-project action.
Address:
Section: Quarter: Township: Range:
Tax Parcel Number(s):
5. **Date checklist prepared:** August 24, 2023
6. **Agency requesting checklist:** City of Spokane, Washington
7. **Proposed timing or schedule (including phasing, if applicable):**
Projects for 2024 through 2029
8.
 - a. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:**
Yes. The Six Year Citywide Capital Improvement Program is the initial implementation of all the project environmental processes and more specific data will be provided on a project-by-project basis where required.
 - b. **Do you own or have options on land nearby or adjacent to this proposal? If yes, explain:**
Yes. The proposal consists of many projects within the incorporated boundaries of the City of Spokane with some peripheral projects. This is a non-project action.
9. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:**
No special environmental analysis or studies have been prepared for this proposal.
Individual projects resulting in construction must address specific environmental information at the time of design as part of existing Spokane Municipal Code (SMC) requirements.

10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:

Not applicable. This is a non-project action.

11. List any government approvals or permits that will be needed for your proposal, if known:

- a) City Plan Commission Recommendation
- b) City Council Ordinance

12. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

The Six Year Citywide Capital Improvement Program is an implementation document used to schedule projects for improving the City's infrastructure in a rational, coordinated, cost-effective manner. Infrastructure improvement projects are scheduled to serve current and future demands. This document schedules projects for a six year period and is updated annually. The Six Year Citywide Capital Improvement Programs provide the necessary documentation to submit applications for grant funds and loans. The Capital Transportation projects provided in this document are for reference only since they have already been through a separate SEPA process where Council approval/adoption occurred in June. The draft document can be viewed at: <https://my.spokanecity.org/projects/capital-programs/default.aspx>

13. Location of the proposal: (Give sufficient information for a person to understand the precise location of your proposed project. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist.

Not applicable. The proposal consists of many projects within the incorporated boundaries of the City of Spokane with some peripheral projects. This is a non-project action.

14. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? ☒ Yes ☐ No

The General Sewer Service Area? ☒ Yes ☐ No

The Priority Sewer Service Area? ☒ Yes ☐ No

The City of Spokane? ☒ Yes ☐ No

15. The following questions supplement Part A.

a. Critical Aquifer Recharge Area (CARA) / Aquifer Sensitive Area (ASA)

- (1) **Describe any systems, other than those designed for the disposal of sanitary waste installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the**

system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities).

Not applicable. This is a non-project action.

- (2) **Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored?**

Not applicable. This is a non-project action.

- (3) **What protective measures will be taken to ensure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems.**

Not applicable. This is a non-project action.

- (4) **Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater?**

Not applicable. This is a non-project action.

b. Stormwater

- (1) **What are the depths on the site to groundwater and to bedrock (if known)?**

Not applicable. This is a non-project action.

- (2) **Will stormwater be discharged into the ground? If so, describe any potential impacts.**

Not applicable. This is a non-project action.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. **General description of the site (check one):** Not applicable. This is a non-project action.

☐ Flat ☐ Rolling ☐ Hilly ☐ Steep slopes ☐ Mountainous

Other:

- b. **What is the steepest slope on the site (approximate percent slope)?**

Not applicable. This is a non-project action.

- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

Not applicable. This is a non-project action.

- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

Not applicable. This is a non-project action.

- e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

Not applicable. This is a non-project action.

- f. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

Not applicable. This is a non-project action.

- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, or buildings)?**

Not applicable. This is a non-project action.

- h. **Proposed measures to reduce or control erosion or other impacts to the earth, if any:**

None beyond those already codified in the SMC.

2. Air

- a. **What type of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

Not applicable. This is a non-project action.

- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

Not applicable. This is a non-project action.

- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

None beyond those already codified in the SMC

3. Water

- a. **Surface Water:**

- (1) **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Not applicable. This is a non-project action.

- (2) **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

Not applicable. This is a non-project action.

- (3) **Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

Not applicable. This is a non-project action.

- (4) **Will the proposal require surface water withdrawals or diversions? If yes, give general description, purpose, and approximate quantities if known.**

Not applicable. This is a non-project action.

- (5) **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

Not applicable. This is a non-project action.

- (6) **Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

None beyond those already codified in the SMC.

b. Groundwater:

- (1) **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

Not applicable. This is a non-project action.

- (2) **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

Not applicable. This is a non-project action.

c. Water Runoff (Including Stormwater):

- (1) **Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

Not applicable. This is a non-project action.

- (2) **Could waste materials enter ground or surface waters? If so, generally describe.**

Not applicable. This is a non-project action.

- (3) **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

Not applicable. This is a non-project action.

- d. **Proposed Measures to reduce or control surface, ground, and runoff water, and drainage patter impacts, if any.**

None beyond those already codified in the SMC.

4. Plants

- a. **Check the type(s) of vegetation found on the site:** Not applicable. This is a non-project action.

Deciduous trees: ☐ alder ☐ maple ☐ aspen Other:

Evergreen trees: ☐ fir ☐ cedar ☐ pine Other:

☐ shrubs ☐ grass ☐ pasture ☐ crop or grain

☐ orchards, vineyards or other permanent crops

Wet soil plants: ☐ cattail ☐ buttercup ☐ bullrush ☐ skunk cabbage

Other:

Water plants: ☐ water lily ☐ eelgrass ☐ milfoil

Other:

Any other types of vegetation:

- b. **What kind and amount of vegetation will be removed or altered?**

Not applicable. This is a non-project action.

- c. **List threatened and endangered species known to be on or near the site:**

Not applicable. This is a non-project action.

- d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

Not applicable. This is a non-project action.

- e. **List all noxious weeds and invasive species known to be on or near the site:**

Not applicable. This is a non-project action.

5. Animals

- a. **Check and List any birds and other animals which have been observed on or near the site or are known to be on or near the site:** Not applicable. This is a non-project action.

Birds: ☐ hawk ☐ heron ☐ eagle ☐ songbirds

Other:

Mammals: ☐ deer ☐ bear ☐ elk ☐ beaver

Other:

Fish: ☐ bass ☐ salmon ☐ trout ☐ herring ☐ shellfish

Other:

Any other animals (not listed in above categories):

- b. **List any threatened or endangered animal species known to be on or near the site.**

Not applicable. This is a non-project action.

- c. **Is the site part of a migration route? If so, explain.**

Not applicable. This is a non-project action.

- d. **Proposed measures to preserve or enhance wildlife, if any:**

Not applicable. This is a non-project action.

- e. **List any invasive animal species known to be on or near the site.**

Not applicable. This is a non-project action.

6. Energy and natural resources

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Not applicable. This is a non-project action.

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe:**

Not applicable. This is a non-project action.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

None.

7. Environmental health

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.**

Not applicable. This is a non-project action.

- (1) **Describe any known or possible contamination at the site from present or past uses.**

Not applicable. This is a non-project action.

- (2) **Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

Not applicable. This is a non-project action.

- (3) **Describe any toxic or hazardous chemicals/conditions that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

Not applicable. This is a non-project action.

- (4) **Describe special emergency services that might be required.**

Not applicable. This is a non-project action.

- (5) **Proposed measures to reduce or control environmental health hazards, if any:**

None beyond those already codified in the SMC.

b. Noise:

- (1) **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

Not applicable. This is a non-project action.

- (2) **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

Not applicable. This is a non-project action.

- (3) **Proposed measure to reduce or control noise impacts, if any:**

None beyond those already codified in the SMC.

8. Land and shoreline use

- a. **What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

Not applicable. This is a non-project action.

- b. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

Not applicable. This is a non-project action.

- 1) **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:**

Not applicable. This is a non-project action.

- c. **Describe any structures on the site.**

Not applicable. This is a non-project action.

d. Will any structures be demolished? If so, which?

Not applicable. This is a non-project action.

e. What is the current zoning classification of the site?

Varies. This is a non-project action.

f. What is the current comprehensive plan designation of the site?

Varies. This is a non-project action.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable. This is a non-project action.

h. Has any part of the site been classified as a critical area by the city or the county? If so, specify.

Not applicable. This is a non-project action.

i. Approximately how many people would reside or work in the completed project?

Zero, as these are municipal projects intended to serve existing and planned development. Residential uses are not proposed.

j. Approximately how many people would the completed project displace?

Not applicable. This is a non-project action.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable. This is a non-project action.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

None. This non-project action is necessary to implement the development guidance provided by the Comprehensive Plan. The projects within it have been developed in consultation and accordance with the Comprehensive Plan and the various land uses described and designated within.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

None.

9.

Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None. The projects within the CIP do not call for residential development. However, these projects are necessary to serve existing and proposed residential and non-residential development described in the Comprehensive Plan.

- b. **Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing.**

None. This is a non-project action.

- c. **Proposed measures to reduce or control housing impacts, if any:**

None.

10. Aesthetics

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Varies. This is a non-project action.

- b. **What views in the immediate vicinity would be altered or obstructed?**

A significant proportion of the projects called for in this non-project action would be installed at or below the ground surface, resulting in no change to views in the vicinity. Remaining projects have not yet been designed. These will be subject to additional review upon being designed. As a non-project action, the proposal would not immediately or directly result in any construction or development that would affect views.

- c. **Proposed measures to reduce or control aesthetic impacts, if any:**

None.

11. Light and Glare

- a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**

Not applicable. This is a non-project action.

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

Not applicable. This is a non-project action.

- c. **What existing off-site sources of light or glare may affect your proposal?**

Not applicable. This is a non-project action.

- d. **Proposed measures to reduce or control light and glare impacts, if any:**

None.

12. Recreation

- a. **What designated and informal recreational opportunities are in the immediate vicinity?**

Varies. This is a non-project action.

- b. Would the proposed project displace any existing recreational uses? If so, describe.**
No. In fact, several of the projects described by the proposal comprise new, upgraded, or expanded recreational uses in the city.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**
None.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.**
None known.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**
None known. Future construction would be required by existing SMC requirements to include an inadvertent discovery plan for such resources.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archaeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**
Not applicable. This is a non-project action.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**
None beyond those already codified in the SMC.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**
Varies. This is a non-project action.
- b. Is site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop.**
Yes, the entire City is served by the Spokane Transit Authority network.

- c. **How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

Not applicable. This is a non-project action.

- d. **Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

None are expected. In fact, many of the proposed projects listed in the CIP comprise improvements to such resources in the future.

- e. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.**

No (non-project action).

- f. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? (Note: to assist in review and if known, indicate vehicle trips during PM peak, AM Peak, and Weekday (24 hours)).**

Not applicable. This is a non-project action.

- g. **Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, general describe.**

No (non-project action).

- h. **Proposed measures to reduce or control transportation impacts, if any:**

None beyond those already codified in the SMC.

15. Public services

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

Not applicable. This is a non-project action.

- b. **Proposed measures to reduce or control direct impacts on public services, if any:**

None beyond those already codified in the SMC.

16. Utilities

- a. **Check utilities currently available at the site:** Not applicable. This is a non-project action.

☐ electricity ☐ natural gas ☐ water ☐ refuse service

☐ telephone ☐ sanitary sewer ☐ septic system

Other:

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed:**

Several projects in the proposed CIP represent infrastructure projects (water, sewer, stormwater, etc.). These projects have been planned according to the Comprehensive Plan and required levels of service to accommodate existing and future development in the city.

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency must withdraw any determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: September 12, 2022 Signature: _____

Project Proponent (Please print or type):

Name: Tonya Wallace Address: 808 W. Spokane Falls Boulevard
Phone: (509) 625-6845 Spokane, WA 99201

Checklist Preparer (If different from proponent):

Name: Kevin Freibott Address: 808 W. Spokane Falls Boulevard
Phone: (509) 625-6184 Spokane, WA 99201

FOR STAFF USE ONLY

Staff member(s) reviewing checklist:

Based on this staff review of the environmental checklist and other pertinent information, staff concludes that:

- ☐ A. There are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- ☐ B. Probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- ☐ C. There are probable significant adverse environmental impacts and recommends a Determination of Significance.

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Projects within the Six Year Citywide Capital Improvement Program are likely to improve the environment by reducing inefficient infrastructure and maintenance requirements. Particulate and exhaust emissions will occur during construction of most of the listed projects. The extent of these emissions will vary greatly between different types of projects. Many of the projects will improve the quality of waters discharged and decrease the emissions of pollutants, once they are completed.

Proposed measures to avoid or reduce such increases are:

Best management practices for construction controls such as watering will be used to control particulate emissions. Any ground disturbance as a result of these future projects would be required to implement standard best practices to minimize dust, air emissions, and noise. Existing restrictions on construction and operation noise in the municipal code would apply to these projects as well.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

No significant effects are expected. Each project as it is designed and implemented will be subject to existing standards and requirements for the protection of the environment codified in the SMC. Furthermore, additional SEPA review will be required prior to any actual construction or implementation.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Projects will be designed in accordance with local and state regulations regarding development and construction in or near natural habitats. Best Management Practices will be incorporated.

3. How would the proposal be likely to deplete energy or natural resources?

Construction and operational activities will use petroleum fuels. Once completed, electric energy is used such as to operate pump and control systems or power new systems, as required by the SMC.

Proposed measures to protect or conserve energy and natural resources are:

None.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands?

No significant effect on environmentally sensitive areas is expected. As discussed under question 2 above, this issue will be addressed on a project by project bases at the individual project environmental reviews, as required.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Each specific project, as it is ultimately designed, will be analyzed for it impacts environmentally sensitive areas and, if necessary, existing SMC requirements for the protection of the environment will require that measures be taken to minimize the impacts of those individual projects.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

A few utilities cross the Spokane River or are located within the shorelines. Wells are located at the Upriver Dam complex. The Riverside Park Water Reclamation Facility, CSO weirs and tanks are located adjacent to the Spokane River. Upgrade of these will not change land use or shoreline uses. However, the proposed projects included in the proposal are necessary to ensure that services, utilities, and infrastructure is adequate to serve both existing and planned future development in the city, consistent with the Growth Management Act and the development described in the Comprehensive Plan.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Projects will be designed to comply with shoreline and land use plans. Any deviations would be approved through the appropriate required process during design. Standard procedures for land use and zoning changes shall be required.

The Six Year Citywide Capital Improvement Program is reviewed by the City's Plan Commission for consistency with the City's Comprehensive Plan and approved by the City Council. This process serves to ensure that the projects are compatible with land uses within the City and Spokane County.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Construction seasons that include multiple temporary arterial street closures across the city indirectly impact the traffic loadings on adjacent parallel routes but only on a temporary basis. Each proposed project that could generate additional demands on transportation would be analyzed on a project-by-project basis as required in the SMC. As for service and utility capacities, the projects in the proposed CIP are necessary to ensure that services and utilities can accommodate existing and planned future growth in the city.

Proposed measures to reduce or respond to such demand(s) are:

Communication of construction closures ahead of and during the construction season will be maintained.

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.

No conflicts with environmental protection laws have been identified.

Staff Report - 2024-2029 CIP

Exhibit B

SEPA Determination of Non-Significance

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

PROJECT: 2024-2029 Capital Improvement Program

PROPONENT: City of Spokane

DESCRIPTION OF PROPOSAL: An update to the city's six-year citywide capital improvement program (CIP), for the years 2024 through 2029, as referenced in Appendix C of the City of Spokane Comprehensive Plan. The CIP includes a six-year financing plan for needed capital facilities in the city. These capital facilities have been developed through numerous public engagement efforts and technical studies and are necessary to implement the vision and values of the Comprehensive Plan. The CIP is generally updated each year according to the latest available information and, when adopted, supersedes the previously adopted version. CIPs are incorporated by reference into the Comprehensive Plan each year as they are updated and helps to inform the eventual adoption of the City's annual budget.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: City-owned property and rights-of-way throughout the City (citywide, non-project action).

LEAD AGENCY: City of Spokane

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

[] There is no comment period for this DNS.

[] This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.

[X] This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5 p.m. on October 9, 2023 if they are intended to alter the DNS.

Responsible Official: Spencer Gardner

Position/Title: Director, Planning Services **Phone:** (509) 625-6500

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: Sept 25, 2023 **Signature:** 

Staff Report - 2024-2029 CIP

Exhibit C

Agency Comments Received



Spokane Tribe of Indians
Tribal Historic Preservation Office
PO Box 100 Wellpinit WA 99040

September 7, 2023

To: Kevin Freibott, Planning

RE: City of Spokane, Capital Improvement for 2024-2029 Comprehensive plan Amendment

Mr. Freibott,

Thank you for contacting the Tribe's Historic Preservation Office, we appreciate the opportunity to provide a cultural consult for your project. The intent of this process is to preserve and protect all cultural resources whenever protection is feasible.

As you already know, these areas maybe sacred, religious and cultural significance to the Spokane Tribe these sites are very limited and irreplaceable.

RE: Case by case review on each project and may require cultural surveys and monitoring on these projects

We are looking forward to working with you and your staff towards these projects

Again, thank you for this opportunity to comment and consider this a positive action that will assist in protecting our shared heritage.

If questions arise, please contact me at (509) 258 4222.

Sincerely,

Randy Abrahamson
Tribal Historic Preservation Officer (T.H.P.O.)

From: [Rehfeldt, Melinda](#)
To: [Freibott, Kevin](#)
Subject: Non-project SEPA Request for Comments - 2024-2029 Capital Improvement Program
Date: Friday, September 15, 2023 4:33:27 PM
Attachments: City of Spokane 2024-29 CIP Impacting STA Routes.docx

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Kevin,

I have attached STA comments for the 2024-2029 CIP.

I had sent an earlier email requesting to a few more days to review and comment on this but wanted to send this some comments. I may have a few revisions next week.

Thanks

Melinda Rehfeldt

Associate Transit Planner

Office: (509) 343-1697

1230 W Boone Ave, Spokane WA 99201

spokanetransit.com

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City of Spokane 2024-2029 CIP Impacting STA Routes

- [PLAZA + MANY ROUTES] Street Maintenance and Ped Upgrades, Riverside Avenue, Monroe St to Wall St. (Completion by 2026)
 - “Construct curb to curb pavement maintenance through grind and overlay and pavement repair. Repair sidewalk, and upgrade signals (incl. Accessible Pedestrian Signals [APS] as appropriate), conduit and lighting. Includes replacement of water line and storm system updates.” P. 188

STA has transit stops within the project limit that may need enhancements such as ADA pad, shelter pad footing and shelter installation. Please include STA in the design review of improvements. STA will also comment through utility notices or cooperative projects.

- [CITY LINE] Street Design Upgrade, 1st Avenue, Maple St to Monroe St, Monroe St to Wall St, Wall St to Bernard St. (Not yet funded)
 - “Construct full depth roadway, repair sidewalk, provide for bike facilities, and upgrade signals & lighting. Integrate with utilities to include replacement of water main from Madison to Howard Streets. Also **coordinate to complement Spokane Transit's Central City Line**. Implement APS updates.” P. 249, 254, 256

STA has transit stops within the project limit that may need enhancements such as ADA pad, shelter pad footing and shelter installation. Please include STA in the design review of improvements. STA will also comment through utility notices or cooperative projects.

- [CITY LINE] Street Design Upgrade, Main Ave, Monroe St to Browne St. (not fully funded)
 - “Pavement resurfacing, sidewalk repair/updates, curb bump-outs, storm drainage, securing vaulted sidewalks, and upgrading signals and lighting. Water lines need updates. Project will **complement the Spokane Transit City Line**. Include APS as appropriate. Candidate for Alternative Delivery.” P. 255

STA has transit stops within the project limit that may need enhancements such as ADA pad, shelter pad footing and shelter installation. Please include STA in the design review of improvements. STA will also comment through utility notices or cooperative projects.

- [ROUTES 6, 11, 25] Street Design Upgrades, Spokane Falls Blvd – Post to Division. (Budgeted for 2027)
 - “Construct full depth roadway, repair sidewalk. Replacement of lighting, communication conduit and cable, and traffic signals. Accessible Pedestrian Signals (APS) updates as appropriate. Integrated project with Water and Wastewater improvements.”

STA has transit stops within the project limit that may need enhancements such as ADA pad, shelter pad footing and shelter installation. Please include STA in the design review of improvements. STA will also comment through utility notices or cooperative projects.

- [ROUTES 9, 21] Street Maintenance and Upgrades. Broadway Avenue – Ash to Post. (bulk of funding slated for 2028)
 - “Construct full depth roadway, repair sidewalk, communication conduit and cable, signal and utility updates. Implement Accessible Pedestrian Signals (APS) updates as appropriate.” P. 259

STA has transit stops within the project limit that may need enhancements such as ADA pad, shelter pad footing and shelter installation. Please include STA in the design review of improvements. STA will also comment through utility notices or cooperative projects.

- [ROUTE 12] Sherman / 5th Ave. Traffic Signal. (Budgeted for 2027)
 - “Install a new traffic signal. Install new Americans with Disabilities Act (ADA)-compliant ramps to current standards.” P. 262

We currently do not have any stops along this section of US2. Please include STA in the design review of improvements.

- [ROUTE 20] Street Design Upgrade, Whistalks Way, Government Way to River. (not fully funded)
 - “Construct full depth roadway and repair sidewalk. Project replaces the water main, separates stormwater, upgrades lighting and communication. Incorporated in the plan: lane reconfiguration, signals, **enhance transit**, bicycle, and pedestrian routing as appropriate. Incl. APS at signals where appropriate.” P. 252

STA has transit stops within the project limit that may need enhancements such as ADA pad, shelter pad footing and shelter installation. Please include STA in the design review of improvements. STA will also comment through utility notices or cooperative projects.

- [ROUTES 34, 294] Street Design Upgrades, Ray-Thor St, 17th Ave to Hartson Ave (Completion by 2025)
 - “Pavement reconstruction of the arterial alignment of Ray St and Thor St between 17th and Hartson. Water main updates (17th to 11th), upgrades to Americans with Disabilities Act (**ADA**) **ramps** and minor curb and sidewalk repairs are anticipated.” P. 184

STA has transit stops within the project limit that may need enhancements such as ADA pad, shelter pad footing and shelter installation. Please include STA in the design review of improvements. STA will also comment through utility notices or cooperative projects.

- [ROUTE 36] Street Design Upgrades + Traffic Calming. Illinois Ave. Grind & Overlay and Shared Path. (2024)
 - “Pavement rehabilitation and preservation will be achieved with asphalt grind and overlay, pavement repair, and ADA ramps. Reconfigure the roadway and striping to construct a protected shared use pathway along the south side. Install four enhanced pedestrian crossings, and two overlooks/plazas with landscaping.” P. 222

STA has transit stops within the project limit that may need enhancements such as ADA pad, shelter pad footing and shelter installation. Please include STA in the design review of improvements. STA will also comment through utility notices or cooperative projects.

- [ROUTE 61] Sunset Highway Path - Deer Heights to Spotted Rd, Spotted Rd to Royal St. (Completion by 2027)
 - “Design and construction of the shared used path along the northerly side of Sunset Hwy (US 2) from Deer Heights Rd. to Spotted Rd. Portions of this path have been constructed; this phase of the project will fill the gaps not yet constructed between Deer Heights and Spotted. Strategic sidewalk segments **will facilitate transit stops** and pedestrian crossings.” P. 244-45

We currently do not have any stops along this section of US2. Please include STA in the design review of improvements.

- [ROUTE 92] Freya St. - Garland to Wellesley. (Budgeted for 2025)
 - “Limited street paving improvements, frontage improvements ADA ramps, sidewalk infill in conjunction with water main transmission project.” P. 232

We commented through utility notices

Staff Report - 2024-2029 CIP

Exhibit D

Public Comments Received

From: peter mcevoy <peter.mcevoy@comcast.net>
Sent: Saturday, September 30, 2023 2:05 PM
To: Planning & Development Services Comp Plan
Cc: CALV; aw
Subject: Fire Station #5 - Latah Valley

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hey, Folks...

I am writing to voice my support for the long promised but largely ignored need for a Fully Operational, Full Staffed Fire Station #5 in Latah Valley.

When we moved here in 2019, we were assured that a Fire Station to support our neighborhood in Eagle Ridge had been approved and all that was needed was the City to start construction. Wow, that was good to hear and very comforting.

4 Years Later: Well, it has been approved many times in Capital Budgets, but somehow the funds are always siphoned off and sent somewhere else. We don't need another dog park. Promises made and promises broken. Now it is in the next Capital Budget with a another 6 year window. Whoo-Hoo!!

We should not have to scream and yell to get a such an important part of our local safety net. We pay our taxes like most people and expect a return on the investment. Response times are abysmal. Homes will be lost and people will die horribly.

The three reasons Eagle Ridge did not go up in flames are:

1) Our normally breezy SW to West afternoon winds were light and variable that day. Afternoons of 15 mph and more are typical and not at all unusual. We skated due to Meteorological Good Luck. If it was a windy afternoon, the fire would have crowned quickly and been off to the races. It would have been just like Lahaina, Maui on the few roads out. Out our rear windows, we look at the black burned Marshall Creek slope across the valley and feel darned lucky to still be here. Luck is the operative word.

2) The Washington Department of Natural Resources has a major fire bomber facility at Deer Park Airport. There were over 20 aircraft (**27** by one count) engaged in the battle. We could not see them for all the thick smoke, but they were passing very low over our house as we packed up to evacuate. **We got no phone notifications whatsoever about the fire (another fight for another day)** and only came home because our neighbor called us to tell us about the situation. We were in Priest River and it took us 90 minutes to get home. We realized we may have to run for it and started packing.

3) There was no other major fire at that time to bleed off the aerial resources. We got *everything* that was available. If the Elk Fire or another large fire had been in progress, we would have not gotten the aerial support to stop that monster. In addition to a break from windy days, we got lucky to get everything that could fly was sent our way. Maybe not so lucky next time.

On the list of community priorities, the Fire Station should be on top of the list. Nothing else has any value for the community if the community is burned to the ground.

Prove to us you value human life. Get that fire station built and staffed before the day when there is regret for not getting it done. No excuses.

Peter McEvoy
Eagle Ridge
5714 S. Ravencrest Drive
Spokane, WA 99224

From: Molly Marshall <molly.marshall475@gmail.com>
Sent: Monday, October 2, 2023 10:41 AM
To: Planning & Development Services Comp Plan
Subject: Public comment for CIP
Attachments: Public Comment Draft CIP Marshall.docx

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good morning,
I have attached my comments for the draft CIP 2024-2029
Thank you,
Molly Marshall

Draft CIP 2024-2029 public comment from

Molly Marshall

Spokane, WA ((224

In this draft, construction of the permanent Fire Station # 5 remains unfunded. The temporary fire station #5 opened because response times were not meeting standards and people had insurance issues. It was built in 2015 as a temporary station and the hearing decision stated a permanent one would need to be built by 2020. The current station location was a result of a temporary ordinance variance. The lack of funding to relocate has resulted in exceeding the variance limits.

This fire station is a remodeled house, and a special pumper truck was purchased to fit in the garage. This summer, the Latah Valley experienced 5 separate fires that threatened different neighborhoods. It highlighted the need to provide adequate fire protection throughout this area. The fire dept deployed a normal fire truck to temporary Station 5 for this fire season, secured by fencing because it does not fit in the garage. It will be taken away once the temperatures are below freezing.

The fire dept owns property off the Cheney-Spokane interchange that was slated for the permanent station. 2023 was the first year it appeared on the Capital Facilities Plan but was unfunded and remains unfunded in the 2024-2029 draft.

The threat of wildfire in the Latah Valley, the wildland-urban interface, continues to increase and construction for a permanent station will take a few years. It is important to secure the funding for this station to ensure public safety in this area.

<https://static.spokanecity.org/documents/hearingexaminer/decisions/2015/temporary-eagle-ridge-fire-station-decision.pdf>



FIRE STATION #5

115 W Eagle Ridge Blvd

From: Charlene Faoro <charleymaria69@gmail.com>
Sent: Monday, October 2, 2023 2:00 PM
To: Planning & Development Services Comp Plan
Subject: Latah Valley development

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I am a 22 year resident of Eagle Ridge and am very concerned about the ongoing building in this area despite adequate infrastructure, fire protection, water, schools, lack of thoughtfulness to wildlife, and on and on

One area to address is the lack of adequate fire protection in this valley. Thus far and in looking the 5 year funding plan there still remains no funding for a fire station to meet standards. The current structure is a house converted into a temporary station as a result of a temporary ordinance variance. Due to lack of funding there has not been a new and up to date structure built at property off of Cheney-Spokane interchange that is owned by the fire department. The current fire station has a temporary normal fire truck that will be taken away once the weather gets colder.

It should come as no surprise to anyone that there is a continued threat of wildfire in the valley to citizens and their homes, wildlife and businesses. This area has increasingly become more compromised due to drought conditions.

It is important to secure funding and building of a fire station that meets current safety standards. The current situation is not adequate for those who live here let alone adding more homes.

Charlene Faoro
Eagle Ridge

From: Claudia Lobb <lobbch@comcast.net>
Sent: Tuesday, October 3, 2023 4:53 PM
To: Planning & Development Services Comp Plan
Subject: Public Comment on Capital Facilities Plan 2024-2029

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Public commentary on draft of 6-year Capital Facilities Plan 2024-2029

As residents of Spokane for over 50 years, and 23 year residents of the Grandview-Thorpe neighborhood, we urge the city of Spokane to plan, fund and build a fully equipped and fully staffed fire station in the Latah Valley.

We live every day with risk to our safety. That risk is from "failing" transportation ingress and egress from our streets, lack of adequate police protection, to no schools requiring our children to be bused miles through transportation corridors also deemed "failing" by W.D.O.T.

In 2003, the city of Spokane was to have completed a fully equipped and fully staffed fire station in the Latah Valley but it did not happen. Instead, no funding was secured and developers were allowed to construct more neighborhoods that now have "below standard" fire protection. In the draft Comprehensive Plan (2024-2029) there is still NO funding for a fully equipped and fully staffed fire station for Latah Valley. This last summer of fires brought the vulnerability of Latah Valley to the forefront and the front page. During a Level 3 evacuation, hundreds of residents were UNABLE to evacuate. Fortunately, the wind did not shift and they were not burned alive in their cars like the souls in Maui.

The biggest risk to all Latah Valley residents would be to allow more development without the existing infrastructure deficits being corrected. We urge you to add a fully equipped and fully staffed fire station to the 2024-2029 Comprehensive Plan. Not just put it on the Plan but actually plan, fund and build a fire station that has been delayed for more than TWO DECADES.

Fire Captain Daniel Lobb, Retired S.F.D.
Claudia Lobb, M.Ed., Retired Spokane Public Schools



STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT SERVICES DEPARTMENT

To:	City of Spokane Plan Commission	
Subject:	Building Opportunity for Housing, Phase 2	
Staff Contact:	Tim Thompson, AICP Principal Planner tthompson@spokanecity.org	KayCee Downey, AICP Planner II kdowney@spokanecity.org
Report Date:	October 4, 2023	
Hearing Date:	October 11, 2023	
Recommendation:	Approval	

I. SUMMARY

These City-initiated text amendments are proposed to update the Spokane Municipal Code (SMC) Unified Development Code according to the Building Opportunities and Choices for All workplan, known as Building Opportunity for Housing, to increase housing capacity within the Spokane city limits and meet strategies outlined in the adopted Comprehensive Plan. The proposed draft code would amend SMC Chapters 17A.020, 17A.040, 17C.110, 17C.120, 17C.122, 17C.200, 17C.230, 17C.300, 17D.060, 17G.020, 17G.025, 17G.060, 17G.061, and 17G.080. The proposed draft code has been developed by City staff and a consulting firm, with the input of various committees and public feedback. For ease and transparency, a Text Amendment Tracking Sheet has been included as **Exhibit A**. The full-text amendments can be found attached as **Exhibit B**. A Development Feasibility and Analysis report pertaining to recommended and/or reviewed development regulations can be found attached as **Exhibit C**. A tracked change document highlighting the modified sections of the SMC in a truncated format can be found attached as **Exhibit I**. The tracked change document is substantively compliant with the hearing draft; however, numbering, clerical changes, and minor adjustments may not be consistent. **Exhibit B**, the full-text amendments, is the formal draft text amendments proposal.

II. BACKGROUND

Historically, Spokane has offered a mix of housing options—from mansion apartments in the historic Browne's Addition and post-War era neighborhoods like Chief Garry Park to suburban developments like Indian Trail. However, as the City has grown, the diversity and supply of housing has not kept pace with the City's growth or met the needs of all of the City's residents. As part of the Spokane [Housing Action Plan \(HAP\)](#) adopted in 2021, the City completed a Housing Needs Assessment to determine the types of housing residents need more of, as well as the displacement risk of various Census tracts throughout the City. In summary, the HAP discovered that more housing options were needed to house more people of all income levels. The HAP identifies actions that the city can pursue to encourage more housing options, yielding a coordinated set of strategies, based on community priorities, that supports more people being able to find a home that meets their needs with access to opportunities, services, and amenities.

During the process for the Housing Action Plan, the City Council advocated for more housing types in residential zones to address the housing supply issue, which was ultimately included in Council's Implementation Plan. Due to the nature of the City's residential land use categories and zoning requirements, increasing the housing supply has made slow progress and been compounded by a low supply of both homes for sale and units for rent, while Washington state has seen a demographic shift as people move to areas seeking lower costs or because of remote work. As a result, a housing emergency was declared by Mayor Nadine Woodward in July 2021.

The Growth Management Act (RCW 36.70A.390) authorizes the City to adopt interim zoning ordinances to enact quick action in response to an immediate and urgent need. On June 23, 2022, Mayor Woodward, Council President Breean

Beggs, Council Member Michael Cathcart, and Council Member Betsy Wilkerson held a press conference to propose interim zoning regulations to modify permitted housing types in the City's residential zones to accelerate construction of more housing. Building on the past two years of engagement and outreach around the need for housing, through the adopted Housing Action Plan and on-going Shaping Spokane Housing code changes, the City utilized the tool of an interim zoning ordinance to enact swift changes to address the urgent need for housing. On July 18, 2022, City Council held a public hearing and forwarded this item to the Mayor for signature. The one-year interim ordinance was ultimately extended by City Council and is currently set to expire on December 18, 2023.

The interim ordinance, known as Building Opportunity and Choices for All, allowed for up to four dwelling units on all residentially zoned lots, excluding Residential Agriculture, while adjusting some dimensional standard requirements to make those housing types more feasible to construct. Between the ordinance going into effect on August 18, 2022 to August 31, 2023, 51 units have been permitted under the interim ordinance with 24 units currently in review. The benefits of the interim ordinance were two-fold: allowing for more housing types to be built immediately, as shown in the permit count, while also identifying additional barriers or development difficulties through real-world project reviews. A work plan and related project was established to use those lessons learned to create permanent development code changes before the interim ordinance expires, known as Building Opportunity for Housing.

In 2023, the Washington State Legislature passed [House Bill 1110](#), which provided additional direction for implementing middle housing in Washington communities. "The legislature finds that Washington is facing an unprecedented housing crisis for its current population and a lack of housing choices, and is not likely to meet the affordability goals for future populations. In order to meet the goal of 1,000,000 new homes by 2044, and enhanced quality of life and environmental protection, innovative housing policies will need to be adopted."¹ As such, jurisdictions the size of Spokane are now required, within six months of their respective Comprehensive Plan Periodic Update, to allow four and six units depending on location and density incentives in all residential zones. While these requirements have largely been implemented through the Building Opportunity and Choices for All regulations, adjustments are required to comply with the state legislation more fully, while also identifying the best way to implement the intent of the legislation within Spokane's local context.

While significant parts of the Comprehensive Plan already support mixed densities, housing types, and affordability in all Spokane's neighborhoods, some adjustment was necessary in the Comprehensive Plan and Municipal Code to accommodate middle housing types more explicitly in more areas throughout the City. A robust engagement effort was initiated to identify the City's evolving vision for housing and Phase 1 of Building Opportunity for Housing, which proposed text amendments to the Comprehensive Plan. The amendments to the Comprehensive Plan in Phase 1 were unanimously approved by City Council on July 31, 2023. Phase 2 of Building Opportunity for Housing built off of the Comprehensive Plan amendments to create permanent SMC text amendments to allow for and increase the feasibility of middle housing throughout Spokane. The identified Unified Development Code text amendments are being proposed at this time, as outlined through the following analysis.

III. PROCESS

DEVELOPMENT CODE AMENDMENT PROCEDURE

Title 17 is known as the Unified Development Code (UDC) and is incorporated into the Spokane Municipal Code to implement the City's Comprehensive Plan, and by reference, the requirements of the Washington State Growth Management Act (GMA). Section [17G.025.010](#) establishes the procedure and decision criteria that the City uses to review and amend the UDC. The City may approve amendments to the UDC if it is found that a proposed amendment is consistent with the provisions of the Comprehensive Plan, and bears a substantial relation to public health, safety, welfare, and protection of the environment.

¹ Increasing middle housing in areas traditionally dedicated to single-family detached housing, HB 1110, Washington State Legislature, 2023.

ROLE OF THE CITY PLAN COMMISSION

The proposed text amendments require a review process set forth in Section 17G.025.010(F) SMC. The Plan Commission is responsible for holding a public hearing and forwarding its findings, conclusions, and recommendations to the City Council. Utilizing the decision criteria in 17G.025 SMC, the Plan Commission may recommend approval, modification, or denial of the proposal.

The Plan Commission may incorporate the facts and findings of the staff report as the basis for its recommendation to the City Council or may modify the findings as necessary to support their final recommendation.

ROLE OF CITY COUNCIL

The City Council will also conduct a review process considering the proposed text amendment, public comments and testimony, the staff report, and the Plan Commission's recommendation. The final decision to approve, modify, or deny the proposed amendment rests with the City Council. Proposals adopted by ordinance after public hearings are official amendments to the Spokane Municipal Code.

COMMUNITY ENGAGEMENT

Engagement was an essential component of the proposed text amendments to the Unified Development Code, building off past efforts to continue opportunities for resident participation in the process. The Housing Action Plan, which established strategies to create more housing choice, started some of the more recent housing engagement efforts with a housing experience survey that received over 1,200 responses, stakeholder roundtables, and a Housing Action Plan working group. Shaping Spokane Housing, a program of housing planning work based off the HAP, continued the engagement efforts when talking to residents about specific code changes or general preferences for housing. Those efforts, in addition to more direct outreach with development professionals, helped inform the Building Opportunity and Choices for All interim ordinance. Following the adoption of the interim ordinance², more focused internal and external dialogue began on how to increase middle housing and housing choices throughout Spokane. Taking into consideration many viewpoints obtained from a wide range of stakeholders was critical in developing the draft code now being proposed. Below is a list summarizing the bulk of the engagement efforts conducted during Phase 1 of Building Opportunity for Housing which amended the City's Comprehensive Plan as well as the efforts completed specifically for Phase 2. Some items listed, such as the district resident forums, represent multiple meetings. Where recordings or documents highlighting and/or summarizing efforts are available, external web links are provided.

Community Organization Roundtable	January 24, 2023
Housing Journey Survey Opens	January 27, 2023
Faith-Based Organization Roundtable	March 16, 2023
Housing Journey Survey Closed	March 31, 2023
District Resident Forums	April 2023
Stakeholder Interviews	June 2023
Pride Festival Tabling	June 10, 2023
Plan Commission Workshop	June 28, 2023
Plan Commission Workshop	July 12, 2023
Plan Commission Workshop	July 26, 2023
Habitat for Humanity Meeting	July 28, 20223
Plan Commission Workshop	August 23, 2023
SNAP Meeting	September 12, 2023
Plan Commission Housing Work Group	September 13, 2023

² Ordinance C36232, Approved 7-18-2022.

Plan Commission Workshop	September 13, 2023
In Person Open House	September 19, 2023
Spokane Realtors Presentation	September 20, 2023
Virtual Open House	September 21, 2023
Plan Commission Workshop	September 27, 2023

In addition to the specific engagement efforts noted above, the Shaping Spokane Housing newsletter, project webpage, and City of Spokane social media posts were used throughout the efforts to inform the public on the process of Building Opportunity for Housing. A full list of Shaping Spokane Housing newsletters can be found at [ShapingSpokaneHousing.com](https://shaping.spokanehousing.com) under Email Updates.

SEPA REVIEW

As outlined in Section 17G.025.010 SMC, notices of proposals to amend the UDC are distributed and interested parties should be made aware of such proposals during the Plan Commission review, including the SEPA checklist and determination. Similarly, a public notice published in the *Spokesman-Review* fourteen days prior to the Plan Commission public hearing is required.

This proposal was properly noticed pursuant to Section 17G.025.010(E). See **Exhibit D** for the SEPA Determination of Non-significance issued on September 18, 2023.

COMMENTS RECEIVED

A public comment period occurred September 4, 2023 to October 4, 2023, however comments were accepted throughout the project. Written comments received prior to 3 PM on October 4 have been provided to the Plan Commission and attached to the agenda packet for the scheduled October 11, 2023, public hearing. Those comments can be found attached as **Exhibit E**. All written public comments received by the planning department between October 4 to October 11 by 4:00 p.m. will be circulated to the Plan Commission prior to the public hearing scheduled at 4:00 p.m. October 11, 2023.

26 comments were received prior to 3 PM on October 4. In order to ensure all concerns have been addressed and relevant information has been provided to the decision makers, the larger themes have been addressed below:

- **Infrastructure.** A number of residents have expressed concern over the required infrastructure for new development. The City has established Levels of Service (LOS) within the Comprehensive Plan, related to urban services. Specific LOS metrics include issues like water pressure, sewer service, library access, etc.. When a development permit is submitted and reviewed, decisions are rooted in those established LOS standards. City code requires that projects cannot be approved if they fail to meet those LOS standards. In cases where infrastructure is lacking, this often results in one of three outcomes:
 - The project is limited in some way to avoid inadequate service levels; or
 - The project must wait until a planned infrastructure improvement is completed to increase system capacity; or
 - The project may contribute funding or complete new infrastructure improvements that would bring services to the adopted Level of Service.

There are areas in Spokane that are anticipated for future growth. In some areas, current service levels meet our LOS standards for existing development, but future growth will require additional infrastructure investments. The future infrastructure needs to accommodate continued growth are reflected in the City's Capital Improvement Plan.

- **Design standards.** As part of the robust engagement process conducted for the Building Opportunity for Housing project, building design was identified as one of the most important elements for residents, both for infill near where they live and for their future living situations. As such, design standards for single-unit homes and middle housing are proposed. Concerns have been raised about the flexibility available for building design and whether the proposed regulations allow for a variety of housing types. Of note, the design standards process allows for a

departure or waiver process depending on the level of design standard. Additionally, projects that go through a Planned Unit Development may be eligible for differing design standards where appropriate. Additional discussion about the proposed design standards can be found below.

Notice of this proposal was sent to City departments and outside agencies for their review. Department and outside agency comments are included in this report as **Exhibit F**. Agency/City department comments were received regarding this application from:

- Spokane Tribe of Indians
- City of Spokane Engineering
- City of Spokane Current Planning

IV. ANALYSIS

PROPOSAL DESCRIPTION

Following policies within the adopted Housing Action Plan and Comprehensive Plan, the City of Spokane Department of Planning and Economic Development is recommending amendments to the residential development code and related SMC chapters. The recommended text amendments seek to align development regulations with the vision and goals of the community in creating more housing opportunities throughout the City. Built off the regulations adopted through the Building Opportunity and Choices for All interim ordinance; the amendments range from substantial policy adjustments to minor language changes to ensure consistency throughout the identified SMC sections.

This proposal will amend Spokane Municipal Code: Chapters 17A.020, 17A.040, 17C.120, 17C.122, 17C.200, 17C.230, 17C.300, 17D.060, 17G.020, 17G.025, 17G.061, and 17G.080. The proposal will also repeal 17C.110 and replace with a new chapter 17C.111 and repeal chapter 17G.060 and replace with chapter 17G.061

RESIDENTIAL CODE REORGANIZATION

One of the barriers to residential development identified through public and stakeholder engagement was the organization of the existing residential development code. To create a more user-friendly experience that is intended to lead to an easier and more transparent development approval process, reorganization and renaming is proposed. To help keep track of the proposed changes, the Text Amendment Tracking Sheet can be found in **Exhibit A**.

RESIDENTIAL ZONING CHANGES

The proposed text amendments modify the residential zoning category names. Currently, the residential zone names reflect a housing type or density which, if the text amendments recommended in this document are adopted, would no longer be accurate in describing what can be built in the zone. Additionally, the proposed name changes align with Comprehensive Plan Amendments passed July 31, 2023 that reframed the land use categories to be more inclusive of different housing types. Due to said reframing of land use categories and the proposed text amendments allowing for greater flexibility without the need of a separate zoning designation, the Residential Single Family Compact (RSF-C) zone has been removed.

General updates/amendments to Residential Multifamily and Residential High Density are not being proposed at this time. Limited modifications are proposed to maintain consistency with the lower residential zones. The implications of changing the names and development standards of these two zones could lead to unforeseen consequences throughout the SMC. It is staff's recommendation that the two higher capacity zones do not get renamed or significantly modified until a future date where further analysis and consideration can be completed.

The zones will be referred to as the proposed zoning categories throughout the remainder of the report.

<u>Existing Zoning Categories</u>		<u>Proposed Zoning Categories</u>	
Residential Single Family	RSF	Residential 1	R1
Residential Two Family	RTF	Residential 2	R2

Residential Multifamily	RMF	Residential Multifamily	RMF
Residential High Density	RHD	Residential High Density	RHD

REGULATING CAPACITY

The Comprehensive Plan assumes density ranges for residential areas. Residential Low has an assumed density of 4-10 dwelling units an acre, Residential Plus is 10-20 units an acre, Residential Moderate is 15-30 units an acre, and Residential High is 15+ units an acre. The assumed densities are intended to be achieved through regulations found in the SMC.

However, many areas of the City have developed at the low end or even below the densities envisioned and planned for in the existing Comprehensive Plan. When some areas that platted and developed in the last 20 years were analyzed by staff, the actual density of development fell below the minimum density envisioned by the Comprehensive Plan. For instance, when a 52-acre portion of one neighborhood in Spokane was analyzed, staff found that the density was 3.9 units per acre, below the minimum of 4.0 envisioned and planned for in the Comprehensive Plan and nowhere near the maximum 10.0 units per acre envisioned by the plan. This research indicates the City's existing housing regulations have not facilitated the residential density and housing options envisioned and planned for in the Comprehensive Plan.

As part of the engagement efforts for Phase 1 of Building Opportunity for Housing, community members were asked about their ideal neighborhood and what physical aspects of the built environment could negatively impact that vision. Throughout those conversations, the physical form of the building was noted as a more significant concern than the number of dwelling units. This sentiment, along with the low realized residential densities, is why the recommended text amendments include a shift from regulating housing capacity by unit count (density) to regulating the size and scale of the housing.

Moving beyond unit count to regulating scale instead also removes a potential deterrent to more attainable housing. When regulating a site by density, a lot can achieve a set number of units, regardless of unit size. There is little incentive to reduce the size of each dwelling, frequently resulting in larger square footage units which tend to sell or rent at a higher price point than smaller square footage units. By regulating scale instead of density, the site is given greater flexibility. The buildable envelope can be divided into smaller units if desired, so long as they meet the life safety standards of livable space under the Building Code. By supporting the development of smaller sized units there is an opportunity to expand the diversity of housing attainable to a variety of incomes. The flexibility still allows developments to react to market desires and community needs, while no longer favoring larger square footage for newer development within the regulations.

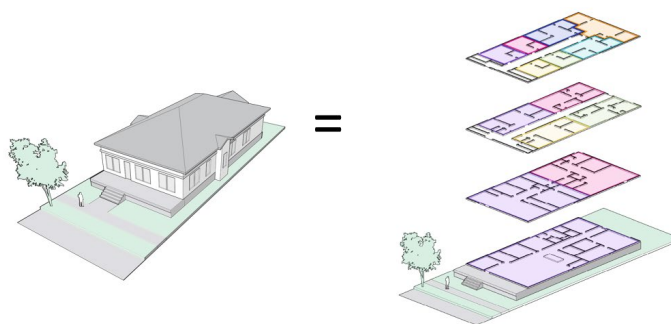


Figure 1 Conceptual figure illustrating the concept of regulating by scale rather than unit count. The same structure on the outside can contain a wide range of number of units.

Despite no longer regulating the maximum density, the recommended text amendments are not anticipated to result in densities exceeding those envisioned and planned for in the Comprehensive Plan. There still exist mitigating factors that would prevent the City as a whole from exceeding the anticipated housing capacity. Those factors include:

- Many areas of the City are already built out which limits the amount of new development that may occur overall.
- Critical Areas, stormwater management, utility connections, and other factors still regulate site-by-site development.
- Nothing in the proposal would eliminate the existing requirement for future development to show concurrency with service/utility provisions and to offset impacts from development.

- Recommended development regulations that naturally restrict unit count, as identified in the Development and Feasibility Analysis report (**Exhibit C**).

While the recommended text amendments are not anticipated to exceed the assumed densities in the designated land use categories, staff also acknowledges that there are opportunities to reevaluate the impact of the recommended text amendments at a future date. As required by the Growth Management Act, Spokane is required to complete a Periodic Update of the Comprehensive Plan in 2026. An analysis of land and housing development capacity based on existing regulations and infrastructure will be completed for the update, providing an opportunity to make any regulatory adjustments found necessary at that time.

DEVELOPMENT REGULATIONS AMENDMENTS

A summary of key development regulations amendments as identified through community and stakeholder engagement is included below. The full-text amendments can be found attached as **Exhibit B**.

A Development Feasibility and Analysis report pertaining to recommended and/or reviewed development regulations can be found attached as **Exhibit C**. In summary, the report finds that the proposed text amendments make middle housing development more feasible than the existing permanent regulations.

DIMENSIONAL STANDARDS

The recommended updates to dimensional standards within the R1 and R2 zones were identified as ways to make permanent or improve upon the regulations of the Building Opportunity and Choices for All interim ordinance. Through community and stakeholder engagement, standards were identified that could make middle housing development more feasible while maintaining appropriate scale and form. The proposed text amendments thus focus on regulating key standards that most impact the compatibility of infill development and foster the desired community framework for non-infill sites, while still providing flexibility of design.

Minor adjustments are proposed within the RA, RMF, and RHD zones to ensure necessary consistency or avoid conflicting regulations, while not reframing the purpose and intent of the aforementioned residential zones.

<u>Development Standard</u>	<u>Existing</u>		<u>Proposed</u>	
	R1	R2	R1	R2
Minimum lot area	4,350 s.f.	1,800 s.f.	1,200 s.f.	1,200 s.f.
Minimum lot width with no driveway approach	40 ft.	36 ft.	15 ft.	15 ft.
Minimum lot width with driveway approach	40 ft.	36 ft.	36 ft.	36 ft.
Minimum lot width within Airfield Overlay Zone	40 ft.	36 ft.	40 ft.	36 ft.
Minimum lot depth	80 ft.	40 ft.	80 ft.	40 ft.
Minimum lot frontage	40 ft.	30 ft.	Same as lot width	Same as lot width
Maximum total building coverage	2,250 s.f. + 35% for portion of lot over 5,000 s.f.	2,250 s.f. + 35% for portion of lot over 5,000 s.f.	65%	80%
Maximum lot impervious coverage without engineer's stormwater plan	N/A	N/A	Not in Area of Drainage Concern: 60%	Not in Area of Drainage Concern: 60%

			Inside Area of Drainage Concern: 40%	Inside Area of Drainage Concern: 40%
Floor Area Ratio	0.5	0.5	N/A	N/A
Maximum building footprint	N/A	N/A	7,000 s.f. or less: 2,450 s.f.	7,000 s.f. or less: 2,450 s.f.
			More than 7,000 s.f.: 35%	More than 7,000 s.f.: 35%
Maximum building height	35 ft.	35 ft.	40 ft.	40 ft.
Maximum wall height	25 ft.	25 ft.	N/A	N/A
Minimum Setbacks				
Front	15 ft.	15 ft.	10 ft.	10 ft.
Interior side	40 ft. or less lot width: 3 ft.	40 ft. or less lot width: 3 ft.	40 ft. or less lot width: 3 ft.	40 ft. or less lot width: 3 ft.
	More than 40 ft. lot width: 5 ft.	More than 40 ft. lot width: 5 ft.	More than 40 ft. lot width: 5 ft.	More than 40 ft. lot width: 5 ft.
Street side	5 ft.	5 ft.	5 ft.	5 ft.
Attached garage or carport entrance from street	20 ft.	20 ft.	20 ft.	20 ft.
Rear	25 ft.	15 ft.	15 ft.	15 ft.

The temporary changes approved through the Building Opportunity for Choices and All interim ordinance modified the existing regulations for residential development noted in the table above. The full interim regulations can be found in [ORD C36232](#).

REMOVAL OF COTTAGE HOUSING AND POCKET RESIDENTIAL REGULATIONS

With the recommended SMC text amendments allowing for additional residential units on residentially zone lots, modifying dimensional standards of newly established residentially zoned lots, and updating the regulations of unit lot subdivisions, the Cottage Housing and Pocket Residential development regulations are no longer necessary to allow for those forms of development in Spokane.

SMC Section 17C.110.350, Cottage Housing, currently includes regulations that require a Type II conditional use permit for cottage housing development and specific design standards to receive the density bonus written into the code. Presumably due to the regulations found within this section of the SMC, few cottage housing developments have been processed in Spokane; only six cottage housing developments have been approved since 2009. However, the recommended text amendments allow by right the number of dwelling units and site arrangement that is typically defined as a cottage housing development. Additionally, if SMC Section 17C.110.350 was maintained, cottage housing would be regulated by differing development standards than single-unit dwellings and other middle housing developments. The intent of HB 1110 is for cities to view and treat middle housing and single-unit dwellings equally in regulations.

SMC Section 17C.110.360, Pocket Residential Development, currently encourages greater efficiency of land use by allowing compact infill development on aggregate sites. Similar to cottage housing development, the regulations found within this section of the SMC have not been frequently used for development; only eleven pocket plats have been approved since 2019 when the code allowance was established. The recommended text amendments provide for the allowance of more efficient and compact development intended by the pocket residential development standards either by right with the adjusted dimensional standards or through the amended unit lot subdivision.

PARKING STANDARDS

As part of HB 1110, limitations on the amount of parking required for middle housing development were established. A jurisdiction cannot require off-street parking as a condition of permitting development of middle housing within one-half mile walking distance of a major transit stop. Additionally, no more than one off-street parking space can be required per unit as a condition of permitting development of middle housing on lots smaller than 6,000 square feet and no more than two off-street parking spaces may be required for the same development on lots greater than 6,000 square feet.

Staff have identified three potential parking standard regulations that vary in degrees.

OPTION 1 HB 1110 DEFINITION OF MAJOR TRANSIT STOP

The definition within HB 1110 defines a major transit stop as rail and bus rapid transit. Currently within Spokane only the new City Line bus rapid transit would qualify.

OPTION 2 CITY OF SPOKANE DEFINITION OF MAJOR TRANSIT STOP

- a. The definition used by the City of Spokane and codified in the proposed text amendments for major transit stop is as follows:
 - i. A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;
 - ii. A stop on bus rapid transit routes or routes that run on high occupancy vehicle lanes.
 - iii. A stop for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.
- b. This option provides a middle ground, adding bus routes beyond those identified by HB 1110, while still requiring some parking for housing that is not located near frequent public transportation.

OPTION 3 INTERIM PARKING ORDINANCE

In July 2023, Spokane City Council passed an interim ordinance that removes minimum parking regulations for residential uses within one-half mile walking distance of all transit stops. Most of Spokane city limits fall within this buffer, resulting in parking not being required for most residential development with the city.

Option 2 is proposed within the text amendments found in **Exhibit B**. Plan Commission has indicated a desire to consider additional parking reform. To reflect the residential parking regulations adopted through the interim ordinance, an alternative parking regulation has been provided in **Exhibit H** for additional consideration.

VISITABILITY STANDARDS

Throughout the community engagement conducted as part of Phase 1 – including roundtable, survey, and forum responses – the topic of physically accessible dwelling units was discussed. Middle housing style developments, due to their size and efficient use of land, frequently have a more attainable price point than newly constructed detached homes. However, due to the Americans with Disability Act (ADA) standards only being required of certain building types and the limitations of what must be made accessible for those that do, individuals with physical mobility concerns may be kept out of the potential housing diversity incentivized through the recommended text amendments.

Visitability standards – standards that create a unit that someone requiring a mobility device can effectively visit – have been adopted by a number of jurisdictions throughout the country. Some jurisdictions require a certain percentage of dwelling units to be visitable, while others adopted voluntary guidelines. Implementing visitability standards as a requirement would need a larger study of cost and feasibility implications and is not within the scope of this project. Instead, the proposed amendments include voluntary visitability standards. Additionally, the recommended code permits the Planning Director to allow reasonable deviation from height, setback, and footprint coverage standards to install features that facilitate accessibility. Any development, with some exceptions, taking advantage of the deviation must comply with the visitability standards for units benefitting from the features. In this way, the recommended text amendments do not disincentivize

accessible housing through dimensional standard requirements, while providing guidance for developments to be made more inclusive.

OBJECTIVE DESIGN STANDARDS

Following the engagement received during Phase 1, where community members stated that the physical form of the building was a more significant concern than the number of units, objective design standards are proposed to ensure the shift to regulating bulk and intensity does not negatively impact existing or future neighborhoods. The objective design standards are also intended to meet HB 1110, which requires objective regulations that are applied to single-unit detached housing and middle housing equally.

Additionally, the Design Standards Administration section was updated for clarity and to reflect current practice.

SUBDIVISION REGULATIONS

The existing Subdivision regulations are proposed to clarify and simplify this section of development regulations, while also making more substantial changes to better align with the housing goals of choice and opportunities for all income levels. Below is a summary of the more substantive proposed changes, with the full text available in **Exhibit B**.

Formerly titled “Alternative Residential Subdivision”, the proposed renaming of the section to “Unit Lot Subdivision” is more consistent with similar processes throughout the state and expands the housing types and site layouts permitted to go through the process. Unit Lot Subdivision, allowed on any type of development 2 acres or less, allows for flexible lot sizes and setbacks within a “parent” development. The intent of the Unit Lot Subdivision is to make it more feasible to create homeownership opportunities through parcel subdivisions.

To support socioeconomic integration, mixed-income housing, and distribution of housing options, as called for in the Comprehensive Plan, the proposed amendments also require a mix of housing types within new subdivisions. The requirement is only applicable to subdivision plats of greater than 2 acres in size. Additional Middle Housing requirements are put in place which are:

- at least three housing types must be provided (e.g. detached single-unit homes, attached homes, and duplexes)
- no more than 70% of units can be a single housing type
- individual phases of a larger plat are required to provide at least two housing types with no more than 80% of units being a single housing type

For the purposes of this standard, a detached single-family home and a detached single-family home with an accessory dwelling unit are considered separate housing types. Furthermore, detached homes of varying sizes are considered different types. As written, the code would use 800 sq ft, and 1,400 sq ft as thresholds for differentiating the detached housing types.

IMPLEMENTATION OF COMPREHENSIVE PLAN GOALS AND POLICIES

Section [17G.025.010](#) SMC establishes the review criteria for text amendments to the Unified Development Code. In order to approve a text amendment, City Council shall consider the findings and recommendations of the Plan Commission along with the approval criteria outlined in the Code. The applicable criteria are shown below in *bold and italic* with staff analysis following the list. Review of the Comprehensive Plan goals and policies indicates that the proposal meets the approval criteria for internal consistency set forth in SMC 17G.025.010(G). Excerpts of the applicable goals and policies, and their Comprehensive Plan discussion points, are contained in **Exhibit G**.

17G.025.010(G) APPROVAL CRITERIA

1. **The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan.**

Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.3 Lower Intensity Residential Areas

Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas

Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.6 Compact Residential Patterns

Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.7 Maximum and Minimum Lot Sizes

Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.5 Complementary Development

Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure

Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration

Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.9 Mixed-Income Housing

Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.18 Distribution of Housing Options

Chapter 8: Urban Design and Historic Preservation – Goal DP 1 – Pride and Identity, Policy DP 1.2 New Development in Established Neighborhoods

Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.2. Design Guidelines and Regulations

Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.6, Building and Site Design

Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.12, Infill Development

- 2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.**

Staff Analysis: The proposed amendments bear a substantial relation to public health, safety, welfare, and the protection of the environment. Responding to current housing affordability and vacancy challenges documented by statutes and adopted local plans, the proposed amendments closely follow the guidance in State law, the Housing Action Plan, City Council's Implementation Plan of the Housing Action Plan, and the Mayor's July 26, 2021, Proclamation Addressing Housing Emergency. The proposed text amendments are derived from stakeholder and community engagement that refined the interim regulations enacted by Building Opportunity and Choices for All, allowing staff to identify and address concerns or additional barriers to ensure successful implementation of the proposed regulations. As stated above, these changes are consistent with the Comprehensive Plan and statutes protecting public health, safety, and the environment.

V. DISCUSSION

The proposed text amendments are intended to support housing options throughout Spokane by making more feasible middle housing development while ensuring compatibility within existing neighborhoods and the community's vision.

Adopted July 26, 2021, the Spokane Housing Action Plan (HAP) priorities include increasing housing supply, options, and affordability for all incomes, recognizing that in order to provide the projected 6,800 new housing units needed by 2037³ the city cannot rely on single-unit detached housing and large apartment complexes alone. Strategy A1 of the HAP reads: *"Explore and expand allowed housing types to encourage missing middle housing throughout Spokane's neighborhoods"*. To ensure immediate action on the proposed strategies within the HAP, both the Mayor and City Council produced documents outlining administrative and legislative priorities to achieve code and policy changes noted within the document. The day the HAP was adopted, the Mayor issued a Housing Emergency Proclamation, further indicating a recognition of housing concerns within the city and prompting actions to address the issue.

Despite these efforts, the existing Spokane Municipal Code, aside from the interim regulations, does not permit middle housing in large areas of the city and, where permitted, regulations are found to inhibit development making middle housing less feasible and unlikely to be constructed. In order to accommodate anticipated growth while providing housing options that are attainable by more income levels, the proposed text amendments were developed following State guidance while addressing community feedback and local best practices.

At the August 23, 2023 Plan Commission workshop, commissioners requested that staff provide several options for the parking regulations. Alternative language that reflects the minimum parking interim zoning ordinance can be found in **Exhibit H**.

VI. CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed text amendments to the Unified Development Code satisfy the applicable criteria for approval as set forth in SMC Section 17G.025.010. To comply with RCW 36.70A.370 the proposed text amendments have been evaluated to ensure proposed changes do not result in unconstitutional takings of private property.

VII. STAFF RECOMMENDATION

Following the close of public testimony and deliberation regarding conclusions with respect to the review criteria and decision criteria detailed in SMC 17G.025.010, Plan Commission will need to make a recommendation to City Council for approval or denial of the requested code amendments to the Unified Development Code.

Staff **recommends approval** of the proposed text amendments and recommends that the Plan Commission adopt the facts and findings of the staff report.

VIII. LIST OF EXHIBITS

- A. Text Amendment Tracking Sheet
- B. Proposed Draft Text Amendments
- C. Development Feasibility Analysis
- D. SEPA Determination of Non-Significance
- E. Public Comments
- F. Agency Comments
- G. Comprehensive Plan Goals and Policies
- H. Alternative Parking Regulations
- I. Track Change Text Amendments

³ Spokane Housing Action Plan, pg. 10.

EXHIBIT A

Building Opportunity for Housing

Development Code Text Amendments

Proposed Text Amendments Tracker

Existing SMC Section	New SMC Section	Description of Change
Throughout		<ul style="list-style-type: none"> ○ SMC references updated to reflect below changes and meet City of Spokane ordinance formatting standards
17A.020 Definitions		
17A.020.010 "A" Definitions		<ul style="list-style-type: none"> ○ Update definitions for: <ul style="list-style-type: none"> - Accessory Dwelling Unit - Affordable Housing - Attached Housing
17A.020.020 "B" Definitions		<ul style="list-style-type: none"> ○ Add definition for Building Official
17A.020.030 "C" Definitions		<ul style="list-style-type: none"> ○ Add definitions for: <ul style="list-style-type: none"> - City Engineer - Courtyard Apartments ○ Update definition of Cottage Housing
17A.020.040 "D" Definitions		<ul style="list-style-type: none"> ○ Clarify entry for Director ○ Add definitions for: <ul style="list-style-type: none"> - Director, Planning (Planning Director) - Driveway Approach ○ Update definition of Duplex ○ Update definition of Dwelling Unit to specify it cannot contain more than one kitchen
17A.020.060 "F" Definitions		<ul style="list-style-type: none"> ○ Add definitions for: <ul style="list-style-type: none"> - Fiveplex - Fourplex
17A.020.120 "L" Definitions		<ul style="list-style-type: none"> ○ Add definition for: <ul style="list-style-type: none"> - Living Ground Cover
17A.020.130 "M" Definitions		<ul style="list-style-type: none"> ○ Add definition for: <ul style="list-style-type: none"> - Major Transit Stop - Middle Housing ○ Update definition of Multi-Family Residential Building and rename to Multi-Unit Residential Building
17A.020.180 "R" Definitions		<ul style="list-style-type: none"> ○ Add definition for Religious Organization

17A.020.190 "S" Definitions		<ul style="list-style-type: none"> ○ Rename Single-Family Residential Building to Single-Unit Residential Building ○ Update definition for Site, Parent ○ Add definitions for: <ul style="list-style-type: none"> - Sixplex - Stacked Flat
17A.020.200 "T" Definitions		<ul style="list-style-type: none"> ○ Add definition for <ul style="list-style-type: none"> -Triplex
17A.040 Map and Text Interpretation		
17A.040.020 Establishment of Map and Text		<ul style="list-style-type: none"> ○ Clarify name of Official Zoning Map
17A.040.030 Maintenance of the Map		<ul style="list-style-type: none"> ○ Clerical adjustment to department name
17A.040.040 Amendments to Map and Text		<ul style="list-style-type: none"> ○ Clerical adjustment to department name ○ Update reference to 17G.061
17A.040.050 Interpretation of the Zoning Map		<ul style="list-style-type: none"> ○ Update reference to Planning Director
17C.110 Residential Zones REPEALED		
17C.110.010 through 17C.110.575		<ul style="list-style-type: none"> ○ Repealed in its entirety, replaced with 17C.111
17C.111 Residential Zones		
	17C.111.010 Purpose	<ul style="list-style-type: none"> ○ Minor language updates for consistency with Comp Plan update
	17C.111.015 Design Standards Administration	<ul style="list-style-type: none"> ○ Rename to Planning Director ○ Update descriptions of R/P/C format ○ Formatting updates for clarity ○ Clarify requirements and ensure consistency with recent actions by the state legislature
	17C.111.020 List of the Residential Zones	<ul style="list-style-type: none"> ○ Rename "Residential Single-Family" to "R1" ○ Rename "Residential Two-Family" to "R2" ○ Remove RSF-C
	17C.111.030 Characteristics of Residential Zones	<ul style="list-style-type: none"> ○ Language updates for consistency with Comp Plan update ○ Rename to R1/R2, remove RSF-C ○ New language in descriptions that support housing choice and diversity
	17C.111.040 Other Zoning Standards	<ul style="list-style-type: none"> ○ Relocated from 17C.110.040

	17C.111.100 Residential Zone Primary Uses	<ul style="list-style-type: none"> ○ Renumber table references ○ Renumber table and update zone names
	17C.111.110 Limited Use Standards	<ul style="list-style-type: none"> ○ Update table references ○ Update code references ○ Update zone names ○ Rename to Planning Director
	17C.111.115 Housing Types Allowed	<ul style="list-style-type: none"> ○ Language updates to support housing variety and ensure consistency with Comp Plan ○ Update table references ○ Update table names ○ Update defined terms ○ Add Middle Housing to table ○ Add Multi-Unit Residential Building to list of permitted housing types in R1/R2 zones to allow Middle Housing types
	17C.111.120 Accessory Uses	<ul style="list-style-type: none"> ○ Relocated from 17C.110.120
	17C.111.125 Nuisance-related impacts	<ul style="list-style-type: none"> ○ Relocated from 17C.110.125
	17C.111.200 Lot Size and Dimensions	<ul style="list-style-type: none"> ○ Rename section ○ Add content to Purpose section ○ Update references ○ Remove superfluous language ○ Remove lot standards table (relocated to 17C.110.205 and updated)
	17C.111.205 Development Standards Tables	<ul style="list-style-type: none"> ○ New tables to summarize development standards ○ Separate lot standards from building standards ○ Lot standards: <ul style="list-style-type: none"> - Maximum density applies only on sites 2 acres or larger - Minimum density continues to apply - Lot dimensions consistent with BOCA (unless specifically noted) - Lot width 15 feet with rear vehicle access and change lot frontage same as lot width to reflect reduction - Add threshold for stormwater drainage plan

		<ul style="list-style-type: none"> - Eliminate minimum lot depth in RMF and RHD zones - R2 (RTF) minimum lot depth 40 feet ○ Building standards - Remove FAR - Add maximum building footprint in R1/R2 - Remove wall height (see angled setback standards) - Reduce front setback to 10 ft - Reduce rear setback to 15 ft in R1 - Add maximum building footprint for ADU - Allow reduced open space per unit for common open space - Bonuses for Religious Organizations - Increased building coverage - Increased building footprint
	17C.111.210 Density	<ul style="list-style-type: none"> ○ Remove section on single-dwelling and duplex development ○ Apply maximum density only to sites above 2 acres ○ Update references ○ Specify conditions for application of minimum density
	17C.111.220 Building Coverage and Impervious Coverage	<ul style="list-style-type: none"> ○ Specify application of requirements for drainage plan ○ Clarify application of FAR
	17C.111.225 Development Near Major Transit Stop or Center & Corridor Zone, or with Qualifying Affordable Units	<ul style="list-style-type: none"> ○ Increase building coverage ○ Establish criteria consistent with HB 1110
	17C.111.230 Height	<ul style="list-style-type: none"> ○ Update table references ○ Measure building height from average grade to highest point of roof
	17C.111.235 Setbacks	<ul style="list-style-type: none"> ○ Remove setback averaging requirement ○ Add Angled Setback standards in place of wall heights ○ Update references
	17C.111.240 Accessory Structures	<ul style="list-style-type: none"> ○ Clarify this section does not apply to ADUs

		<ul style="list-style-type: none"> ○ Removed language related to wall height
	17C.111.245 Fences	<ul style="list-style-type: none"> ○ Relocated from 17C.110.230
	17C.111.250 Exterior Storage – Residential Zones	<ul style="list-style-type: none"> ○ Relocated from 17C.110.270
	17C.111.255 Parking, Demolitions, Signs, and Other Applicable Standards	<ul style="list-style-type: none"> ○ Consolidate and relocate: <ul style="list-style-type: none"> - 17C.110.235 Demolitions - 17C.110.245 Parking and Loading - 17C.110.250 Signs
	17C.111.300 Single-Unit Residential and Middle Housing Design Standards	<ul style="list-style-type: none"> ○ Establishes design standards for single-unit residential and middle housing types
	17C.111.305 Landscaping	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.310 Outdoor Areas	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.315 Entrances	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.320 Windows	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.325 Building Articulation	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.330 Screening	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.335 Parking Facilities	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.340 Pedestrian Connectivity	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.400 Multi-Unit Design Standards	<ul style="list-style-type: none"> ○ Relocate and rename 17C.110.400 ○ Update language to be consistent with Comp Plan and HB 1110
	17C.111.405 Design Standards Implementation through 17C.111.575 Screening	<ul style="list-style-type: none"> ○ Relocated from 17C.110.405 through 17C.110.575
	17C.111.600 Residential Visitability Standards	<ul style="list-style-type: none"> ○ New section that allows for deviations from some development standards in order to accommodate accessible design features ○ When a deviation is granted, additional requirements become active to ensure other aspects of the unit are also accessible.

		<ul style="list-style-type: none"> ○ Requirements can be waived in cases of retrofits
17C.120 Commercial Zones		
17C.120.500 Design Standards Implementation		<ul style="list-style-type: none"> ○ Apply design standards to residential development even when it's in a commercial zone
17C.122 Center and Corridor Zones		
17C.122.060 Design Standards and Guidelines for Centers and Corridors		<ul style="list-style-type: none"> ○ Apply design standards to residential development even when it's in a Centers and Corridors zone
17C.200 Landscaping and Screening		
17C.200.020 Plan Submittal Requirements		<ul style="list-style-type: none"> ○ Change submittal requirements to be based on development acreage instead of house type to be consistent with HB 1110 ○ Require submittal at 7,000 sq ft or larger
17C.200.040 Site Planting Standards		<ul style="list-style-type: none"> ○ Update zone names
17C.200.100 Irrigation Requirement		<ul style="list-style-type: none"> ○ Modify for consistency with HB 1110 ○ Rename to Planning Director
17C.230 Parking and Loading		
17C.230.110 Minimum Required Parking Spaces		<ul style="list-style-type: none"> ○ Rename zones
17C.230.120 Minimum Required Parking Spaces		<ul style="list-style-type: none"> ○ Update naming of zones
17C.230.130 Parking Exceptions		<ul style="list-style-type: none"> ○ Rename to Planning Director ○ Apply exemption for renovations to all zones ○ Remove off street parking requirements within 1/2 mile of major transit stop and adjust other requirements to be consistent with HB 1110
17C.300 Accessory Dwelling Units		
17C.300.010 Purpose		<ul style="list-style-type: none"> ○ Clarify relationship between ADU and principal dwelling
17C.300.100 General Regulations		<ul style="list-style-type: none"> ○ Clarify the process for establishing an ADU versus a principal dwelling
17C.300.110 Criteria		<ul style="list-style-type: none"> ○ Remove FAR ○ Apply maximum building footprint
17C.300.130 Development Standards		<ul style="list-style-type: none"> ○ Update to angled setback instead of wall height, removing the 45 degree angle setback plane

		<ul style="list-style-type: none"> ○ Clarify creation of accessory dwelling units
17D.060 Stormwater Facilities		
	17D.060.135 Areas of Drainage Concern	<ul style="list-style-type: none"> ○ Describe AODCs ○ Provide general conditions for identification of AODCs
17G.020 Comprehensive Plan Amendment Procedure		
17G.020.060 Comprehensive Plan Amendments Procedure		<ul style="list-style-type: none"> ○ Rename position for Planning Director
17G.025 Unified Development Code Amendment Procedure		
17G.025.010 Text Amendments to the Unified Development Code		<ul style="list-style-type: none"> ○ Improve clarity ○ Add purpose, definitions, and applicability sections
17G.030 Design Departures		
17G.030.010 Purpose		<ul style="list-style-type: none"> ○ Included in the draft for clarity of applicability, language not altered
17G.030.030 Review Process		<ul style="list-style-type: none"> ○ Rename to Planning Director ○ Rename to Design Review Board ○ Clarify role of planning staff
17G.030.040 Decision Criteria		<ul style="list-style-type: none"> ○ Clarify differences between Requirements and Presumptions
17G.060 Land Use Application Procedures REPEALED		
17G.060.010 through 17G.060.270		<ul style="list-style-type: none"> ○ Repealed in its entirety, replaced with 17G.061
17G.060T Land Use Application Tables		
17G.060T.001 through 17G.060.003		<ul style="list-style-type: none"> ○ Repealed in its entirety, replaced with 17G.061
17G.061 Land Use Application Procedures (New)		
	17G.061.000 Purpose and Administration	<ul style="list-style-type: none"> ○ Combine related sections and renumber ○ Rename position for Planning Director
	17G.061.010 Summary of Land Use Application Procedures	<ul style="list-style-type: none"> ○ Combine all information into a single table ○ Correct missing information from 17G.060T
	17G.061.100 Application Types	<ul style="list-style-type: none"> ○ Define Type I/II/III permit types
	17G.061.110 Application Requirements	<ul style="list-style-type: none"> ○ Combine related sections and renumber ○ Rename position for Planning Director

	17G.061.120 Determination of a Complete Application	<ul style="list-style-type: none"> ○ Combine related sections and renumber
	17G.061.130 Application Time Limits	<ul style="list-style-type: none"> ○ Renumber from 17G.060.080
	17G.061.140 Expiration of Application	<ul style="list-style-type: none"> ○ Renumber from 17G.060.220
	17G.061.150 Modification of Applications and Permits	<ul style="list-style-type: none"> ○ Relocated from 17G.060.230
	17G.061.150 Modification of Applications and Permits	<ul style="list-style-type: none"> ○ Rename ○ Relocated from: <ul style="list-style-type: none"> - 17G.060.230 - 17G.060.245 - 17G.060.230(B) - 17G.060.245 ○ Rename position for Planning Director
	17G.061.210 Public Notice	<ul style="list-style-type: none"> ○ Combine related sections and renumber ○ Add purpose statement ○ General reorganization ○ Clarify difference between "sign" and "posted" notice ○ Rename position for Planning Director
	17G.061.220 Public Comment Period	<ul style="list-style-type: none"> ○ Relocate from 17G.060.130 ○ Clarify language about conflicting time periods
	17G.061.230 Public Hearing	<ul style="list-style-type: none"> ○ Combine related sections ○ Relocated from: <ul style="list-style-type: none"> - 17G.060.150 - 17G.060.160
	17G.061.240 SEPA Threshold Determination	<ul style="list-style-type: none"> ○ Relocated from 17G.060.140
	17G.061.310 Decision Criteria	<ul style="list-style-type: none"> ○ Add references to rezone criteria for residential and non-residential land use designations ○ Clarify that rezone process includes height changes
	17G.061.320 Notice of Decision	<ul style="list-style-type: none"> ○ Relocated from 17G.060.190 ○ Rename position for Planning Director

	17G.061.330 Decision - When Final	○ Relocated from 17G.060.200
	17G.061.340 Appeals	○ Relocated from 17G.060.210
	17G.061.350 Expiration of Permit	○ Relocated from 17G.060.240
	17G.061.400 Design Review	○ Relocated from 17G.060.060 ○ Rename position for Planning Director
	17G.061.510 Optional Consolidated Project Permit Review Process	○ Relocated from 17G.061.510
	17G.061.520 Shoreline Substantial Development Permit Letter of Exemption Procedure	○ Relocated from 17G.060.075

17G.070 Planned Unit Developments

17G.070.030 Development Standards		○ Clarifying that attached housing and duplexes are permitted outright ○ Updating zone names ○ Clarifying density applicability
17G.070.135		○ Clarifying language to not treat single-unit detached dwellings and Middle Housing differently

17G.080 Subdivisions

17G.080.010 Purpose 17G.080.080 Severability	17G.080.000 Purpose and Administration	○ Combine related sections ○ Relocate administration section from 17G.080.020 ○ Relocate exclusions from 17G.080.020 ○ Formatting adjustments
17G.080.020 General Provisions		○ Move administrative language to 17G.080.000 ○ Move exclusions to 17G.080.000
17G.080.025 Decision Criteria		○ Relocation of decision criteria for plats from 17G.060.170

17G.080.040 Short Subdivisions		<ul style="list-style-type: none"> ○ Formatting changes ○ Require count of proposed housing units on plat ○ Clarify that City Engineer can apply Minor Engineering Review for proposals that substantially meet requirements ○ Require identification of Middle Housing types on plat
17G.080.050 Subdivisions		<ul style="list-style-type: none"> ○ Add requirements for multiple Middle Housing types on plats exceeding 2 acres
17G.080.060 Binding Site Plans		<ul style="list-style-type: none"> ○ Allow BSP in residential zones ○ Update references to SMC sections
17G.080.065 Alternative Residential Subdivisions	17G.080.065 Unit Lot Subdivisions	<ul style="list-style-type: none"> ○ Rename section to Unit Lot Subdivisions ○ Increase maximum site size to two acres ○ Allow for unit lot subdivision in more situations than cottage and pocket development ○ Allow for division of a primary house and accessory dwelling unit ○ Add requirements around ADU splits ○ Restructure and reformat some sections
17G.080.080 Severability	REPEALED	<ul style="list-style-type: none"> ○ Relocated to 17G.080.000

EXHIBIT B

Section 1. That the City of Spokane Clerk is granted the authority to make clerical adjustments to SMC Title 17 to ensure internal consistency by updating items related to this ordinance, including:

- Replacing all instances of RSF (Residential Single-Family) with R1 (Residential 1)
- Replacing all instances of RTF (Residential Two Family) with R2 (Residential 2).
- Remove all references to RSF-C (Residential Single-Family Compact).
- Updating all references to sections of code affected by these changes to ensure they identify the correct code section and subsection.

Section 2. That Section 17A.020.010 SMC is amended to read as follows:

17A.020.010 “A” Definitions

A. Abandoned Sign Structure.

See [SMC 17C.240.015](#).

B. Aboveground Storage Tank or AST.

Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.

C. Accepted.

A project for which the required plans have been found to be technically adequate.

D. Accessory Dwelling Unit (ADU).

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential ((unit)) structure(s), on a ((single-family)) residential lot. ADUs are known variously as:

1. “Mother-in-law apartments,”
2. “Accessory apartments,” or
3. “Second units.”

E. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
 - a. Garages,
 - b. Decks,
 - c. Fences,
 - d. Trellises,
 - e. Flagpoles,
 - f. Stairways,
 - g. Heat pumps,
 - h. Awnings, and
 - i. Other structures.
3. See also [SMC 17A.020.160](#) ("Primary Structure").

F. Accessory Use.

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

G. Activity.

See Regulated Activity.

H. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

I. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified anatomical areas,” as defined in [SMC 17A.020.190](#), or “specified sexual activities,” as defined in [SMC 17A.020.190](#). A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:
 - a. At least thirty percent of the establishment’s displayed merchandise consists of said items; or
 - b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment’s displayed merchandise consists of said items; or
 - c. At least thirty percent of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items; or
 - d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - f. The establishment regularly offers for sale or rental at least two thousand of said items; or
 - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using “adult,” “XXX,” “sex,” “erotic,” or substantially similar language, as an establishment that caters to adult sexual interests.
2. For purposes of this definition, the term “floor space” means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.

J. Adult Business.

An “adult bookstore or adult video store,” an “adult entertainment establishment,” or a “sex paraphernalia store.”

K. Adult Entertainment Establishment.

1. An “adult entertainment establishment” is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to “specified sexual activities” as defined in [SMC 17A.020.190](#) or “specified anatomical areas” as defined in [SMC 17A.020.190](#) for observation by patrons therein.
2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

L. Adult Family Home.

A residential use as defined and licensed by the state of Washington in a dwelling unit.

M. Affordable Housing.

Affordable housing means residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income for a single person, family, or unrelated persons living together whose adjusted incomes meet the following income brackets:

1. Extremely low-income (RCW 36.70A.030(11)) – 30% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
2. Very low-income (RCW 36.70A.030(30)) – 50% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
3. Low-income (RCW 36.70A.030(16)) – 80% of the median household income adjusted for household size, for the county where the household is

located, as reported by the United States Department of Housing and Urban Development.

4. Moderate-income (RCW 36.70A.030(18)) – 120% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.

N. Agency or Agencies.

The adopting jurisdiction(s), depending on the context.

O. Agricultural Activities.

1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;
 - b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
 - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
 - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;
 - g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
 - h. Maintaining agricultural lands under production or cultivation.
2. The City of Spokane shoreline master program defines agriculture activities as:
 - a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or

- b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.

P. Agricultural Land.

Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.

Q. AKART.

An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

R. Alkali Wetlands.

Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

S. All Weather Surface.

A road surface which emergency vehicles and typical passenger vehicles can pass in all types of weather. If unpaved, the top course should be six inches minimum of compacted crushed rock meeting standards for a roadway surface.

T. Alley.

See “Public Way” ([SMC 17A.020.160](#)).

U. Alteration.

A physical change to a structure or site.

1. Alteration does not include normal maintenance and repair or total demolition.
2. Alteration does include the following:
 - a. Changes to the facade of a building.
 - b. Changes to the interior of a building.
 - c. Increases or decreases in floor area of a building; or
 - d. Changes to other structures on the site, or the development of new structures.

V. Alteration of Plat, Short Plat, or Binding Site Plan.

The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).

W. Alteration of Watercourse.

Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

X. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

Y. [Deleted]

Z. [Deleted]

AA. [Deleted]

BB. API 653.

The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.

CC. Appeal.

A request for review of the interpretation of any provision of [Title 17 SMC](#).

DD. Appeal – Standing For.

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;
 - b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
 - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
 - d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

EE. Applicant.

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. "Owners" are all persons having a real property interest. Owners include:

1. Holder of fee title or a life estate;
2. Holder of purchaser's interest in a sale contract in good standing;
3. Holder of seller's interest in a sale contract in breach or in default;
4. Grantor of deed of trust;
5. Presumptively, a legal owner and a taxpayer of record;
6. Fiduciary representative of an owner;

7. Person having a right of possession or control; or
8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

FF. Application – Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in SMC (~~(17G.060.090)~~) 17G.061.120.

GG. Aquaculture.

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.

HH. Aquatic Life.

Shall mean all living organisms, whether flora or fauna, in or on water.

II. Aquifer or Spokane Aquifer.

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

JJ. Aquifer Sensitive Area (ASA).

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of [SMC 17E.050.260](#).

KK. Aquifer Water Quality Indicators.

Common chemicals used for aquifer water quality screening. These are:

1. Calcium,
2. Magnesium,
3. Sodium,
4. Total hardness,

5. Chloride,
6. Nitrate-nitrogen, and
7. Phosphorus.

LL. Archaeological Areas and Historical Sites.

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.

MM. Architectural feature.

Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

NN. Architectural Roof Structure.

Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.

1. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

2. The base flood depths range from one to three feet.
3. A clearly defined channel does not exist.
4. The path of flooding is unpredictable and indeterminate.
5. Velocity flow may be evident.
6. AO is characterized as sheet flow and AH indicates ponding.

OO. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.

3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

PP. Area of Special Flood Hazard.

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

QQ. Arterial.

See:

1. "Principal Arterials" – [SMC 17A.020.160](#),
2. "Minor Arterials" – [SMC 17A.020.130](#), or
3. "Collector Arterial" – [SMC 17A.020.030](#).

RR. Articulation.

The emphasis of architectural elements, such as windows, balconies, and entries that create a complementary pattern or rhythm, dividing the buildings into smaller identifiable pieces.

SS. Assisted Living Facility.

A multi-family residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.
2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

TT. Attached Housing.

Two or more dwelling units that are ~~((single-family))~~ single-unit residences on individual lots attached by a common wall at a shared property line. Attached housing is also known as townhouses, townhomes, or row houses. ((These include:

1. ~~_____Townhouses,~~
2. ~~_____Row houses, and~~
3. ~~_____Other similar structures))~~

UU. Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.
3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

VV. Available Capacity.

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).

WW. Average Grade Level.

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

XX. Awning

A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

Section 3. That Section 17A.020.020 SMC is amended to read as follows:

17A.020.020 “B” Definitions

A. Backed Sign.

See [SMC 17C.240.015.](#)

B. Balloon Sign.

See [SMC 17C.240.015.](#)

C. Bank Carving.

The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

D. Bank Erosion.

The incorporation of masses of alluvium or other weak bank materials into a stream channel.

E. Bankfull Width.

1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
2. For lakes, ponds, and impoundments, line of mean high water.
3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

F. Banner.

See [SMC 17C.240.015.](#)

G. Bas-relief.

Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.

H. Base Flood.

The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the “one hundred year flood.”

I. Base Flood Elevation (BFE)

The elevation to which floodwater is anticipated to rise during the base flood.

J. Basement.

The portion of a building having its floor sub-grade (below ground level) on all sides.

K. Bedrock.

Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.

L. Bee.

Any stage of development of the common domestic honeybee, *Apis mellifera* species.

M. Beekeeper.

A person owning, possession, or controlling one or more colonies of bees.

N. Best Available Science.

Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.

O. Best Management Practices.

The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.

P. Bicycle Facilities

Facilities designated for use by bicyclists and sometimes by other non-motorized users. The following types of bikeway facilities are identified and further defined in the Comprehensive Plan:

1. Bike-Friendly Route.
2. Shared lane.
3. Neighborhood Greenway.
4. Bicycle lane, both striped and physically protected.

5. Shared-use pathway.

Q. Binding Site Plan – Final.

A drawing to a scale which:

1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters provided in [SMC 17G.080.060](#);
2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and
3. contains provisions making any development be in conformity with the site plan.
4. A binding site plan can only be used on property zoned commercial or industrial.

R. Binding Site Plan – Preliminary.

A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks, and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

S. Block.

A group of lots, tracts, or parcels within well-defined and fixed boundaries. 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 is comprised of two closed polygons bordered by street and alley right-of-way lines.

T. Block Frontage.

All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

U. Board.

The board of county commissioners of Spokane County.

V. Boating Facilities.

Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high-water marks.

W. Boundary Line Adjustment.

A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

X. Breakaway Wall.

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Y. Breezeway.

A breezeway is a roofed passageway joining two separate structures.

Z. Building.

1. A “building” is a structure, or part, used or intended for supporting or sheltering any use or occupancy.
2. The term includes “factory-built structure” and “mobile home.”
3. “Building” does not include a recreational vehicle.
4. “Building” means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.

AA. Building Base.

The plinth or platform upon which a building wall appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

BB. Building Coverage.

Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis, or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.
2. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.

3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.

CC. Building Envelope.

The area of a lot that delineates where a building may be placed.

DD. Building Frontage.

The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street

EE. Building Official.

The officer or other designated authority charged with the administration and enforcement of the Building Code.

FF. Build-to Line.

An alignment establishing a certain distance from the property line (street right-of-way line) along which the building is required to be built.

GG. Bulkhead.

A solid or open pile wall erected generally parallel to and near the ordinary high-water mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a “hard” shoreline stabilization measure.

Section 4. That Section 17A.020.030 SMC is amended to read as follows:

17A.020.030 “C” Definitions

A. Candidate Species.

A species of fish or wildlife, which is being reviewed, for possible classification as threatened or endangered.

B. Carport.

A carport is a garage not entirely enclosed on all sides by sight-obscuring walls and/or doors.

C. Cellular Telecommunications Facility.

They consist of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.

D. Central Business District.

The general phrase “central business district” refers to the area designated on the comprehensive plan as the “downtown” and includes all of the area encompassed by all of the downtown zoning categories combined.

E. Certificate of Appropriateness.

Written authorization issued by the commission or its designee permitting an alteration or significant change to the controlled features of a landmark or landmark site after its nomination has been approved by the commission.

F. Certificate of Capacity.

A document issued by the planning and economic development services department indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

G. Certified Erosion and Sediment Control Lead (CESCL).

An individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess the:

- a. site conditions and construction activities that could impact the quality of stormwater, and
- b. effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.
- c. The CESCL shall have current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State department of ecology.

H. Change of Use.

For purposes of modification of a preliminary plat, “change of use” shall mean a change in the proposed use of lots (e.g., residential to commercial).

I. Channel Migration Zone (CMZ).

A corridor of variable width that includes the current river plus adjacent area through which the channel has migrated or is likely to migrate within a given timeframe, usually one hundred years.

J. Channelization.

The straightening, relocation, deepening, or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

K. City.

The City of Spokane, Washington.

L. City Engineer.

- a. The Director of the Engineering Services department, or their designee for approval authority.

M. Clear Street Width.

The width of a street from curb to curb minus the width of on-street parking lanes.

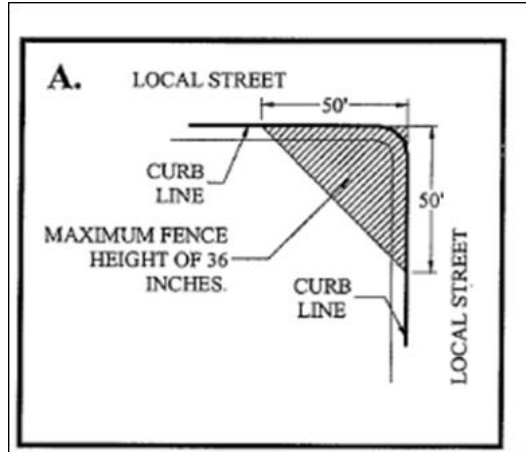
N. Clear Pedestrian Zone.

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

O. Clear View Triangle.

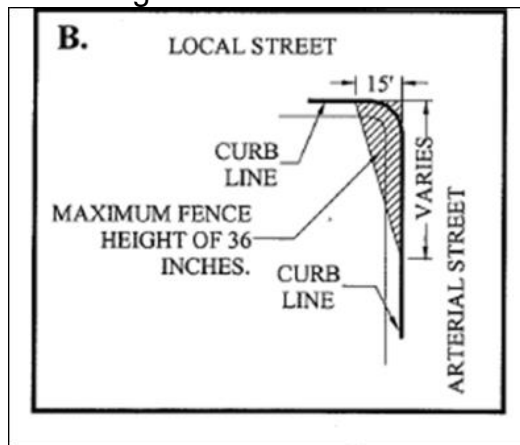
A clear view maintained within a triangular space at the corner of a lot so that it does not obstruct the view of travelers upon the streets.

- a. Intersection of two local streets: A right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street.



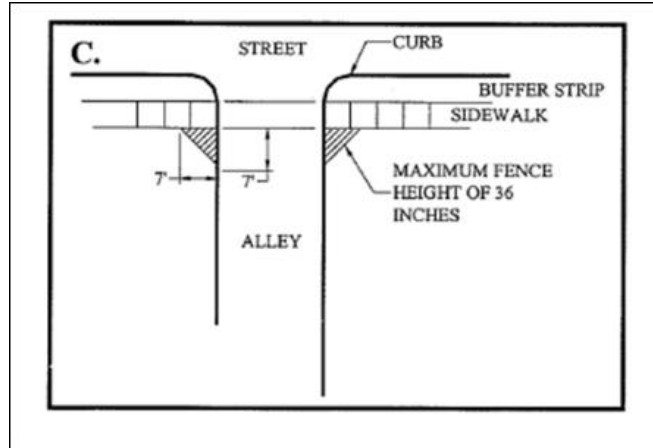
i.

- b. Intersection of local and arterial: A right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet, or when the arterial speed limit is 40 mph or greater the dimensions of the triangle shall be determined by Street Department staff using AASHTO's A Policy on Geometric Design as a reference.



i.

- c. Alleys: A right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:
- i. the inside line of the sidewalk; or
 - ii. if there is no sidewalk, a line seven feet inside the curb line.



P. Clear Zone.

The roadside area free of obstacles, starting at the edge of the traveled way.

Q. Clearing.

The removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.

R. Cliffs.

- a. A type of habitat in the Washington department of fish and wildlife (WDFW) priority habitat and species system that is considered a priority due to its limited availability, unique species usage, and significance as breeding habitat. Cliffs are greater than twenty-five feet high and below five thousand feet elevation.
- b. A "cliff" is a steep slope of earth materials, or near vertical rock exposure. Cliffs are categorized as erosion landforms due to the processes of erosion and weathering that produce them. Structural cliffs may form as the result of fault displacement or the resistance of a cap rock to uniform downcutting. Erosional cliffs form along shorelines or valley walls where the most extensive erosion takes place at the base of the slope.

S. Closed Record Appeal Hearing.

A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that relies on the existing record created during a quasi-judicial hearing on the application. No new testimony or submission of new evidence and information is allowed.

T. Collector Arterial.

- a. Collector arterials (consisting of Major and Minor Collectors) collect and distribute traffic from local streets to principal and minor arterials. They serve both land access and traffic circulation.
- U. Co-location.
 - a. Is the locating of wireless communications equipment from more than one provider on one structure at one site
- V. Colony.
 - a. A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen, and brood.
- W. Commercial Driveway.
 - a. Any driveway access to a public street other than one serving a single-family or duplex residence on a single lot.
- X. Commercial Vehicle.

Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.
- Y. Commission – Historic Landmarks.

The City/County historic landmarks commission.
- Z. Community Banner.

See [SMC 17C.240.015](#).
- AA. Community Meeting.

An informal meeting, workshop, or other public meeting to obtain comments from the public or other agencies on a proposed project permit prior to the submission of an application.

 - a. A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public, and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.
 - b. A community meeting does not constitute an open record hearing.

- c. The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

BB. Compensatory Mitigation.

Replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:

- a. Restoration.

- i. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.

- b. Re-establishment.

- i. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

- c. Rehabilitation.

- i. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

- d. Creation (Establishment).

- i. The manipulations of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

- e. Enhancement.

- i. The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve

specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

- f. Protection/Maintenance (Preservation).
 - i. Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.
- CC. Comprehensive Plan.

The City of Spokane comprehensive plan, a document adopted pursuant to chapter 36.70A RCW providing land use designations, goals and policies regarding land use, housing, capital facilities, housing, transportation, and utilities.
- DD. Conceptual Landscape Plan.

A scale drawing showing the same information as a general site plan plus the location, type, size, and width of landscape areas as required by the provisions of chapter [17C.200 SMC](#).

 - a. The type of landscaping, L1, L2, or L3, is required to be labeled.
 - b. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.
- EE. Concurrency Certificate.

A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to [chapter 17D.010 SMC](#), Concurrency Certification.
- FF. Concurrency Facilities.

Facilities for which concurrency is required in accordance with the provisions of this chapter. They are:

- a. transportation,
- b. public water,
- c. fire protection,
- d. police protection,
- e. parks and recreation,
- f. libraries,
- g. solid waste disposal and recycling,
- h. schools, and
- i. public wastewater (sewer and stormwater).

GG. Concurrency Test.

The comparison of an applicant's impact on concurrency facilities to the available capacity for public water, public wastewater (sewer and stormwater), solid waste disposal and recycling, and planned capacity for transportation, fire protection, police protection, schools, parks and recreation, and libraries as required in [SMC 17D.010.020](#).

HH. Conditional Use Permit.

A "conditional use permit" and a "special permit" are the same type of permit application for purposes of administration of this title.

II. Condominium.

Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

JJ. Confidential Shelter.

Shelters for victims of domestic violence, as defined and regulated in chapter 70.123 RCW and WAC 248-554. Such facilities are characterized by a need for confidentiality.

KK. Congregate Residence.

A dwelling unit in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.

LL. Conservancy Environments.

Those areas designated as the most environmentally sensitive and requiring the most protection in the current shoreline master program or as hereafter amended.

MM. Container.

Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.

NN. Context Areas

Established by the Regulating Plan, Context Area designations describe and direct differing functions and features for areas within FBC limits, implementing community goals for the built environment.

OO. Contributing Resource

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

PP. Conveyance.

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means a mechanism for transporting water from one point to another, including pipes, ditches, and channels.

QQ. Conveyance System.

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and

wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, and most flow control and water quality treatment facilities.

RR. Copy.

[See SMC 17C.240.015.](#)

SS. Cottage Housing.

1. A grouping of ~~((individual structures where each structure contains one or two dwelling units.))~~ residential units with a common open space.
2. ~~((The land underneath the structures may or may not be divided into separate lots.))~~
3. ~~((A cottage housing development may contain detached accessory buildings for storing vehicles. It may also include a community building, garden shed, or other facility for use of the residents.))~~
4. ~~((The types of units allowed in cottage housing development are detached cottages, attached unit homes and carriage units. For the purposes of [SMC 17C.110.350](#), the definitions of these types are:))~~
 - a. ~~((Cottage. A detached, single-family residential building.))~~



[NOTE: Delete graphic above]

- b. ~~((Attached Unit Home. A structure containing two dwelling units designed to look like a single-family home.))~~



[NOTE: Delete graphic above]

c. ((~~Carriage Unit. A single family dwelling unit located above a garage structure.~~))



[NOTE: Delete graphic above]

TT. Council.

The city council of the City of Spokane.

UU. County.

Usually capitalized, means the entity of local government or, usually not capitalized, means the geographic area of the county, not including the territory of incorporated cities and towns.

VV. Courtyard apartments.

Three or more attached dwelling units arranged on two or three sides of a yard or court.

WW. Covenants, Conditions, and Restrictions (CC&Rs).

A document setting forth the covenants, conditions, and restrictions applicable to a development, recorded with the Spokane County auditor and, typically, enforced by a property owner's association or other legal entity.

XX. Creep.

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

YY. Critical Amount.

The quantity component of the definition of critical material.

ZZ. Critical Aquifer Recharge Areas (CARA).

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

AAA. Critical Areas.

Any areas of frequent flooding, geologic hazard, fish and wildlife habitat, aquifer sensitive areas, or wetlands as defined under [chapter 17E.010 SMC](#), [chapter 17E.020 SMC](#), [chapter 17E.030 SMC](#), [chapter 17E.040 SMC](#), and [chapter 17E.070.SMC](#).

BBB. Critical Facility.

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to:

- a. schools;
- b. nursing homes;
- c. hospitals;
- d. police;
- e. fire;
- f. emergency response installations; and
- g. installations which produce, use, or store hazardous materials or hazardous waste.

CCC. Critical Material.

- a. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:
 - i. domestic and industrial water supply,
 - ii. agricultural irrigation,
 - iii. stock water, and
 - iv. fish propagation.
 - v. Used herein, the designation is distinguished from state or other designation.
- b. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto.

DDD. Critical Material Activity.

- a. A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials. A list of critical materials activities is contained in the Critical Materials Handbook.

EEE. Critical Materials Handbook.

The latest edition of a publication as approved and amended by the division director of public works and utilities from time to time to accomplish the purposes of this chapter.

- a. The handbook is based on the original prepared by the Spokane water quality management program ("208") coordination office, with the assistance of its technical advisory committee. It is on file with the director of engineering services and available for public inspection and purchase.
- b. The handbook, as approved and modified by the division director of public works and utilities, contains:
 - i. a critical materials list,
 - ii. a critical materials activities list, and
 - iii. other technical specifications and information.

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

FFF. Critical Review.

- a. The process of evaluating a land use permit request or other activity to determine whether critical materials or critical materials activities are involved and, if so, to determine what appropriate measures should be required for protection of the aquifer and/or implementation of the Spokane aquifer water quality management plan.

GGG. Critical Review Action.

- a. An action by a municipal official or body upon an application as follows:
 - i. Application for a building permit where plans and specifications are required, except for Group R and M occupancies ([SMC 17G.010.140](#) and [SMC 17G.010.150](#)).
 - ii. Application for a shoreline substantial development permit (~~SMC 17G.060.070(B)(1))~~) ([SMC 17G.061.070\(B\)\(1\)](#)).
 - iii. Application for a certificate of occupancy ([SMC 17G.010.170](#)).
 - iv. Application for a variance or a certificate of compliance (~~SMC 17G.060.070(A) or SMC 17G.060.070(B)(1))~~) [SMC 17G.061.110](#).
 - v. Application for rezoning (~~SMC 17G.060.070(A))~~) [SMC 17G.061.110](#).
 - vi. Application for conditional permit (~~SMC 17G.060.070(A))~~) [SMC 17G.061.110](#).
 - vii. Application for a business license ([SMC 8.01.120](#)).
 - viii. Application for a permit under the Fire Code ([SMC 17F.080.060](#)).
 - ix. Application for a permit or approval requiring environmental review in an environmentally sensitive area ([SMC 17E.050.260](#)).
 - x. Application for connection to the City sewer or water system.
 - xi. Application for construction or continuing use of an onsite sewage disposal system ([SMC 13.03.0149](#) and [SMC 13.03.0304](#)).

- xii. Application for sewer service with non-conforming or non-standard sewage ([SMC 13.03.0145](#), [SMC 13.03.0314](#), and [SMC 13.03.0324](#)).
 - xiii. Application involving a project identified in [SMC 17E.010.120](#).
 - xiv. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.
 - xv. Application for an underground storage tank permit ([SMC 17E.010.210](#)); and
 - xvi. Application for permit to install or retrofit aboveground storage tank(s) ([SMC 17E.010.060\(A\)](#) and [SMC 17E.010.400\(D\)](#)).
- b. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

HHH. Critical Review Applicant.

- a. A person or entity seeking a critical review action.

III. Critical Review Officer – Authority.

The building official or other official designated by the director of public works and utilities.

For matters relating to the fire code, the critical review officer is the fire official.

The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.

The critical review officer imposes requirements based upon this chapter, regulations, and the critical materials handbook.

The officer may adopt or add to any requirement or grant specific exemptions, where deemed reasonably necessary, considering the purpose of this chapter

JJJ. Critical Review Statement.

- a. A checklist, disclosure form, or part of an application for a critical review action, disclosing the result of critical review. Where not otherwise provided

as part of the application process, the critical review officer may provide forms and a time and place to file the statement.

KKK. Cumulative Impacts.

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

LLL. Curb Ramp.

- a. A ramp constructed in the sidewalk to provide an accessible route from the sidewalk to the street.

MMM. Cutbank.

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

Section 5. That Section 17A.020.040 SMC is amended to read as follows:

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 Criteria.

A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The provisions 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 criteria 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.

Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, binding site plan, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

S. 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.

T. Development – 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.

U. Development Approval.

Any recommendation or approval for development required or permitted by this code.

V. 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.

W. 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.

X. 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.

Y. 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.

Z. Direct Impact.

An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.

AA. 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.

BB. Directional Sign.

See [SMC 17C.240.015](#).

CC. 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))~~ Building Official, the City Engineer, and the Planning Director.

DD. Director, Planning.

The Director of the Planning and Economic Development department.

EE. 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.

FF. 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.

GG. 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.

HH. 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.

II. 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.

JJ. 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.

KK. 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.

LL. 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.

MM. 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.

NN. Dredge Spoil.

The material removed by dredging.

OO. 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.

PP. 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.

QQ. Driveway.

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

RR. Driveway Approach.

The edge of a driveway where it abuts a public right-of-way.

SS. Duplex.

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

TT.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. A dwelling unit shall not contain more than one kitchen. 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.

Section 6. That Section 17A.020.060 SMC is amended to read as follows:

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. Fiveplex.

A building that contains five dwelling units on the same lot that share a common wall or common floor/ceiling.

N. Flag.

See [SMC 17C.240.015](#).

O. Float.

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

P. 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.

Q. 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.

R. Flood or Flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland waters; ((or))
 - b. The unusual and rapid accumulation of runoff of surface waters from any source; or
 - c. Mudslides or mudflows, which are proximately caused by flooding as defined in section (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in section (1)(a) of this definition.

S. Flood Elevation Study.

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide or mudflow, and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

T. Flood Insurance Rate Map (FIRM).

The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to

the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

U. Floodplain or Flood Prone Area.

Any land area susceptible to being inundated by water from any source. See "Flood or Flooding."

V. Floodplain administrator.

The community official designated by title to administer and enforce the floodplain management regulations.

W. Floodway.

1. As identified in the Shoreline Master Program:, the area that either:

a. The floodway is the area that either

- i. has been established in federal emergency management agency flood insurance rate maps or floodway maps; or
- ii. 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.

b. 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.

2. For floodplain management purposes, the floodway is 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 a designated height. Also referred to as "Regulatory Floodway."

X. 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).

Y. Flood Proofing.

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

Z. 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.

AA. Focused Growth Area.

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

BB. Fourplex.

A building that contains four dwelling units on the same lot that share a common wall or common floor/ceiling.

CC. 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.

DD. Freestanding Sign.

See [SMC 17C.240.015](#).

EE. 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.

FF. Functionally Dependent Water-Use.

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Section 7. That Section 17A.020.120 SMC is amended to read as follows:

17A.020.120 “L” Definitions

A. Land Surveyor.

An individual licensed as a land surveyor pursuant to chapter 18.43 RCW.

B. Land Use Codes.

Those provisions of this code that relate to:

1. zoning,
2. subdivision,
3. shorelines management,
4. stormwater control,
5. flood zones,
6. critical areas,

7. signs,

8. skywalks, and

include chapter 17D.020 SMC, chapter 17D.050A SMC, chapter 17D.060 SMC, chapter 17D.090 SMC, chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, and chapter 17G.080 SMC.

C. Landscape Plan.

A scale drawing showing site improvements and landscaping required under chapter 17C.200 SMC the following elements:

1. Footprint of all structures.
2. Final site grading.
3. All parking areas and driveways.
4. All sidewalks, pedestrian walkways, and other pedestrian areas.
5. Location, height, and materials for all fences and walls.
6. Common and scientific names of all plant materials used, along with their size at planting and location of all plant materials on the site.

D. Landslide.

Rapid sliding of large masses of rock, soil, or material on steep mountain slopes or from high cliffs.

E. Latah Formation.

Sedimentary layer of claystone to fine-grained sandstone in which very finely laminated siltstone is predominant. The fresh rock ranges in color from various shades of gray to almost white, tan and rust. Much of the finer grained layers contain leaf imprints and other plant debris. Because of its generally poorly consolidated state, the Latah rarely outcrops. It erodes rapidly and therefore is usually covered with later deposits or in steeper terrain hidden under the rubble of overlying basaltic rocks.

F. Launch Ramp.

An inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand.

G. "Ldn" means a day-night average sound level and serves as a basic measure for quantifying noise exposure, namely, the A-weighted sound level averaged over a twenty-four hour time period, with a ten decibel penalty applied to nighttime (ten p.m. to seven a.m.) sound levels.

H. Leak Detection.

A procedure for determining if the material in a primary container has escaped into the outside environment or has invaded an interstitial space in a multiple containment system.

I. Levee.

A natural or artificial embankment on the bank of a stream for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.

J. Level of Service Standard.

The number of units of capacity per unit of demand. The level of service standards used on concurrency tests are those standards specified in the adopted City of Spokane comprehensive plan.

K. Lighting Methods.

1. Direct.

Exposed lighting or neon tubes on the sign face. Direct lighting also includes signs whose message or image is created by light projected onto a surface.

2. Indirect.

The light source is separate from the sign face or cabinet and is directed to shine onto the sign.

3. Internal.

The light source is concealed within the sign.

L. Lighting Plan.

A general site plan that includes:

1. location of all lighting fixtures on the site;

2. manufacturer's model identification of each lighting fixture;
3. manufacturer's performance specifications of each fixture;
4. a photometric plan of the installed fixtures, which demonstrates that all illumination is confined within the boundaries of the site.

M. Limited Industrial.

Establishments primarily engaged in on-site production or assembly of goods by hand manufacturing involving the use of hand tools and small-scale equipment and may have the incidental direct sale to consumers of those goods produced on-site. Typical uses include:

1. on-site production of goods by hand or artistic endeavor;
2. placement of digital or analog information on a physical or electronic medium;
3. manufacture, predominantly from previously prepared materials, of finished products or parts, provided the noise, light, smell, or vibration does not extend beyond the site; and
4. research of an industrial or biotechnical nature.

All activity must be conducted totally within the structure with no outdoor storage.

N. Listed Species.

A fish or wildlife species on a state or federal species of concern list. Possible designations could include endangered, threatened and sensitive.

O. Littoral Drift.

The natural movement of sediment, particularly sand and gravel, along shorelines by wave action in response to prevailing winds or by stream currents.

P. Living groundcover (or "living ground cover").

Living plant species which reach a height of less than three feet at maturity, planted in such a manner so as to form a continuous cover over the ground. Areas that meet Spokanescape guidelines with drought tolerant plants covering at least half of the project area at maturity and bark or rock mulch covering all exposed soil are considered to meet this definition.

Q. Local Access Street.

A street that provides access from individual properties to collector and minor arterials.

R. Lot.

1. “Lot” is a parcel or tract of land so designated on a recorded plat or assessors plat, or:
 - a. in an unplatted area, a tract having frontage on a public street or private street within a planned unit development or binding site plan and having the minimum size and dimensions required for a building site by the zoning code; or
 - b. a building site designated as such on an approved planned development plan; or
 - c. an unplatted area, legally created, and having the minimum size and dimensions required for a building site by the zoning code, but that does not have frontage on a public street.
2. A tract consisting of more than one contiguous lot may be considered as one lot for development purposes, subject to interpretation of the location of the front and rear yards.
3. A “corner lot” is a lot bounded on two adjacent sides by intersecting public streets.
4. An “inside lot” is a lot other than a corner lot.
5. A “through lot” is a lot bounded on opposite sides by parallel or approximately parallel public streets.

S. Lot Depth.

The depth of a lot is the horizontal distance between the front lot line and the rear lot line measured in the mean direction of the side lot lines.

T. Lot Lines.

The property lines along the edge of a lot or site.

1. “Front lot line” means a lot line, or segment of a lot line, that abuts a street.
 - a. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.
 - b. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.

2. “Rear lot line” means a lot line that is opposite a front lot line.
 - a. A triangular lot has two side lot lines but no rear lot line.
 - b. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.
3. “Side lot line” means a lot line that is neither a front nor rear lot line.
 - a. On a corner lot, the longer lot line, which abuts a street, is a side lot line.
4. “Side street lot line” means a lot line that is both a side lot line and a street lot line.
5. “Street lot line” means a lot line, or segment of a lot line, that abuts a street.
 - a. “Street lot line” does not include lot lines that abut an alley.
 - b. On a corner lot, there are two (or more) street lot lines.
 - c. Street lot lines can include front lot lines and side lot lines.

U. Lot Width.

The width of a lot is the horizontal distance between the side lot lines measured on a line intersecting at right angles the line of the lot depth thirty feet from the front lot line.

V. Low Impact Development (LID).

1. LID is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

W. Low Visual Impact Facility.

For the purposes of administration of this code, a low visual impact facility includes a small diameter (three feet or less) antenna or antenna array located on top of an existing pole or on a replacement pole. (See also SMC 17A.020.010, Alternative Tower Structure.)

X. Lowest Floor.

The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest

floor, provided that such enclosure is not built so as to render the structure in violation of SMC 17E.030.140.

Section 8. That Section 17A.020.130 SMC is amended to read as follows:

17A.020.130 “M” Definitions

A. Main Assembly Area.

The principal room for persons gathering for religious services.

B. Maintenance.

Or “repair” means those usual activities required to prevent a decline, lapse, or cessation from a lawfully established condition or to restore the character, scope, size, and design of a serviceable area, structure, or land use to a state comparable to its previously authorized and undamaged condition. This does not include any activities that change the character, scope, or size of the original structure, facility, utility, or improved area beyond the original design.

C. Major Transit Stop.

1. A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;
2. A stop on bus rapid transit routes or routes that run on high occupancy vehicle lanes.
3. A stop for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

D. Manufactured Home.

1. “Manufactured home” is a single-family dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.
2. “Manufactured home accessory structure” is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch, or storage structure, which is ordinarily appurtenant.

E. Manufactured Home Park.

Two or more manufactured homes or mobile homes used as dwelling units on a single parcel or lot.

F. Marquee Sign.

See [SMC 17C.240.015](#).

G. Marsh.

A low, flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, or other hydrophytic plants. Shallow water usually stands on a marsh at least during part of the year.

H. Mean Annual Flow.

The average flow of a river or stream (measured in cubic feet per second) from measurements taken throughout the year. If available, flow data for the previous ten years should be used in determining mean annual flow.

I. Mean Sea Level.

For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

J. Middle Housing.

A residential development that contains two or more attached, stacked, or clustered dwelling units. Middle housing is compatible in scale, form, and characteristics with individual detached single-unit houses and may include any combination of the housing types listed below. (A middle housing development could meet more than one building type definition – e.g., it could be both a stacked flat and a triplex.)

1. Single-Unit Residential Building
2. Duplex
3. Triplex
4. Fourplex
5. Fiveplex
6. Sixplex
7. Attached housing

8. Cottage housing

9. Accessory Dwelling Unit

10. Stacked flat

11. Courtyard apartments

K. Mining.

The extraction and removal of sand, gravel, minerals, or other naturally occurring material from the earth for economic use.

L. Minor Arterials

A street providing service for trips of moderate length, connecting the principal arterial system to local streets, generally prioritizing mobility over access, and providing intra-community circulation.

M. Mitigation – Mitigate.

An action which avoids a negative adverse impact and is reasonable and capable of being accomplished.

N. Mitigation – Mitigation Sequencing.

The use of any or all of the following actions listed in descending order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation may include a combination of the above measures.

O. Mobile Home.

A factory-built dwelling built prior to June 15, 1976, to standards other than the housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the housing and urban development Manufactured Home Construction and Safety Standards Act.

P. Mobile Home Park.

Any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

Q. Modification to a Preliminary Plat, Short Plat, or Binding Site Plan.

A change, prior to recording, of an approved preliminary plat, preliminary short plat, or binding site plan that includes, but is not limited to, the addition of new lots or tracts, or a change of the boundaries or dimensions of lots or tracts.

R. Modular Home.

A single-family dwelling unit (which may be in the form of a factory-built or manufactured housing permit as well as a standard building permit) constructed in a factory in accordance with International Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes “pre-fabricated,” “panelized,” and “factory-built” units.

S. Modulation.

A measured and proportioned inflection in a building’s face. Articulation, modulation, and their interval create a sense of scale important to residential buildings.

T. Monitoring.

Periodic evaluation of a wetlands restoration, creation, or enhancement site or habitat management plan area to determine changes at the site, such as vegetation growth, hydrologic changes, soil development, and use of the site by birds and animals.

U. Monument.

A physical survey monument as shown in the City's standard plans.

V. Monument Sign.

[See SMC 17C.240.015.](#)

W. ((Multi-family)) Multi Unit Residential Building (or “Multi-unit Residential”).

A common wall dwelling or apartment house that consists of three or more dwelling units on the same lot.

X. Multiple Containment.

A means of spill or leak control involving a containment structure having one or more layers of material between the primary container and the environment.

1. Containment layers must be resistant to the material stored.
2. The volume within the containment system must be at least as large as the primary container.
3. Containment layers may be separated by an interstitial space.

Y. Municipal Separate Storm Sewer System (MS4).

A conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under state law such as sewer district, flood control district, or drainage district, designated and approved management agency under section 208 of the Clean Water Act that discharges to water of the United States;
2. designed or used for collecting or conveying stormwater;
3. which is not a combined sewer; and
4. which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR (Code of Federal Regulation) 122.2.

Z. MUTCD.

The U.S. department of transportation Manual on Uniform Traffic Control Devices.

Section 9. That Section 17A.020.180 SMC is amended to read as follows:

17A.020.180 “R” Definitions

A. RCW.

The Revised Code of Washington, as amended.

B. Reasonable Cause.

A reasonable basis to believe or suspect that there is storage, seepage, spillage, accumulation, or use of critical materials or the pursuit of critical materials activities at a site or premises.

C. Reconsideration – Request For.

A request to the appeal body to consider again or reverse the decision on the permit application.

D. Recreational Vehicle.

A vehicle, which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

E. Recycling Drop-off Center.

A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil.

1. Processing of materials is limited to glass breaking and separation.
2. Recycling materials are not sold to a recycling drop-off center.
3. A recycling drop-off center is intended for household or consumer use.
4. Use by commercial or industrial establishments is not included.

5. Unattended drop-off stations for single materials, such as newsprint, are also not included.

F. Recycling Operation.

A use where one or more recycling materials are accumulated, stored, sorted, or processed.

1. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses.
2. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors.
3. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

G. Redivision.

The redivision of a lot located within a previously recorded plat or short plat.

H. Regional Shopping Mall – Enclosed.

A group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large “anchor” stores, such as department stores. The common walkway or “mall” is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.

I. Registered Neighborhood Organization.

A community development block grant (CDBG) neighborhood steering committee, a neighborhood council, or other neighborhood or community group within the City that:

1. Represents a specifically designated geographic area;
2. Is governed by bylaws and has elected officers; and
3. Has registered as such with the City and is on the current list of registered neighborhood organizations.

J. Regularly.

Occurring consistently and repeatedly on an ongoing basis.

K. Regulated Substance.

A critical material as referred to in 42 U.S.C. 6991(2).

L. Related Persons.

One or more persons related either by blood, marriage, adoption, or guardianship, and including foster children and exchange students; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendment Act of 1988, 42 U.S.C. 3604(f)(3)(b) and the Washington Housing Policy Act, RCW 35.63.220.

M. Religious Organization (or “Faith Based Organization”)

A federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property (see RCW 36.01.290).

N. Repair (see also “Maintenance”).

An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design, and drain, dredge, fill, flood, or otherwise alter additional wetlands are not included in this definition.

O. Reservoir.

A body of water collected and stored in an artificial pool that is intended for future use.

P. Residential Zone.

Those zones from RA through RHD.

Q. Responsible Party.

A person who is either:

1. The property owner or person authorized to act on the owner’s behalf; or
2. Any person causing or contributing to a violation of this chapter.

R. Restoration.

See "Compensatory Mitigation" ([SMC 17A.020.030](#)).

S. Revetment.

A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to slow down bank erosion and minimize lateral stream movement.

T. Right-of-way.

A public or private area that allows for the passage of people or goods.

1. Right-of-way includes passageways such as:

- a. freeways,
- b. streets,
- c. bike paths,
- d. alleys, and
- e. walkways.

2. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

U. Riparian.

1. Riparian habitat is defined as an area that contains elements of both aquatic and terrestrial ecosystems, which mutually influence each other.
2. It is the area where the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are influenced by perennial or intermittent water, and the biological and physical properties of the adjacent aquatic ecosystems are influenced by adjacent vegetation, nutrient, and sediment loading, terrestrial wildlife, and organic debris from the land.
3. Riparian vegetation includes not only streamside vegetation that is dependent upon presence of water, but also on the upland vegetation that is part of the zone of influence in the riparian area.
4. Riparian habitats have high wildlife density and high species diversity. They serve as important wildlife breeding and seasonal ranges. They are important movement corridors and are highly vulnerable to habitat alteration.

V. Riparian Habitat Area (RHA).

A defined area used to manage and buffer impacts to wildlife habitat and consists of landscape features that support fish and wildlife in areas near water bodies such as streams, rivers, wetlands and lakes.

W. Riparian Wetland.

Wetlands located at the shore of a lake or river. The transitional area between aquatic and upland ecosystems that is identified by the presence of vegetation that requires or tolerates free or unbound water or conditions that are more moist than normally found in the area.

X. Riprap.

A layer, facing, or protected mound of stones placed to prevent erosion, scour, or sloughing of a structure of embankment; also, the stone so used.

Y. River Delta.

Those lands formed as an aggradational feature by stratified clay, silt, sand, and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels.

Z. Riverine.

Situated alongside or associated with a river.

AA. Roadway.

1. Curbed roadways within the City limits and other urbanized areas are commonly and generically referred to as “streets.” Roadways outside the urban areas are most often not curbed, and are commonly and generically referred to as “roads.”
2. Within the context of this code, “roadway” refers to any traveled way, either public or private, that has been platted or otherwise specifically dedicated for the purpose of circulation and will require a name in accordance with chapter [17D.050A SMC](#).

BB. Roadway Name.

Roadway names consist of three parts:

1. Direction.
2. Root name; and
3. Suffix.

CC. Rock Shore.

Those shorelines whose bluffs and banks are typically composed of natural rock formations.

DD. Rockfall.

The falling of rocks from near vertical cliffs.

EE. Roof Line.

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.

FF. Root Name.

A maximum of two words, which are not considered part of the directional or suffix.

GG. Runoff.

Water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. It includes stormwater and water from other sources that travels across the land surface.

HH. Runoff and Infiltration Controls.

Measures adopted to prevent damage due to flooding and erosion problems.

Section 10. That Section 17A.020.190 SMC is amended to read as follows:

17A.020.190 “S” Definitions

A. Salmonid.

Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.

B. Sandwich Board Sign.

[See SMC 17C.240.015.](#)

C. Scrub-shrub Wetland.

An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.

D. Secondary Building Walls.

Exterior building walls that are not classified as primary building walls.

E. Secondary Containment.

A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.

F. Sediment.

Mineral or organic matter deposited as a result of erosion.

G. Sedimentation.

The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.

H. SEPA Rules.

Chapter 197-11 WAC adopted by the department of ecology.

I. Service Area.

A geographic area defined by the City, which encompasses public facilities that are part of a plan.

J. Serviceable.

Means presently useable.

K. Setback.

The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:

1. "Front setback" means a setback that is measured from a front lot line.
2. "Rear setback" means a setback that is measured from a rear lot line.
3. "Side setback" means a setback that is measured from a side lot line.

4. “Street setback” means a setback that is measured from a street lot line.

L. Sex Paraphernalia Store.

A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:

1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
2. Any establishment located within an enclosed regional shopping mall.

M. Sexual Device.

Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

N. Shall.

Unless the context indicates otherwise, the term “shall” means:

1. In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with “must”;
2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
3. The future tense of the verb “to be.”

O. Shallow Groundwater.

Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.

P. Shared Use Pathway.

A non-motorized transportation pathway shared by pedestrians, scooters and bicyclists. May be located next to a street or in a separate right-of-way.

Q. Shorelands.

Or “shoreline areas” or “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.

R. Shoreline and Ecosystems Enhancement Plan and Program.

[See SMC 17E.020.090](#), Habitat Management Plans.

S. Shoreline Buffer.

1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
3. The term “buffer area” has the same meaning as “buffer.”

T. Shoreline Enhancement.

Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.

U. Shoreline Environment Designations.

The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).

V. Shoreline Habitat and Natural Systems Enhancement Projects.

1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
2. Provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline, projects may include shoreline modification actions such as:
3. Modification of vegetation,
4. Removal of nonnative or invasive plants,
5. Shoreline stabilization, dredging, and filling.

W. Shoreline Jurisdiction.

See “Shorelands.”

X. Shoreline Letter of Exemption.

Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under [SMC 17E.060.300](#) and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.

Y. Shoreline Master Program.

1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
2. For the City of Spokane, the shoreline master program includes the:
3. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
4. Shoreline Regulations ([chapter 17E.060 SMC](#)),
5. City of Spokane Shoreline Restoration Plan (stand-alone document), and
6. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

Z. Shoreline Mixed Use.

Combination of water-oriented and non-water oriented uses within the same structure or development area.

AA. Shoreline Modifications.

Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

BB. Shoreline Protection.

1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.
2. The terms “Shoreline protection measure” and this term have the same meaning.
3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.

CC. Shoreline Recreational Development.

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, water-related and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms

DD. Shoreline Restoration.

1. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.
2. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

EE. Shoreline Stabilization.

Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the ordinary high-water mark. Other construction classified as shore defense works include groins, jetties, and breakwaters, which are intended to influence wave action, currents, and/or the natural transport of sediments along the shoreline.

FF. Shoreline Structure.

A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

GG. Shorelines Hearings Board (SHB).

The shorelines hearings board is a quasi-judicial body with powers of de novo review authorized by chapter 90.58 RCW to adjudicate or determine the following matters:

1. Appeals from any person aggrieved by the granting, denying, or rescinding of a permit issued or penalties incurred pursuant to chapter 90.58 RCW.
2. Appeals of department rules, regulations, or guidelines; and
3. Appeals from department decisions to approve, reject, or modify a proposed master program or program amendment of local governments which are not planning under RCW 36.70A.040.

HH. Short Plat – Final.

The final drawing of the short subdivision and dedication, prepared for filing for record with the Spokane county auditor and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

II. Short Plat – Preliminary.

1. A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a short subdivision required by this title and chapter 58.17 RCW.
2. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.

JJ. Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. (RCW 58.17.020(6)).

KK. Sign.

[See SMC 17C.240.015.](#)

LL. Sign – Animated Sign.

[See SMC 17C.240.015.](#)

MM. Sign – Electronic Message Center Sign.

[See SMC 17C.240.015.](#)

NN. Sign Face.

[See SMC 17C.240.015.](#)

OO. Sign – Flashing Sign.

[See SMC 17C.240.015.](#)

PP. Sign Maintenance.

[See SMC 17C.240.015.](#)

QQ. Sign – Off-premises.

[See SMC 17C.240.015.](#)

RR. Sign Repair.

[See SMC 17C.240.015.](#)

SS. Sign Structure.

[See SMC 17C.240.015.](#)

TT. Significant Vegetation Removal.

The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.

1. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
2. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

UU. (~~((Single-family))~~) Single Unit Residential Building (or “Single-unit Residential”).

A dwelling containing only one dwelling unit.

VV. Single-room Occupancy Housing (SRO).

A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.
2. SRO includes structures commonly called residential hotels and rooming houses.

WW. Site.

Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

XX. Site – Archaeological.

1. A place where a significant event or pattern of events occurred. It may be the:
 - a. Location of prehistoric or historic occupation or activities that may be marked by physical remains; or
 - b. Symbolic focus of a significant event or pattern of events that may not have been actively occupied.
2. A site may be the location of a ruined or now non-extant building or structure if the location itself possesses historic, cultural, or archaeological significance.

YY. Site, Parent.

The initial aggregated area containing a development, and from which individual lots may be divided(~~(, as used in the context of SMC 17C.110.360 Pocket Residential Development, and SMC 17G.080.065, Alternative Residential Subdivisions)~~).

ZZ. Sixplex.

A building that contains six dwelling units on the same lot that share a common wall or common floor/ceiling.

AAA. Slump.

The intermittent movement (slip) of a mass of earth or rock along a curved plane.

BBB. SMC.

The Spokane Municipal Code, as amended.

CCC. Soil.

The naturally occurring layers of mineral and organic matter deposits overlaying bedrock. It is the outer most layer of the Earth.

DDD. Sound Contours.

A geographic interpolation of aviation noise contours as established by the 2010 Fairchild AFB Joint Land Use Study and placed on the official zoning map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.

EEE. Sound Transmission Class (STC).

A single-number rating for describing sound transmission loss of a wall, partition, window or door.

FFF. Special Drainage District (SDD).

An area associated with shallow groundwater, intermittent standing water, or steep slopes where infiltration of water and dispersion of water into the soils may be difficult or delayed, creating drainage or potential drainage problems. SDDs are designated in [SMC 17D.060.130](#).

GGG. Special Event Sign.

See [SMC 17C.240.015](#).

HHH. Species of Concern.

Species native to Washington State listed as state endangered, state threatened, state sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

III. Specified Anatomical Areas.

They are human:

1. Genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered;
2. Male genitals in a discernibly turgid state, even if completely and opaquely covered.

JJJ. Specified Sexual Activities.

Any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

KKK. Spokane Regional Stormwater Manual (SRSM).

A technical document establishing standards for stormwater design and management to protect water quality, natural drainage systems, and down-gradient properties as urban development occurs.

LLL. Spokane Register of Historic Places.

The register maintained by the historic preservation office, which includes historic landmarks and districts in the City and County.

MMM. Sports Field.

An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.

NNN. Stabilization.

The process of establishing an enduring soil cover of vegetation or mulch or other ground cover and may be in combination with installation of temporary or permanent structures.

OOO. Stacked flat.

Dwelling units in a residential building of no more than three stories in which each floor may be separately rented or owned.

PPP. Standard Plans.

Refers to the City of Spokane's standard plans.

QQQ. Standard References

Standard engineering and design references identified in [SMC 17D.060.030](#).

RRR. Start of Construction

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SSS. State Candidate Species.

Fish and wildlife species that WDFW will review for possible listing as state endangered, threatened, or sensitive.

TTT. State Endangered Species.

Any wildlife species native to the State of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.

UUU. State Register.

The register maintained pursuant to chapter 195, Laws of 1977, 1st ex. sess., section 6 (chapter 27.34 RCW).

VVV. State Sensitive Species.

Any wildlife species native to the State of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

WWW. State Threatened Species.

Any wildlife species native to the State of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.

XXX. Stealth Facilities.

Any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. Architecturally screened roof-mounted antennas;
2. Building-mounted antennas painted to match the existing structure;
3. Antennas integrated into architectural elements; and
4. Antenna structures designed to look like light poles, trees, clock towers, bell steeples, or flag poles.

YYY. Stewardship.

Acting as supervisor or manager of the City and County's historic properties.

ZZZ. Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

AAAA. Stormwater Management Program (SWMP).

A set of actions and activities designed to reduce the discharge of pollutants from the regulated MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in S5 or S6 of the Eastern Washington Phase II Municipal Permit (WAR04-6505) and any additional actions necessary to meet the requirements of applicable TMDLs.

BBBB. Story.

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except:

1. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;
2. That portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;

3. That portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. A basement or unused under-floor space is a story if the finished floor level directly above is either more than:
 - a. Six feet above grade for more than half of the total perimeter, or
 - b. Twelve feet above grade at any point.

CCCC. Stream.

A naturally occurring body of periodic or continuously flowing water where the:

1. Mean annual flow is greater than twenty cubic feet per second; and
2. Water is contained with a channel (WAC 173-22-030(8)).

DDDD. Street.

See “Public Way”(SMC 17A.020.160).

EEEE. Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
 - a. Principal arterial.
 - b. Minor arterial.
 - c. Collector arterial.
 - d. Local access street.
 - e. Parkway.
2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under SMC 17A.020.160, “P” Definitions.

FFFF. Street Frontage.

The lot line abutting a street.

GGGG. Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

HHHH. Structural Alteration.

See [SMC 17C.240.015](#).

IIII. Structure.

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:

- a. Buildings,
- b. Decks,
- c. Fences,
- d. Towers,
- e. Flag poles,
- f. Signs, and
- g. Other similar objects.

2. Structure does not include paved areas or vegetative landscaping materials.

3. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

JJJJ. Structure – Historic.

A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

KKKK. Subdivision.

A division or redivision of land into ten or more lots, tracts, or parcels for the purpose of sale, lease, or transfer of ownership (RCW 58.17.020).

LLLL. Subject Property.

The site where an activity requiring a permit or approval under this code will occur.

MMMM. Sublevel Construction Controls.

Design and construction requirements provided in SMC 17F.100.090.

NNNN. Submerged Aquatic Beds.

Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.

OOOO. Substantial Damage – Floodplain.

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

PPPP. Substantial Development.

For the shoreline master program, shall mean any development of which the total cost or fair market value exceeds the dollar amount set forth in RCW 90.58 and WAC 173-26 for any improvement of property in the shorelines of the state.

QQQQ. Substantial Improvement – Floodplain.

1. This definition includes structures that have incurred “substantial damage,” regardless of the actual work performed.
2. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred.
3. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
4. The term does not, however, include either any:
 - a. Project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications which

have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- b. Alteration of a “historic structure” provided the alteration will not preclude the structure’s continued designation as a “historic structure.”

RRRR. Suffix.

Describes the roadway type and is located after the root roadway name (i.e., street, avenue, court, lane, way, etc.). The appropriate suffix shall be used in accordance with [SMC 17D.050A.040\(U\)](#).

Section 11. That Section 17A.020.200 SMC is amended to read as follows:

17A.020.200 “T” Definitions

A. Temporary Erosion and Sediment Control Measures.

Erosion and sediment control devices used to provide temporary stabilization of a site, usually during construction or ground disturbing activities, before permanent devices are installed.

B. Temporary Sign.

A sign placed on a structure or the ground for a specifically limited period of time as provided in [SMC 17C.240.240\(G\)](#).

C. Temporary Structure.

A structure approved for location on a lot by the department for a period not to exceed six months with the intent to remove such structure after the time period expires.

D. Tenant Space.

Portion of a structure occupied by a single commercial lease holder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

E. Through Pedestrian Zone.

The portion of a sidewalk that is intended for pedestrian travel and is entirely free of permanent and temporary objects.

F. Tideland.

Land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

G. Total Maximum Daily Load (TMDL).

A calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and non point sources. The calculation shall include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation shall also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

H. [Deleted].

I. [Deleted].

J. [Deleted].

K. Tracking.

The deposition of sediment onto paved surfaces from the wheels of vehicles.

L. Tract.

A piece of land created and designated as part of a land division that is not a lot, lot of record or a public right-of-way. Tracts are created and designated for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, in maintenance agreements, or through conditions, covenants and restrictions (CC&Rs).

M. Traveled Way.

The area of street which is intended to carry vehicular traffic, excluding any shoulders.

N. Triplex.

A building that contains three dwelling units on the same lot that share a common wall or common floor/ceiling.

O. Type I Application.

An application for a project permit that is subject to an administrative approval and is not categorically exempt from environmental review under chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance [chapter 17E.050 SMC](#), and does not require a public hearing. Type I applications are identified in [Table \(\(17G.060-4\)\) 17G.061.010-1](#) in chapter ((17G.060)) [17G.061 SMC](#). These applications may include, but are not limited to, building permits and grading permits.

P. Type II Application.

An application for a project permit that is subject to an administrative decision of a department director, that may or may not be categorically exempt from chapter 43.21C RCW (SEPA), and does not require a public hearing. The Type II applications are identified in [Table \(\(17G.060-4\)\) 17G.061.010-1](#) in chapter ((17G.060)) [17G.061 SMC](#). These applications may include, but are not limited to, short plats, binding site plans, shoreline substantial development permits, and some conditional use permits; provided, the planning director may require conditional use permits which are otherwise characterized as Type II applications under this title to be submitted and processed as Type III applications when the director issues written findings that the Type III process is in the public interest.

Q. Type III Application.

An application for a project permit that is subject to a quasi-judicial decision of the hearing examiner that may or may not be categorically exempt from chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance [chapter 17E.050 SMC](#) and requires a public hearing. Type III applications are identified in [Table \(\(17G.060-4\)\) 17G.061.010-1](#) in chapter ((17G.060)) [17G.061 SMC](#). These applications may include, but are not limited to, rezones, conditional use permits, preliminary long plats, or shoreline conditional use permits.

Section 12. That Section 17A.040.020 SMC is amended to read as follows:

17A.040.020 Establishment of Map and Text

To accomplish the intent and purpose outlined in SMC 17A.010.002, this development code includes both a map, by which the City of Spokane is divided into various zones, and a text, by which the uses, development standards, and other regulations for each zoning district are set forth. The map and text are found to provide proper zoning for the City and to meet all criteria of this development code. The location and boundaries of all zoning districts designated in this title are as shown on the map entitled zoning map of the City of Spokane, dated with the effective date of adoption of new development code and signed by the mayor and the clerk of the City, and as amended, is hereinafter referred to as the ((zoning map)) Zoning Map or Official Zoning Map.

Section 13. That Section 17A.040.030 SMC is amended to read as follows:

17A.040.030 Maintenance of the Map

The original signed copy of the zoning map containing the zoning districts designated at the time of adoption of this title shall be filed in the office of the city clerk and a duplicate shall be filed in the ~~((planning services))~~ Planning and Economic Development Services department to keep the maps up to date at all times. Copies of all zoning maps and amendments shall be dated with the effective date of the document adopting the map and amendments and shall be maintained without change, together with the adopting documents, on file in the ~~((planning services))~~ Planning and Economic Development Services department.

Section 14. That Section 17A.040.040 SMC is amended to read as follows:

17A.040.040 Amendments to Map and Text

A. Amendments.

Amendments may be proposed by the city council on its own motion or may be proposed by the plan commission on its own motion, or the amendment may be proposed by an applicant or City staff pursuant to chapter ~~((17G.060))~~ 17G.061 SMC. A correct copy of each amendment to the text or to the map established by this title shall be maintained on file in the offices of the city clerk and the ~~((planning services))~~ Planning and Economic Development Services department.

B. Timing and Responsibility for Updating Official Zoning Map.

All amendments hereafter made to the zoning map by ordinance shall be shown on the map(s). It shall be the responsibility of the planning services director to keep the maps up to date at all times. Any amendments to the zoning map shall be made in accordance with the comprehensive plan land use map, as amended.

Section 15. That Section 17A.040.050 SMC is amended to read as follows:

17A.040.050 Interpretation of the Zoning Map

Where, due to the scale, lack of detail, or illegibility of the zoning map, there is uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the ~~((planning and economic development services director))~~ Planning Director shall make an interpretation in writing of said map upon request of any person pursuant to chapter 17A.050 SMC. Any person aggrieved by any such interpretation may appeal such interpretation to the hearings examiner under SMC ~~((17G.060.240))~~ 17G.061.340. The director, in interpreting the zoning map or the hearings examiner in deciding any appeal, shall apply the following standards:

A. General Rules for Drawing Boundaries.

Zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, or along the centerline of alleys, streets, rights-of-way or watercourses, unless such boundary lines are fixed by dimensions shown on the zoning map. Boundaries indicated as approximately following river, stream and/or drainage channels shall be construed as following river, stream and/or drainage channels. If a zoning district boundary divides a lot into two or more zoning districts, the location of the boundary, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.

B. When Rights-of-way Are Vacated.

When zoning districts are separated by a public street, alley or other public way, the boundary between the districts shall be construed as being the centerline of the right-of-way. Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of the street, alley, or public way shall extend to the center of the former street, alley, or public way.

Section 16. That Chapter 17C.110 SMC is repealed.

Section 17. That there is adopted Chapter 17C.111 SMC to read as follows:

Chapter 17C.111 Residential Zones

17C.111.010 Purpose

The residential zones implement the residential goals and policies and land use plan map designations of the comprehensive plan. They are intended to preserve land for housing and to provide housing opportunities for individual households. The zones are distinguished by the permitted uses, the housing types, and intensity of development allowed. The differences in the zoning categories reflect the diversity of residential areas in the City. The limits on the intensity of uses and the development standards promote the desired form for the residential area. The standards are intended to provide certainty to property owners, developers, and neighbors of what is allowed in the various categories.

A. Use Standards.

The use standards are intended to create and maintain residential neighborhoods. They allow for some nonhousehold living uses but not to such an extent as to sacrifice the overall residential neighborhood form and function.

B. Development Standards.

The development standards preserve the characteristics of neighborhoods by providing six different zones with different intensities and development standards.

The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy and recreational opportunities. The site development standards allow for flexibility of development while ensuring new development complements existing development and maintaining compatibility within the City's various neighborhoods. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.

17C.111.015 Design Standards Administration

All projects must address the pertinent design standards and guidelines. A determination of consistency with the standards and guidelines will be made by the Planning Director following an administrative 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. The City will expect to see how the design of a project has responded to every one of the guidelines. An applicant may seek to deviate from eligible standards and guidelines through the design departure process; see chapter 17G.030 SMC, Design Departures.

A. Requirements (R).

1. Requirements are objective standards that involve no discretion by the reviewer, using language such as "shall," "must," and "will." Requirements must be satisfied by any plan prior to building permit approval. Requirements are listed with an (R) after the standard.
2. Design departures from Requirements.
 - a. An applicant may seek a deviation from certain Requirements through the design departure process, chapter 17G.030 SMC, Design Departures.
 - b. A design departure to a Requirement may only be approved if the proposed design is found to be an improvement over the non-discretionary standards – so long as the purpose of the Requirement is satisfied.
 - c. Design departures for Requirements are typically reviewed by the City's Urban Design staff. At the discretion of the applicant, a request to deviate from a Requirement may be referred to the Design Review Board pursuant to the procedures set forth in chapter 17G.030 SMC. In cases of involving projects of unusual complexity and/or situations where it is not clear whether or not the proposal satisfies the intent of the design standards, City staff may refer the project application to the Design Review Board.

B. Presumptions (P).

1. Presumptions are objective standards that involve no discretion by the reviewer but may include some flexibility for how the standards may be met. For example, some Presumptions offer a list or menu of options for meeting the standard. Presumptions must be satisfied by any plan prior to building permit approval. Presumptions are listed with an (P) after the standard.
2. Design departures and waivers from Presumptions.

An applicant may seek a waiver of a Presumption, as provided in subsections (a) and (b), or may request a design departure pursuant to subsection (c) and chapter 17G.030 SMC, Design Departures.

a. Waiving a Presumption.

A Presumption that may be unsuitable for a given project may be waived if an applicant can demonstrate that there is a good reason why the Presumption is inappropriate. An alternative may be approved that achieves the intent of the Presumption.

b. Appropriate reasons for waiving a Presumption include:

- i. demonstrating that in this instance 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;
- iv. explaining the unique site factors that make the Presumption unworkable such as lot size and shape, slope, natural vegetation, drainage, and 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 and/or compliance with applicable standards generally will not be an acceptable reason to waive a Presumption or determine that a Presumption is inappropriate.

- c. A design departure to a Presumption may only be approved if the proposed design is found to be either equal to or better than the non-discretionary standards – so long as the purpose of the Presumption is satisfied.
- d. Waivers and design departures for Presumptions are typically reviewed by the Planning Director through an administrative review. At the discretion of the

applicant, a request to waive or deviate from a Presumption may be referred to the Design Review Board pursuant to the procedures set forth in chapter 17G.030 SMC. In cases involving projects of unusual complexity and/or situations where it is not clear to the Planning Director whether or not the proposal satisfies the intent of the Presumption, the Director may also refer the project application to the design review board.

C. Considerations (C).

Design standards listed as Considerations are features and concepts that an applicant should consider in preparing a plan. Considerations are only reviewed as part of the design departure process, pursuant to chapter 17G.030 SMC. In reviewing a design departure request, the Design Review Board, Urban Design staff, or Planning Director (as applicable) will review an applicant's response to a consideration, which may assist in gaining acceptance for a plan. Outside of a design departure, Considerations are encouraged, but not required or enforceable. Considerations are listed with an (C) after the standard.

17C.111.020 List of the Residential Zones

The full names, short names and map symbols of the residential zones are listed below. When this chapter refers to the low-intensity residential zones, it is referring to the RA, R1, and R2 zones listed herein. When this chapter refers to the residential zones, it is referring to the low-intensity residential and higher-intensity residential zones in this chapter.

Full Name	Short Name/Map Symbol
Residential Agricultural	RA
Residential 1	R1
Residential 2	R2
Residential Multifamily	RMF
Residential High Density	RHD

17C.111.030 Characteristics of Residential Zones

A. Residential Agriculture (RA).

The RA zone is a low-intensity residential zone that is applied to areas that are designated agriculture on the land use plan map of the comprehensive plan. Uses

allowed in this zone include farming, green house farming, single-unit residences and minor structures used for sales of agricultural products produced on the premises.

B. Residential 1 (R1).

The R1 zone is a low-intensity residential zone. The zone allows a range of housing choices built at the general scale and height of detached houses. This includes both detached and attached homes and middle housing types.

C. Residential 2 (R2).

The R2 zone is a low-intensity residential zone. It allows a range of housing choices built at the general scale and height of detached houses—including both detached and attached homes and middle housing types—but at a slightly larger development intensity than the R1 zone.

D. Residential Multifamily (RMF).

The RMF zone is a medium-intensity residential zone. Allowed housing includes larger multi-unit structures while also including a mix of lower intensity middle housing and detached housing. The RMF zone allows higher development intensity as compared to the R2 zone.

E. Residential High Density (RHD).

The RHD is a high-intensity residential zone that allows the highest intensity and scale of housing in the residential zones. The allowed housing developments including those found in the RMF zone but also including taller and more intense apartment complexes.

17C.111.040 Other Zoning Standards

The standards in this chapter state the allowed uses and development standards for the base zones. Sites with overlay zones, neighborhood plans, plan districts or designated historical landmarks are subject to additional standards. The official zoning maps indicate which sites are subject to these additional standards. Specific uses or development types may also be subject to standards in Part 3, Special Use Standards, of this division.

17C.111.100 Residential Zone Primary Uses

A. Permitted Uses (P).

Uses permitted in the residential zones are listed in Table 17C.111.100-1 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.111.100-1 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, 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.111.100-1.

C. Conditional Uses (CU).

Uses that are allowed if approved through the conditional use review process are listed in Table 17C.111.100-1 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, Decision Criteria, is also subject to the standards of this chapter. The conditional use review process and approval criteria are stated in SMC 17C.320, Conditional Uses.

D. Uses Not Permitted (N).

Uses listed in Table 17C.111.105-1 with an "N" are not permitted. Existing uses in categories listed as not permitted are subject to the standards chapter 17C.210 SMC, Nonconforming Situations.

TABLE 17C.111.100-1
RESIDENTIAL ZONE PRIMARY USES
 (Click here to view PDF)

Use is: P - Permitted N - Not Permitted L - Allowed, but special limitations CU - Conditional Use review required	RA	R1	R2	RMF	RHD
RESIDENTIAL CATEGORIES					
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P
COMMERCIAL CATEGORIES					
Adult Business	N	N	N	N	N
Commercial Outdoor Recreation	N	CU	CU	CU	CU
Commercial Parking	N	N	N	N	N
Drive-through Facility	N	N	N	N	N
Major Event Entertainment	N	N	CU	CU	CU
Office	N	N	N	CU[2]	CU[2]
Quick Vehicle Servicing	N	N	N	N	N
Retail Sales and Service	N	N	N	N	N
Mini-storage Facilities	N	N	N	N	N
Vehicle Repair	N	N	N	N	N
INDUSTRIAL CATEGORIES					
High Impact Uses	N	N	N	N	N
Industrial Service	N	N	N	N	N
Manufacturing and Production	N	N	N	N	N
Railroad Yards	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	N
Waste-related	N	N	N	N	N

Wholesale Sales	N	N	N	N	N
INSTITUTIONAL CATEGORIES					
Basic Utilities [3]	L	L	L	L	L
Colleges	CU	CU	CU	P	P
Community Service	L[4]/CU	L[4]/CU	C[4]/CU	P	P
Daycare [5]	L	L	L	P	P
Medical Center	CU	CU	CU	CU	CU
Parks and Open Areas	P	P	P	P	P
Religious Institutions	L[6]/CU	L[6]/CU	L[6]/CU	P	P
Schools	L[7]/CU	L[7]/CU	L[7]/CU	P	P
OTHER CATEGORIES					
Agriculture	L[8]	N	N	N	N
Aviation and Surface Passenger Terminals	N	N	N	N	N
Detention Facilities	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU
Mining	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU
Notes: * The use categories are described in chapter 17C.190 SMC. * Standards that correspond to the bracketed numbers [] are stated in SMC 17C.111.110. * Specific uses and development may be subject to the standards in SMC 17C.320.080.					

17C.111.110 Limited Use Standards

The uses listed below contain the limitations and correspond with the bracketed [] footnote numbers from Table 17C.111.100-1.

A. Group Living.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [1]. Group living uses are also subject to the standards of ((SMC)) chapter 17C.330 SMC, Group Living.

1. General Standards.

All group living uses in RA, R1, R2, RMF and RHD zones, except for alternative or post incarceration facilities, are regulated as follows:

- a. All group living uses are subject to the requirements of ~~((SMC))~~ chapter 17C.330 SMC, Group Living, including the maximum residential density provisions of Table 17C.330-1.
- b. Group living uses for more than six residents are a conditional use in the RA and R1 zones, subject to the standards of ~~((SMC))~~ chapter 17C.320 SMC, Conditional Uses, and the spacing requirements of SMC 17C.330.120(B)(2).
- c. Group living uses for more than twelve residents are a conditional use in the R2 and RMF zones, subject to the standards of ~~((SMC))~~ chapter 17C.320 SMC, Conditional Uses, and the spacing requirements of SMC 17C.330.120(B)(2).
- d. Exception.

Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in subsections (A)(1)(a), (b) and (c) of this section. The only exception is residential facilities licensed by or under the authority of the state of Washington. In these cases, staff persons are not counted as residents to determine whether the facility meets the twelve-resident cut-off above, for which a conditional use permit is required.

2. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size and are subject to the provisions of ~~((SMC))~~ chapter 17C.320 SMC, Conditional Uses. They are also subject to the standards of ~~((SMC))~~ chapter 17C.330 SMC, Group Living.

B. Office.

1. This regulation applies to all parts of Table 17C.111.100-1 that have a note [2]. Offices in the RMF and RHD zones and are subject to the provisions of ~~((SMC))~~ chapter 17C.320 SMC, Conditional Uses and are processed as a Type III application.

C. Basic Utilities.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [3]. Basic utilities that serve a development site are accessory uses to the primary use being served. In the RA, R1, and R2 zones, a one-time addition to an existing base utility use is permitted, provided the addition is less than fifteen hundred square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing base utilities uses are permitted in the RMF and RHD zones.

D. Community Service Facilities.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [4]. In the RA, R1, and R2 zones, a one-time addition to an existing community services use is permitted, provided the addition is less than fifteen hundred square feet and three or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing community services uses are permitted in the RMF and RHD zones.

E. Daycare.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [5]. Daycare uses are allowed by right if locating within a building or residence and providing services to no more than twelve (children or clients). Daycare facilities for more than twelve children are a conditional use and are processed as a Type II application in the RA, R1, and R2 zones. However, in the R1 zone, daycare centers up to forty children are permitted if locating within a building that currently contains or did contain a college, medical center, school, religious institution, or a community service facility.

F. Religious Institutions.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [6]. In the RA, R1, and R2 zones, a one-time addition to religious institutions is permitted, provided the addition is less than one thousand five hundred square feet and fifteen or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The Planning Director may require a Type II conditional use permit application be processed as a Type III application when the Director issues written findings that the Type III process is in the public interest. Applicants must comply with the community meeting requirements set forth in SMC 17G.061.110 prior to submitting an application. New buildings or additions to existing religious institutions uses are permitted in the RMF and RHD zones.

G. Schools.

This regulation applies to all parts of the Table 17C.111.100-1 that have a note [7]. In the RA, R1, and R2 zones, a one-time addition to schools is permitted, provided the addition is less than five thousand square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The Planning Director may require a Type II conditional use permit application be processed as a Type III application when the Director issues written findings that the Type III process is in the public interest. Applicants must comply with the community meeting requirements set forth in SMC 17G.061.110 prior to submitting an application.

H. Agriculture.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [8]. The keeping of large and small domestic animals, including bees, is permitted in the RA zone. See ((SMC)) chapter 17C.310 SMC, Animal Keeping, for specific standards.

17C.111.115 Housing Types Allowed

A. Purpose.

Housing types allowed in each zone are consistent with the intended intensity and scale of the zone, as described in section 17C.111.030. The standards allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing. Other housing types, including large multifamily buildings, are allowed in the higher intensity zones under the RMF and RHD categories.

B. The kinds of housing types allowed in the residential zones are stated in Table 17C.111.115-1.

TABLE 17C.111.115-1 RESIDENTIAL ZONE HOUSING TYPES ALLOWED (Click here to view PDF)					
P – Permitted N – Not Permitted CU – Conditional Use review required	RA	R1	R2	RMF	RHD
Single-Unit Residential Building	P	P	P	P	P
Middle housing [1]	N	P	P	P	P
Accessory Dwelling Unit (ADU) [2]	P	P	P	P	P

Manufactured Home [3]	P	P	P	P	P
Mobile Home Parks [3]	CU	CU	N	N	N
Single Room Occupancy (SRO)	N	N	N	P	P
Group Living	See SMC 17C.330.100				
Multi-Unit Residential Building [1]	N	P	P	P	P
Short Term Rentals [4]	P/CU	P/CU	P/CU	P/CU	P/CU
Notes: [1] See SMC 17A.020.130 for definitions of middle housing and multi-unit residential building. [2] See ((SMC)) <u>chapter</u> 17C.300 <u>SMC</u> , Accessory Dwelling Units. [3] See ((SMC)) <u>chapter</u> 17C.345 <u>SMC</u> , Manufactured Homes and Mobile Home Parks. [4] See ((SMC)) <u>chapter</u> 17C.316 <u>SMC</u> , Short Term Rentals.					

17C.111.120 Accessory Uses

Accessory uses to a primary use are allowed if they comply with specific standards for the accessory uses and all development standards. See chapter 17C.190 SMC, Use Category Descriptions. Accessory buildings such as garages are included in SMC 17C.111.240 Accessory dwelling units, bed and breakfast facilities, short-term rentals, and home occupations have specific standards in chapter 17C.300 SMC, chapter 17C.315 SMC, chapter 17C.316 SMC, and chapter 17C.340 SMC, respectively.

17C.111.125 Nuisance-related Impacts

A. Off-site Impacts

All institutional uses including their accessory uses must comply with the standards of chapter 17C.220 SMC, Off-site Impacts.

B. Other Nuisances.

The Spokane Municipal Code under Title 10 SMC, Regulation of Activities, and Title 17 SMC, Unified Development Code, regulates other nuisances.

C. Agricultural Activities.

1. Agricultural activities are an important part of the character of the Latah Creek valley and the City as a whole. The conduct of agricultural activities in an urbanizing area may lead to zoning and nuisance complaints and force the premature removal of lands from agricultural use. It is the intent of the City to protect agricultural activities in this area from zoning and nuisance complaints.
2. Agricultural activities, when conducted consistent with good agricultural practices, are a permitted activity within the RA zone, and are not to be found to constitute a nuisance unless the activity has a substantial adverse effect upon the public health and safety. Agricultural activities undertaken in conformity with all applicable laws and rules are presumed to be good agricultural practices not adversely affecting the public health and safety. An agricultural activity conducted in conformity with all applicable rules and laws is not restricted as to the hours of the day or day(s) of the week during which it may be conducted.
3. Any property offered for sale within the agricultural overlay zone will include notice on subdivisions, development permits and building permits within three hundred feet of lands designated as agriculture that agricultural activities may be conducted and that such activities are legal and permitted by zoning regulations. Failure to do so does not negate the right to engage in agricultural activities on any property located within the agricultural overlay zone.

17C.111.200 Lot Size and Dimensions

A. Purpose.

The required minimum lot size, lot depth, lot width and frontage requirements for new lots ensure that development will, in most cases, be able to comply with all site development standards. The standards also prevent the creation of very small lots that are difficult to develop at their full density potential. Finally, the standards also allow development on lots that were reduced by condemnation or required dedications for right-of-way.

The lot dimension standards further ensure that:

- a. Each lot has enough room for a reasonably-sized house;
- b. Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
- c. Housing units have access to private or shared open space;
- d. Lots don't narrow to an unbuildable width close to the street;
- e. Lots have access from public rights-of-way;
- f. Each lot has access for utilities and services;
- g. Lots are an appropriate size and shape so that development can be oriented toward the street;

- h. Housing goals for the City are met; and
- i. To avoid having the garage door as the dominant feature of the front of a house on narrow lots.

B. Existing Lot Size.

1. No lot in any zone may be reduced so that the dimension, minimum lot area, frontage, or area per dwelling unit is less than that required by this chapter, except as follows:
 - a. Through a Planned Unit Development as described in chapter 17G.070 SMC.
 - b. Through a unit lot subdivision pursuant to SMC 17G.080.065.
2. Lots Reduced by Condemnation or Required Dedication for Right-of-way. Development that meets the standards of this chapter is permitted on lots, or combinations of lots, that were legally created and met the minimum size requirements at the time of subdivision but were reduced below one or more of those requirements solely because of condemnation or required dedication by a public agency for right-of-way.

C. Land Division.

1. All new lots created through subdivision must comply with the standards for the base zone listed in Table 17C.111.205-1.
2. Planned unit developments, combined with a subdivision, may reduce the minimum lot size, lot width, lot depth and frontage requirements in the RA and R1 zones pursuant to SMC 17G.070.030(C)(1).

D. Ownership of Multiple Lots.

Where more than one adjoining lot is in the same ownership, the ownership may be separated as follows:

1. If all requirements of this chapter will be met after the separation, including lot size, density and parking, the ownership may be separated through either a boundary line adjustment (BLA) or plat, as specified under ~~((SMC))~~ chapter 17G.080 SMC, Subdivisions.
2. If one or more of the lots does not meet the lot size standards in this section, the ownership may be separated along the original plat lot lines through a boundary line adjustment (BLA).

E. New Development on Standard Lots.

New development on lots that comply with the lot size standards in this section are allowed subject to the development standards and density requirements of the base zone as required in Table 17C.111.205-2.

F. Lot Frontage.

All residential lots shall front onto a public street and meet the minimum lot frontage requirements of Table 17C.111.205-1 except as follows:

1. For lots created through unit lot subdivisions approved under SMC 17G.080.065.
2. For lots approved in a planned unit development approved under chapter 17G.070 SMC.
3. For lots in a manufactured home park approved under SMC 17H.010.090.

17C.111.205 Development Standards Tables

Development standards that apply within the residential zones are provided in Tables 17C.111.205-1 through 17C.111.205-3.

TABLE 17C.111.205-1 LOT DEVELOPMENT STANDARDS [1]					
	RA	R1	R2	RMF	RHD
DENSITY STANDARDS					
Maximum density on sites 2 acres or less [2][3]	No maximum	No maximum	No maximum	No maximum	No maximum
Maximum density on sites larger than 2 acres [2]	10 units/acre	10 units/acre	20 units/acre	No maximum	No maximum
Minimum density [2]	4 units/acre	4 units/acre	10 units/acre	15 units/acre	15 units/acre
LOT DIMENSIONS FOR SUBDIVISIONS AND SHORT SUBDIVISIONS					
Minimum lot area	7,200 sq. ft.	1,800 sq. ft.	1,800 sq. ft.	1,800 sq. ft.	1,800 sq. ft.
Minimum lot width with no driveway approach [4]	40 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Minimum lot width with driveway approach [4]	40 ft.	36 ft.	36 ft.	25 ft.	25 ft.
Minimum lot width within Airfield Overlay Zone	40 ft.	40 ft.	36 ft.	25 ft.	25 ft.
Minimum lot depth	80 ft.	80 ft.	40 ft.	N/A	N/A

Minimum lot frontage	40 ft.	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width
MINIMUM LOT DIMENSIONS FOR UNIT LOT SUBDIVISIONS					
Minimum parent lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Maximum parent lot area	2 acres	2 acres	2 acres	2 acres	2 acres
Minimum child lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Minimum child lot depth	No minimum	No minimum	No minimum	No minimum	No minimum
LOT COVERAGE					
Maximum total building coverage [5][6][7]	50%	65%	80%	100%	100%
Maximum lot impervious coverage without engineer's stormwater drainage plan - not in ADC [5][8]	50%	60%	60%	N/A	N/A
Maximum lot impervious coverage without engineer's stormwater drainage plan - inside ADC [5][8]	40%	40%	40%	N/A	N/A
<p>Notes:</p> <p>[1] Plan district, overlay zone, or other development standards contained in Title 17C SMC may supersede these standards.</p> <p>[2] See SMC 17C.111.210 for applicability of minimum and maximum density standards in the residential zones.</p> <p>[3] Development within Airfield Overlay Zones is further regulated as described in SMC 17C.180.090, Limited Use Standards.</p> <p>[4] Lots with vehicle access only from an alley are not considered to have a "driveway approach" for the purposes of this standard.</p> <p>[5] Lot and building coverage calculation includes all primary and accessory structures.</p> <p>[6] Building coverage for attached housing is calculated based on the overall development site, rather than individual lots.</p> <p>[7] Developments meeting certain criteria relating to transit, Centers & Corridors, or housing affordability are given a bonus for building coverage. See SMC 17C.111.225 for detailed eligibility criteria.</p> <p>[8] Projects may exceed impervious coverage requirements by including an engineer's drainage plan in submittals, subject to review by the City Engineer as described in SMC 17D.060.135. "ADC" means Area of Drainage Concern.</p>					

TABLE 17C.111.205-2 BUILDING AND SITING STANDARDS [1]					
	RA	R1	R2	RMF	RHD
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A
Maximum building footprint per primary building - lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A
Maximum building footprint per primary building - lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Maximum building height [2]	35 ft.	40 ft.	40 ft.	40 ft.	40 ft.
Minimum Setbacks					
Front [3]	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Interior side lot line - lot width 40 ft or less [4]	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Interior side lot line - lot width more than 40 ft [4]	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Street side lot line – all lot widths	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Attached garage or carport entrance from street	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Rear	25 ft.	15 ft.	15 ft.	10 ft.	10 ft.
ACCESSORY DWELLING UNITS					
Maximum building footprint for accessory dwelling unit - lot area 5,500 sq. ft. or less	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.
Maximum building footprint for accessory dwelling unit - lots larger than 5,500 sq. ft.	15%	15%	15%	15%	15%
Maximum building height	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Minimum side lot line setbacks [4]	Same as Primary Structure				
Minimum rear setback with alley	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OTHER ACCESSORY STRUCTURES					
Maximum lot coverage for accessory structures – lots 5,500 sq. ft. or less	20%	20%	20%	See Primary Structure	See Primary Structure
Maximum lot coverage for accessory structures – lots larger than 5,500 sq. ft.	20%	15%	15%	See Primary Structure	See Primary Structure
Maximum building height	30 ft.	20 ft.	20 ft.	35 ft.	35 ft.

Minimum side lot line setbacks	Same as Primary Structure				
Minimum rear setback with alley	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OPEN SPACE					
Minimum outdoor area per unit [5]	250 sq. ft.	250 sq. ft.	250 sq. ft.	200 sq. ft.	48 sq. ft.
Minimum common outdoor area per unit as a substitute for private area - first six units	200 sq. ft.	200 sq. ft.	200 sq. ft.	150 sq. ft.	48 sq. ft.
Minimum common outdoor area per unit as a substitute for private area - all units after six	150 sq. ft.	150 sq. ft.	150 sq. ft.	100 sq. ft.	48 sq. ft.
Notes: [1] Plan district, overlay zone, or other development standards contained in Title 17C SMC may supersede these standards. [2] Base zone height may be modified according to SMC 17C.111.230, Height. [3] Certain elements such as covered porches may extend into the front setback. See SMC 17C.111.235, Setbacks. [4] There is an additional angled setback from the interior side lot line. Refer to SMC 17C.111.230(C) and 17C.111.235(E) for more detail. [5] Common outdoor area may be substituted for private outdoor area according to SMC 17C.111.310.					

TABLE 17C.111.205-2 DEVELOPMENT STANDARDS FOR LAND OWNED BY RELIGIOUS ORGANIZATIONS [1]					
	RA	R1	R2	RMF	RHD
LOT COVERAGE					
Maximum total building coverage	N/A	80%	90%	100%	100%
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A
Maximum building footprint per primary building - lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A
Maximum building footprint per primary building - lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Notes: [1] Standards not addressed in this table are consistent with the general standards in Tables 17C.111.205-1 and 17C.111.205-2.					

17C.111.210 Density

A. Purpose.

The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services. The use of density minimums ensures that in areas with the highest level of public services, that the service capacity is not wasted and that the City's housing goals are met.

B. Calculating Density.

The calculation of density for a subdivision or residential development is net area and is based on the total area of the subject property, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities. Land within a critical area (see definitions under chapter 17A.020 SMC) may be subtracted from the calculation of density. When the calculation of density results in a fraction, the density allowed is rounded up to the next whole number. For example, a calculation in which lot area, divided by minimum unit area equals 4.35 units, the number is rounded up to five units.

C. Maximum Density Applicability and Calculation.

1. The maximum density standards in Table 17C.111.205-1 shall be met only when the development site exceeds 2 acres in area. In such cases, the following apply:

- a. If a land division is proposed, the applicant must demonstrate how the proposed lots can meet maximum density once construction is completed.
- b. If no land division is proposed, maximum density must be met at the time of development.
- c. Maximum density is based on the zone and size of the site. The following formula is used to determine the maximum number of units allowed on the site:

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by maximum density from Table 17C.111.205-1;

Equals maximum number of units allowed. If this formula results in a decimal fraction, the resulting maximum number of units allowed is rounded up to the next whole number. Decimal fractions of five tenths or greater are rounded up. Fractions less than five tenths are rounded down.

2. If the development site is 2 acres or less in area, the maximum density standards do not apply.
3. The number of units allowed on a site is based on the presumption that all site development standards will be met.

D. Minimum Density Applicability and Calculation.

1. The minimum density standards in Table 17C.111.205-1 shall be met under the following circumstances:
 - a. A land division is proposed.
 - b. In such cases, the applicant must demonstrate how the proposed lots can meet minimum density once construction is completed.
 - c. Minimum density standards can be modified by a PUD under SMC 17G.070.030(B)(2).
 - d. Development is proposed in the RMF or RHD zones. In such cases, minimum density must be met at the time of development.
2. Except as provided in subsection (3), when development is proposed on an existing legal lot in the RA, R1, or R2 zones, minimum density standards do not apply.
3. A site with pre-existing development may not move out of conformance or further out of conformance with the minimum density standard, including sites in the RA, R1, and R2 zones (regardless of whether a land division is proposed).
4. Minimum density is based on the zone and size of the site, and whether there are critical areas (see definitions under chapter 17A.020 SMC). Land within a critical area may be subtracted from the calculation of density. The following formula is used to determine the minimum number of lots required on the site.

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by minimum density from Table 17C.111.205-1;

Equals minimum number of units required.

E. Transfer of Density.

Density may be transferred from one site to another subject to the provisions of chapter 17G.070 SMC, Planned Unit Developments.

17C.111.220 Building Coverage and Impervious Coverage

A. Purpose.

The building coverage standards, together with the floor area ratio (FAR), height and setback standards control the overall bulk of structures. They are intended to assure

that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. The standards also help define the form of the different zones by limiting the amount of building area allowed on a site. Additionally, the impervious coverage standards ensure that there is adequate space on a site for stormwater infiltration.

B. Building Coverage and Impervious Coverage Standards.

The maximum combined building coverage allowed on a site for all covered structures is stated in Table 17C.111.205-1.

1. "Impervious surface" is defined in SMC 17A.020.090.
2. For development applications that submit an engineer's stormwater drainage plan pursuant to SMC 17C.060.140, total impervious coverage on a lot is not limited by this chapter, and the building coverage standards control.
3. For development applications that do not submit an engineer's stormwater drainage plan, the maximum impervious coverage standards in Table 17C.111.205-1 must be met. The impervious coverage standards vary depending on whether or not the subject site is located in an Area of Drainage Concern pursuant to SMC 17D.060.135.

C. How to Use FAR with Building Coverage.

The FAR determines the total amount of living space within a residential structure while the maximum building site coverage determines the maximum building footprint for all structures, including garages and the primary residence(s). The FAR is defined under chapter 17A.020 SMC, Definitions. FAR does not apply to Residentially zoned areas.

17C.111.225 Development Bonuses

A. Purpose.

This section implements development bonuses on property that meets certain criteria. The provisions for Religious Organizations are given to meet the requirements of RCW 36.70A.545 for bonuses on property owned by a Religious Organization.

B. Bonus.

For lots qualifying for the standards of this section, development standards listed in Table 17C.110.205-3 shall apply.

C. Requirements.

Any one of the following conditions shall qualify a property for the bonuses in this section:

1. Transit.

The property is within one half mile of a major transit stop, as defined in SMC 17A.020.130.

2. Center & Corridor.

The property is within one half mile of a Center & Corridor Zone.

3. Religious Organization.

The property is owned by a Religious Organization as defined in SMC 17A.020.180 and the property meets the affordability requirements in subsection (D) of this section.

4. Affordable Units.

The property meets the affordability requirements in subsection (D) of this section.

D. Affordability.

A development shall satisfy the affordability standards of this section if it meets the requirements of one of the following programs for affordable housing:

1. State or Federal Funding.

A development receiving funding through state or federal programs for affordable housing shall meet the affordability standards of this section.

2. Multiple-Family Housing Property Tax Exemption.

A development that qualifies for the twenty (20) year exemption under the Multiple-Family Housing Property Tax Exemption pursuant to SMC 08.15.090 shall meet the affordability standards of this section.

3. Sales and Use Tax Deferral Program for Affordable Housing.

A development that qualifies for the Sales and Use Tax Deferral Program for Affordable Housing under SMC 08.07D shall meet the affordability standards of this section.

4. Other Affordability Programs.

A development that doesn't match the above programs shall satisfy the affordability standards of this section if it includes the following characteristics:

a. Percentage of Affordable Units.

At least 25 percent of the units shall be dedicated as affordable for low-income households, as defined in SMC 17A.020.010. When the calculation results in a fraction the number of units shall be rounded up to the next whole number.

b. Rental.

Designated affordable units made available for rent shall be rented at a rate that is affordable to low-income households.

c. Sale.

The initial sale of an affordable unit upon completion of construction shall not exceed a purchase price that is affordable to a low-income household. Upon completion of an affordable unit and prior to the initial sale, the property owner shall file with the City a report indicating the unit will be purchased by a qualifying low-income household. The Planning Director shall establish a standard form for this purpose and include such information as is deemed necessary or useful.

d. Deed Restriction.

The applicant must record a covenant or deed restriction with the county auditor's office identifying the units subject to these affordability requirements. The deed restriction shall include a definition for low-income household consistent with the definition in SMC 17A.020.010. The deed restriction shall make provision for the following:

- I. These affordability requirements shall be in effect for at least forty (40) years from the time of filing; and
- II. Rental rates for affordable units shall not exceed levels that are affordable to a low-income household; and
- III. The initial sale of units from a developer to an owner-occupant shall not exceed a purchase price that is affordable to a low-income household. Subsequent purchases are not subject to a price restriction.

e. Size.

The units dedicated as affordable shall be no smaller in size than the smallest market rate unit in the development.

f. Number of Bedrooms.

The number of bedrooms in affordable units shall be in the same proportion as the number of bedrooms in units within the entire development.

g. Distribution.

The affordable units shall be distributed throughout the development.

h. Functionality.

The affordable units shall have the same functionality as the other units in the development.

17C.111.230 Height

A. Purpose.

The height standards promote a reasonable building scale and relationship of one residence to another and they promote privacy for neighboring properties. The standards contained in this section reflect the general building scale and placement of houses in the City's neighborhoods.

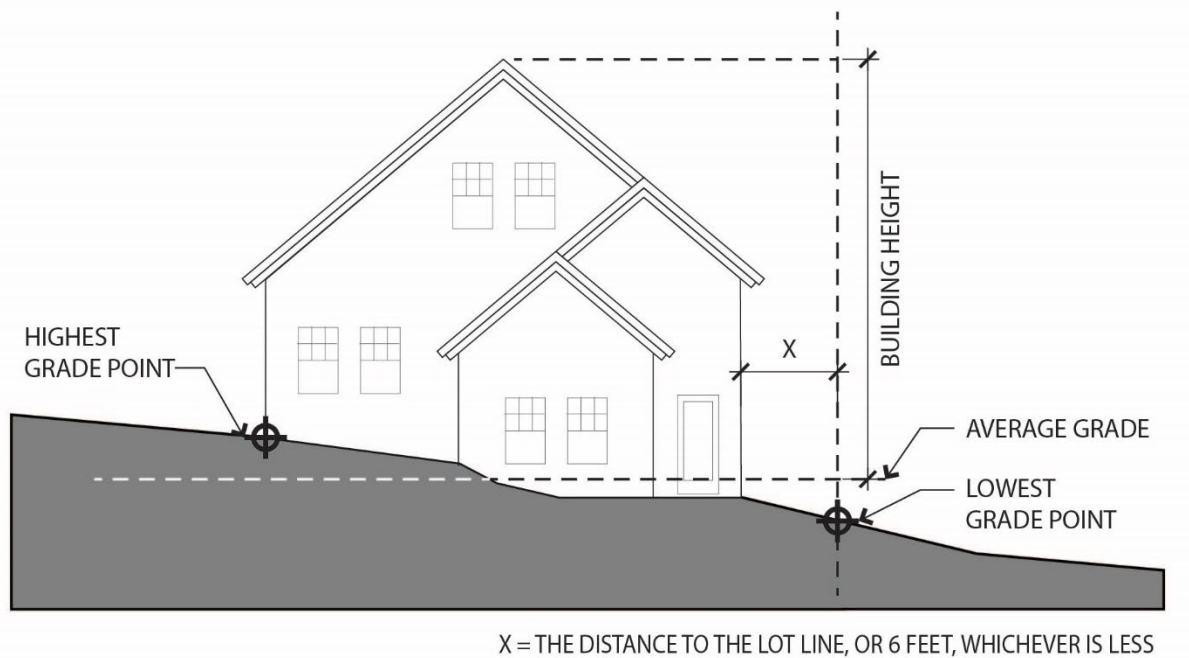
B. Height Standards.

The maximum height standards for all structures are stated in Table 17C.111.205-2. The building height shall be measured using the following method (see Figure 17C.111.230-A):

1. Building height is the vertical distance from the average grade to the highest point of the roof or structure that is not listed as an exception to the maximum building height limits as listed in Section 17C.111.230(C).
2. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
3. "Average grade" means the average of the ground level adjoining the building at all exterior walls. Where the ground level slopes away from the exterior walls, the reference point shall be established by the lowest points within the area between the building and the lot line or where the lot line is more than 6 feet from the building, use the reference point between the structure and a point 6 feet from the building.
4. Measurements shall be taken at the existing grade or finished grade, whichever is lower.
5. Depressions such as window wells, stairwells for exits required by other codes, "barrier free" ramps on grade, and vehicle access driveways into

garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grades on either side of the depression.

Figure 17C.111.230-A Height Measurement

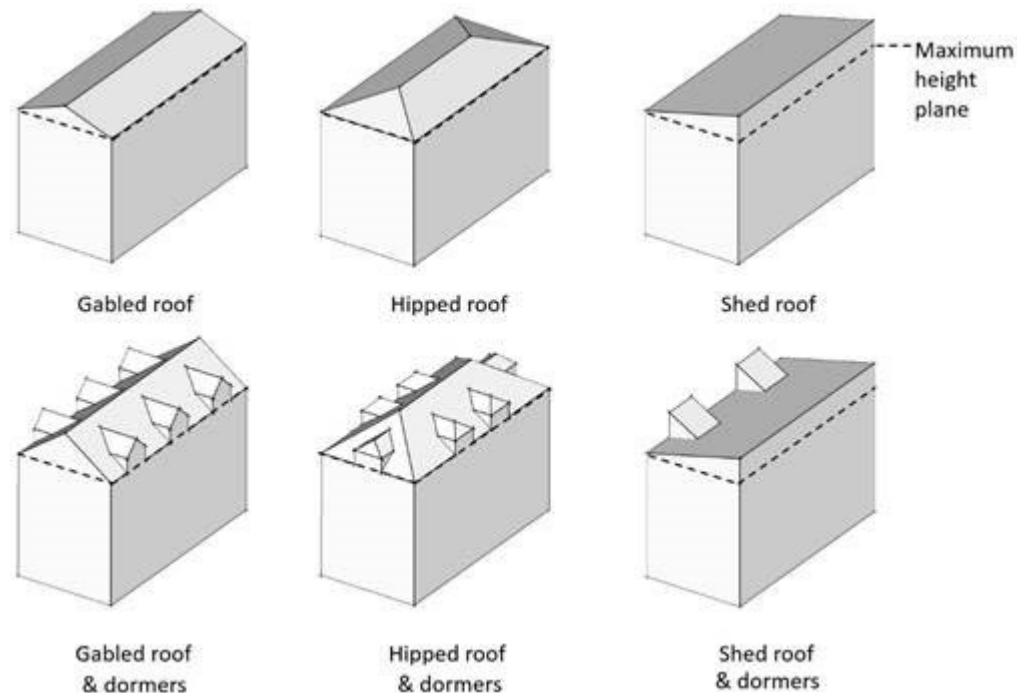


6. For purposes of measuring building height in residential zones, the following terms shall be interpreted as follows:
 - a. “Grade” means the ground surface contour (see also “existing grade” and “finished grade”).
 - b. “Fill” means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.
 - c. “Finished grade” means the grade upon completion of the fill or excavation.
 - d. “Excavation” means the mechanical removal of earth material.
 - e. “Existing grade” means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.

C. Exceptions to the maximum height standard are stated below:

1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., RHD-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are forty feet, fifty-five feet, seventy feet, or one hundred fifty feet depending on location.
2. In RMF and RHD zones where the maximum structure height is forty feet, pitched roof structures are allowed an additional fifteen feet above the maximum height standard stated in Table 17C.111.205-2, provided that the roof incorporates all of the following:
 - a. pitched roof forms having slopes between 4:12 and 12:12; and
 - b. a minimum of one roof plane that intersects the maximum height plane (see Figure 17C.111.230-B for eligible examples); and
 - c. establishes sense of “top” per SMC 17C.111.455.

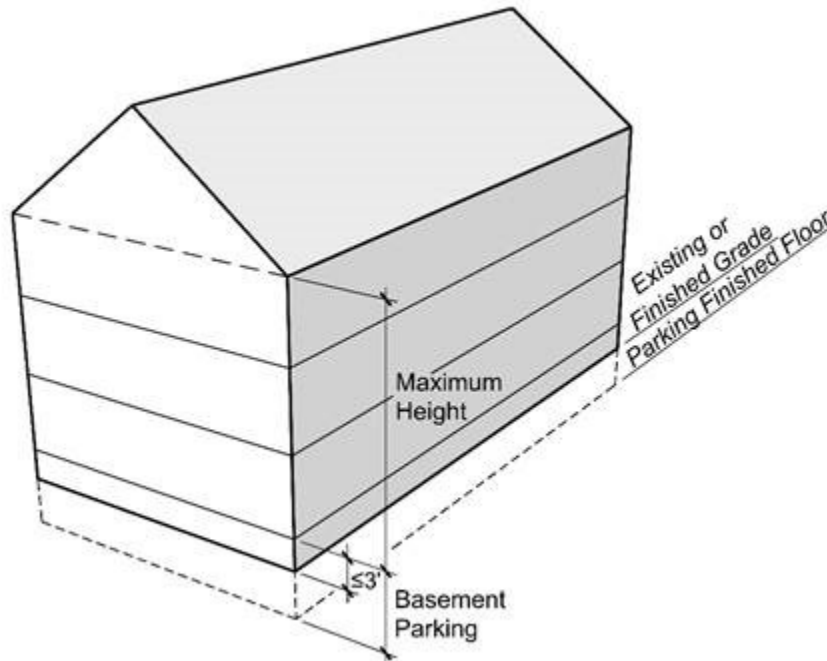
Figure 17C.111.230-B: Roof Type Examples for Height Exception



3. In the RMF and RHD zones, height does not include up to three feet of the above-grade portions of basement parking, where the elevation of the first residential finished floor is three feet or less above the lowest elevation of

the existing grade or finished grade, whichever is lower. See Figure 17C.111.230-C.

Figure 17C.111.230-C: Basement Parking Excluded from Height

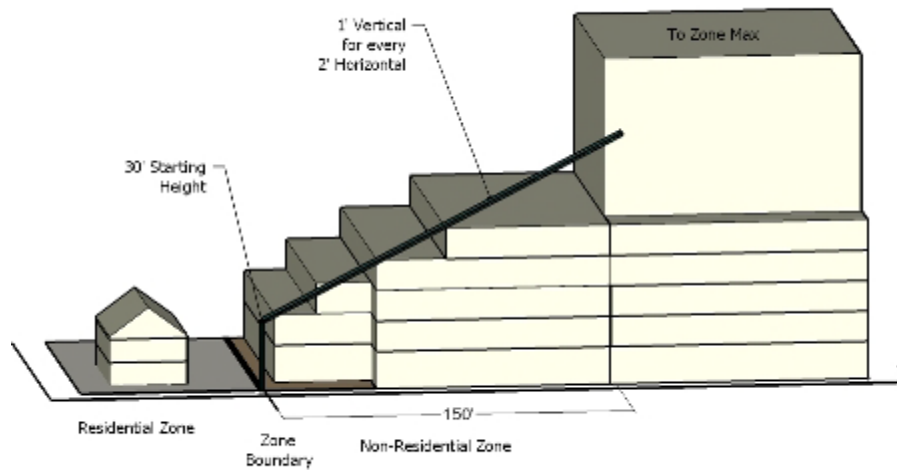


4. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in chapter 17C.250 SMC, Tall Building Standards
5. Adjacent to R1 and R2 Zones.

To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent R1 and R2 residential zones:

- a. For all development within one hundred fifty feet of any R1 or R2 residential zone the maximum building height is as follows:
 - i. Starting at a height of thirty feet the residential zone boundary additional building height may be added at a ratio of one to two (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the R1 or R2

residential zone and then full building height allowed in the zone applies.



6. In the RMF zone within forty feet of a common boundary with a R1 zone, the maximum height is forty feet.
7. Projections Allowed.

Chimneys, flagpoles, satellite receiving dishes and other similar items with a width, depth or diameter of three feet or less may extend above the height limit, as long as they do not exceed three feet above the top of the highest point of the roof. If they are greater than three feet in width, depth or diameter, they are subject to the height limit.

8. In addition to the projections allowed under subsection (7) above, in the RMF and RHD zones, the following projections above the roof height are allowed:
 - a. Parapets and rooftop railings may extend four feet above the height limit.
 - b. Walls or fences located between individual rooftop decks may extend six feet above the height limit if the wall or fence is set back at least four feet from the edges of the roof.
 - c. Stairway enclosures that provide rooftop access and cumulatively cover no more than ten percent of the roof area may extend up to ten

feet above the height limit, provided that the enclosures are setback at least fifteen feet from all roof edges on street facing facades.

9. Farm Buildings.

Farm buildings such as silos, elevators and barns are exempt from the height limit as long as they are set back from all lot lines at least one foot for every foot in height.

10. Utility power poles and public safety facilities are exempt from the height limit.
11. Radio and television antennas are subject to the height limit of the applicable zoning category.
12. Wireless communication support towers are subject to the height requirements of chapter 17C.355A SMC, Wireless Communication Facilities.
13. Uses approved as a conditional use may have building features such as a steeple or tower which extends above the height limit of the underlying zone. Such building features must set back from the side property line adjoining a lot in a residential zone a distance equal to the height of the building feature or one hundred fifty percent of the height limit of the underlying zone, whichever is lower.

D. Special Height Districts.

Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See chapter 17C.170 SMC, Special Height Overlay Districts.

E. Accessory Structures.

The height of any accessory structure located in the rear yard, including those attached to the primary residence, is limited to twenty feet in height, except a detached ADU above a detached accessory structure may be built to twenty-five (25) feet in height.

17C.111.235 Setbacks

A. Purpose.

The setback standards for primary and accessory structures serve several purposes. They maintain light, air, separation for fire protection, and access for fire fighting. They reflect the general building scale and placement of houses in the City's neighborhoods. They promote options for privacy for neighboring properties. They provide adequate flexibility to site a building so that it may be complementary to the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

B. Applicability.

1. Setbacks are applied to all primary and accessory structures, including Accessory Dwelling Units. Setbacks for structures are applied relative to property lines. Separation between multiple structures on a lot is governed by the requirements of Title 17F SMC. Child lots created via Unit Lot Subdivision under Section 17G.080.065 SMC are only subject to the standards of this section inasmuch as they are applied to the parent lot.
2. Additional setback requirements may be applied through other sections of Title 17C SMC, including but not limited to:
 - a. Parking areas under Chapter 17C.230 SMC
 - b. Fences under Section 17C.110.230 SMC
 - c. Signs under Chapter 17C.240 SMC

C. Front, Side, and Rear Setbacks.

The required Front, Side, and Rear Setbacks for primary and accessory structures are stated in Table 17C.111.205-2. Angled setback standards are described in SMC 17C.111.235(E) and listed in Table 17C.111.235-1.

1. Extensions into Front, Side, and Rear Building Setbacks.
 - a. Minor features of a structure such as eaves, awnings, chimneys, fire escapes, bay windows and uncovered balconies may extend into a Front, Side, Rear Setback up to twenty-four (24) inches.
 - b. Bays, bay windows, and uncovered balconies may extend into the Front, Side, and Rear Setback up to twenty-four (24) inches, subject to the following requirements:

- i. Each bay, bay window, and uncovered balcony may be up to twelve (12) feet long.
- ii. The total area of all bays and bay windows on a building facade shall not be more than thirty percent (30%) of the area of the facade.
- iii. Bays and bay windows that project into the setback must cantilever beyond the foundation of the building; and
- iv. The bay shall not include any doors.

D. Exceptions to the Front, Side, and Rear Setbacks.

- 1. The rear yard of a lot established as of May 27, 1929, may be reduced to provide a building depth of thirty (30) feet.

E. Angled Setbacks.

1. Purpose.

To help new development respond to the scale and form of existing residential areas and to limit the perceived bulk and scale of buildings from adjoining properties.

2. Applicability.

Angled setbacks apply in the R1 and R2 zones.

3. Angled Setback Implementation.

Buildings are subject to an angled setback plane as follows:

- a. Starting at a height of 25 feet, the setback plane increases along a slope of 2:1 (a rate of 2 feet vertically for every 1 foot horizontally) away from the interior side setback, up to the maximum building height in Table 17C.111.205-2. The minimum setbacks that are paired with each height measurement are provided in Table 17C.111.235-1. See Figure 17C.111.235-A for examples.
- b. No portion of the building shall project beyond the Angled Setback plane described in this subsection, except as follows:
 - i. Minor extensions allowed by SMC 17C.111.235(C)(1) may project into the Angled Setback.
 - ii. Elements of the roof structure such as joists, rafters, flashing, and shingles may project into the Angled Setback.

- iii. Dormer windows may project into the Angled Setback if the cumulative length of dormer windows is no more than fifty percent (50%) of the length of the roof line.

Figure 17C.111.235-A. Angled Setback Plane Examples

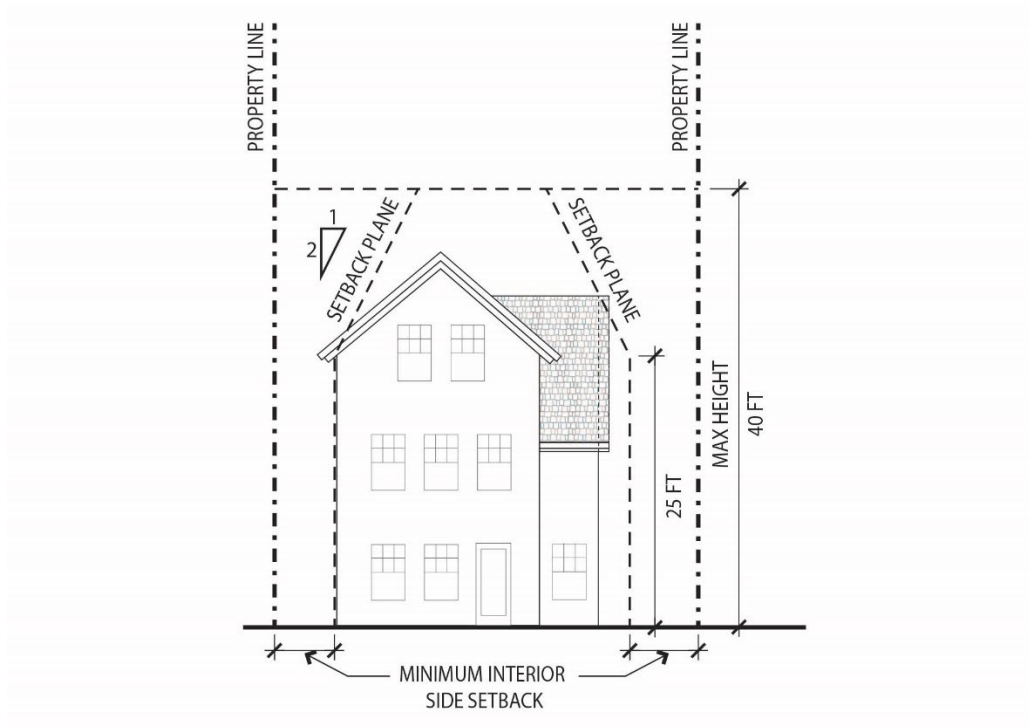


TABLE 17C.111.235-1 ROOF SETBACK FROM SIDE LOT LINE ON LOTS IN R1 and R2 ZONES	
LOT WIDTHS 40 FT. OR LESS	
Height	Setback
25 ft.	3 ft.
27 ft.	4 ft.
29 ft.	5 ft.
31 ft.	6 ft.
33 ft.	7 ft.
35 ft.	8 ft.
40 ft.	10.5 ft.
LOT WIDTHS MORE THAN 40 FT.	
Height	Setback
25 ft.	5 ft.
27 ft.	6 ft.
29 ft.	7 ft.
31 ft.	8 ft.
33 ft.	9 ft.
35 ft.	10 ft.
40 ft.	12.5 ft.

17C.111.240 Accessory Structures

A. Purpose.

This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to adjoining lots and maintain open front setbacks. This section does not apply to accessory dwelling units (ADUs).

B. General Standards.

1. Accessory structures are allowed on a lot only in conjunction with a primary building and may not exist on a lot prior to the construction of the primary structure, except as allowed by subsection (B)(2) of this section.
2. An accessory structure that becomes the only structure on a lot as the result of a land division may remain on the lot if the owner has submitted a financial guarantee to the City for the cost of demolition and removal of the structure. The financial guarantee will be used by the City if the owner has not removed

the accessory structure if, within one year of final plat approval or boundary line adjustment (BLA), a primary structure has not been built and received final inspection. The financial guarantee must be accepted by the City prior to approval of the final plat or boundary line adjustment.

3. An accessory structure shall not contain a kitchen or space for living, sleeping, eating, or cooking unless it is approved as an accessory dwelling unit under chapter 17C.300 SMC.

C. Setbacks.

1. Mechanical Structures.

Mechanical structures are items such as heat pumps, air conditioners, emergency generators, and water pumps.

a. Front Setback Standard.

Mechanical structures are not allowed in required front building setbacks.

b. Side and Rear Setback Standard.

Mechanical structures are allowed inside and rear building setbacks if the structure is no more than forty-eight inches high.

2. Vertical Structures.

Vertical structures are items such as flagpoles, trellises and other garden structures, radio antennas, satellite receiving dishes and lampposts. Fences are addressed in SMC 17C.111.230. Sign standards are in chapter 17C.240 SMC, Signs.

a. Setback Standard.

Vertical structures are allowed in required side and rear building setbacks if they are no larger than four feet in width, depth or diameter and no taller than seven feet. If they are larger or taller, they are not allowed in required building setbacks. Trellises and other gate features are allowed in front yard if they are no larger than four feet in width, depth or diameter and no taller than seven feet and do not conflict with the clear view triangle provisions under SMC 17C.111.230, Fences.

3. Uncovered Horizontal Structures.

Uncovered horizontal structures are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs, tennis courts, and boat docks that are not covered or enclosed.

Setback Standard.

a. Projection Allowed.

The following structures are allowed in required building setbacks, as follows:

- i. Structures that are no more than two and one-half feet above the ground are allowed in side and rear building setbacks. Handrails required by the IBC/IRC are not included in the maximum height.
- ii. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than two and one-half feet above the average sidewalk elevation are allowed in all building setbacks; and
- iii. Stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed in street setbacks.

4. Covered Accessory Structures.

Covered accessory structures are items such as greenhouses, storage buildings (not used to cover motor vehicles), sheds, covered decks, covered porches, gazebos, and covered recreational structures.

a. Setback Standard.

i. Front Setback.

Covered accessory structures are not allowed in the required front building setbacks.

ii. Side Setback.

Covered detached accessory structures are not allowed in the required side building setback without a signed waiver from the neighboring property owner.

Covered attached accessory structures are not allowed in the required side building setback.

5. Detached Accessory Structures.

Detached accessory structures are garages, carports, and other structures utilized to cover motorized vehicles.

a. Setback Standard.

A detached accessory structure is not allowed in the front building setback. A detached accessory structure is not allowed in the required side building setback without a signed waiver from the neighboring property owner. A detached accessory structure that has an entrance, which faces a street, is required to be setback twenty feet from the property line or from the back of the sidewalk, as stated in Table 17C.111.205-2.

b. Detached accessory structures may be built to the rear property line, unless parking in front of the structure is proposed, then the structure is required to be built a minimum of eighteen feet from the edge of the alley tract, easement, or right-of-way.

6. Attached Accessory Structures.

Accessory structures are garages, carports or other structures utilized to cover motorized vehicles that are connected by a common wall to the primary structure.

a. Setback Standard.

An attached accessory structure is not allowed in the front building setback. An attached accessory structure that has an entrance which faces a street is required to be setback twenty feet from the property line as stated in Table 17C.111.205-2.

- b. Attached accessory structures may be built to within five feet of the rear property line, unless parking in front of the structure is proposed, then the structure is required to be built a minimum of eighteen feet from the edge of the alley tract, easement, or right-of-way.

D. Building Coverage.

1. Except as provided in subsection (2) of this subsection (D), the combined building coverage of all detached accessory structures and covered accessory structures may not exceed fifteen percent of the total area of the site, and when combined with all other structures on-site shall not exceed the maximum building coverage of the base zone.
2. On lots smaller than five thousand five hundred square feet with an accessory dwelling unit, combined building coverage of all detached accessory structures and covered accessory structures may not exceed twenty percent of the total area of the site, and when combined with all other structures on-site shall not exceed the maximum building coverage of the base zone.

E. Building Height.

The building height of detached accessory structures and covered accessory structures is listed in Table 17C.111.205-2. Accessory structures, which contain an ADU over a garage, are subject to the height limitations in chapter 17C.300 SMC, Accessory Dwelling Units.

17C.111.245 Fences

A. Purpose.

The fence standards promote the positive benefits of fences without negatively affecting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access and the safe movement of pedestrians and vehicles, and create an unattractive appearance.

B. Types of Fences.

The standards apply to walls, fences, trellises, arbors, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location.

1. Front Lot Line.

Fences up to forty-two inches high are allowed in required front lot line setbacks.

2. Sides and Rear Lot Line.

Fences up to six feet high are allowed in required sides or rear lot line setbacks. Except in an instance where a rear lot line joins the front lot line of another lot, the fence must be either:

- a. forty-two inches high or less, or
- b. right isosceles triangle having sides of seven feet measured along the right-of-way line of a side yard and the front property line.

3. Other.

The height for fences that are not in required building setbacks is the same as the height limits of the zone for detached accessory structures in Table 17C.111.205-2.

4. Alleys.

Fences shall not obstruct the clear width required in SMC 17H.010.130(G).

D. Reference to Other Standards.

Building permits are required by the building services department for all fences including the replacement of existing fences. A permit is not required to repair an existing fence.

E. Prohibited Fences.

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, concertina, or razor wire in the RSF, RTF, RMF, or RHD zones. In

the RA zone, up to three strands of barbed wire are allowed for agricultural, farming or animal uses.

2. No person may construct or maintain a fence or barrier charged with electricity in the RSF, RTF, RMF, or RHD zones. In the RA zone, the use is permitted for the containment of livestock only.
3. A fence, wall, or other structure shall not be placed within the public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
4. Fence Setbacks.
 - a. Arterial Street.
No fence may be closer than twelve feet to the curb of an arterial street.
 - b. Local Access Street.

No fence may be closer than the back of the sidewalk on a local access street. If there is no sidewalk, the fence shall be setback seven feet behind the face of the curb of a local access street.

F. Enclosures for Pools, Hot Tubs, and Impoundments of Water.

1. To protect against potential drowning and near drowning by restricting access to pools, spas, and other impoundments of water, a person maintaining a swimming pool, hot tub, or other impoundment of water exceeding eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence or other barrier as described in the currently adopted edition of the International Swimming Pool and Spa Code.
2. When a fence is elected as the preferred barrier, the following applies:
 - a. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building or other structure approved by the building services department.
 - b. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
 - c. No opening, except a door or gate, may exceed four inches in any dimension.

- d. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.

G. Visibility at Intersections.

A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.

1. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, all fences, vegetation, and other features within the Clear View Triangle defined in SMC 17A.020.030 shall be maintained to keep a vertical clear view zone between three and eight feet from ground level

17C.111.250 Exterior Storage – Residential Zones

A. Purpose.

It is the intent and purpose of the City to regulate exterior storage of materials on residential land in a manner to promote the health, safety and general welfare of the community including regulating the type and location of materials. The negative effects of unregulated exterior storage can endanger the health, safety and welfare of the community.

B. Regulated Materials.

1. The following list of items shall not be stored outside of structures. Exterior storage means the physical presence of items not fully enclosed within a structure. Exterior storage means and includes, but shall not be limited to, the following:
 - a. vehicle parts including but not limited to, alternators, engines, transmissions, wheels, tires, body panels, auto glass, interior panels, front and/or rear seats, taillights, head lights, and other vehicle parts thereof;
 - b. household furniture including, but not limited to, mattresses, couches, recliners, tables, desks, bed frames, chairs, other furniture items, and parts thereof;

- c. appliances including but not limited to dishwashers, stoves, televisions, computers, kitchen accessories, electronic equipment and parts thereof;
 - d. construction materials including but not limited to plaster, lumber, sheetrock, carpet, shelving, cement, bathtubs, toilets, pipe, and other such items that are not exempted under SMC 17C.111.250(B)(2);
 - e. metal including but not limited to iron, steel, aluminum, and other such metals; and
 - f. any other items similar in nature.
2. Materials that may be stored outside of structures include:
- a. construction materials that are maintained in a safe manner and in such a way that the materials do not create a hazard to the general public, or an attraction to children, and that are designated for projects on the parcel for which a building permit has been issued through the City of Spokane;
 - i. Construction materials used for a public works project may be temporarily stored on residential zones up to one year after construction begins.
 - b. construction equipment including ladders, scaffolding, and other such items may be stored outside of structures as long as the equipment is maintained in a safe manner and in such a way that the materials do not create a hazard to the general public, or an attraction to children, and
 - c. items that are manufactured for exterior usage and are being maintained including but not limited to: lawn/patio furniture and décor, benches, play equipment; sandboxes, barbecues, and bicycles.
3. Any items that are considered to be “litter” as according to SMC 10.08.010 including refuse, rubbish, garbage, discarded items and all waste material of every kind and description shall be regulated under Chapter 10.08 Offense Against Public Health.

C. Location.

1. Exterior storage of any of the items listed in SMC 17C.111.250(B)(2)(a) and SMC 17C.111.250(B)(2)(b) shall take place from the rear of the main dwelling unit to the rear of the property line,
 - a. except permitted construction materials which may be stored up to thirty days in either side or front yard areas and are exempt from the fencing and screening requirements designated in subsection (C)(2) below.
 2. Exterior storage areas shall be screened from view of the public right-of-way as defined in SMC 17A.020.180(R) through the use of sight-obscuring fencing that meets height requirements set in SMC 17C.111.245 or through the use of screening pursuant to SMC 17C.200.070(A)(1)
- D. Violation—Enforcement and Penalty
Violation of SMC 17C.111.250 shall constitute a class 2 civil infraction per SMC 1.05.160.

17C.111.255 Parking, Demolitions, Signs, and Other Applicable Standards

The following additional standards also apply to development in residential zones:

A. Demolitions.

The demolition of historic structures is regulated by chapter 17D.040 SMC, Landmarks Commission.

B. Nonconforming Situations.

Existing developments that do not conform to the development standards of this chapter are subject to the standards of chapter 17C.210 SMC, Nonconforming Situations.

C. Parking and Loading.

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and internal parking lot pedestrian connections are stated in chapter 17C.230 SMC, Parking and Loading.

D. Signs.

The sign standards are stated in SMC 17C.240, Signs.

E. Landscaping and Screening.

The landscaping and screening standards are stated in chapter 17C.200 SMC, Landscaping and Screening.

17C.111.300 Single-Unit Residential and Middle Housing Design Standards

Except as specified in this section, all new development of single-unit residential and middle housing must address the following design standards, administered pursuant to SMC 17C.111.015, Design Standards Administration. When existing single-unit residential or middle housing development is expanded or additional dwelling units are added, only those portions of the development that are new or renovated must meet the standards in this section.

17C.111.305 Landscaping

A. Purpose.

The standards for landscaped areas are intended to enhance the overall appearance of residential developments. Landscaping improves the residential characteristics of the area, breaks up large expanses of paved areas and structures, provides privacy for residents, and provides separation from streets. Landscaped areas also reduce stormwater run-off by providing a pervious surface.

B. Landscaping Implementation.

1. Fifty percent of the area between the front lot line and the front building line must be planted with living ground cover or landscaped to the L3 standard, per SMC 17C.200.030 and 17C.200.040. A patio or porch may be included in the calculation of ground cover area. (R)
2. The front landscaped area may be counted towards required outdoor areas, pursuant to Section 17C.111.310. (R)
3. Landscaping is encouraged to follow the Spokanescape guidelines for design, soil and compost, drip irrigation, planting & mulch, raised beds, maintenance, and plant list. (C)
4. Use of landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged. (C)

17C.111.310 Outdoor Areas

A. Purpose.

To create usable areas through the use of engaging outdoor spaces for the enjoyment and health of the residents.

B. Outdoor Areas Implementation.

1. Developments shall provide outdoor areas in the quantity required by Table 17C.111.205-2. (R)
2. The outdoor area may be configured as either:
 - a. A private outdoor area, such as a balcony or patio directly accessible from the unit;
 - b. A common outdoor area accessible by all units in the building.
3. If a common outdoor area is provided, it shall meet the following:
 - a. Connected to each unit by pedestrian paths. (R)
 - b. At least 50 percent of units shall have windows or doors that face the common outdoor area. (R)
 - c. Common outdoor areas shall provide at least three of the following amenities to accommodate a variety of ages and activities. Amenities may include, but are not limited to: (P)
 - i. Site furnishings (benches, tables, bike racks when not required for the development type, etc.);
 - ii. Picnic areas;
 - iii. Patios, plazas or courtyards;
 - iv. Shaded playgrounds;
 - v. Rooftop gardens, planter boxes, or garden plots; or
 - vi. Fenced pet area.
4. Outdoor spaces shall not be located adjacent to dumpster enclosures, loading/service, areas or other incompatible uses that are known to cause smell or noise nuisances. (P)

17C.111.315 Entrances

A. Purpose.

To ensure that entrances are easily identifiable, clearly visible, and accessible from streets, sidewalks, and common areas, to encourage pedestrian activity and enliven the street.

B. Applicability.

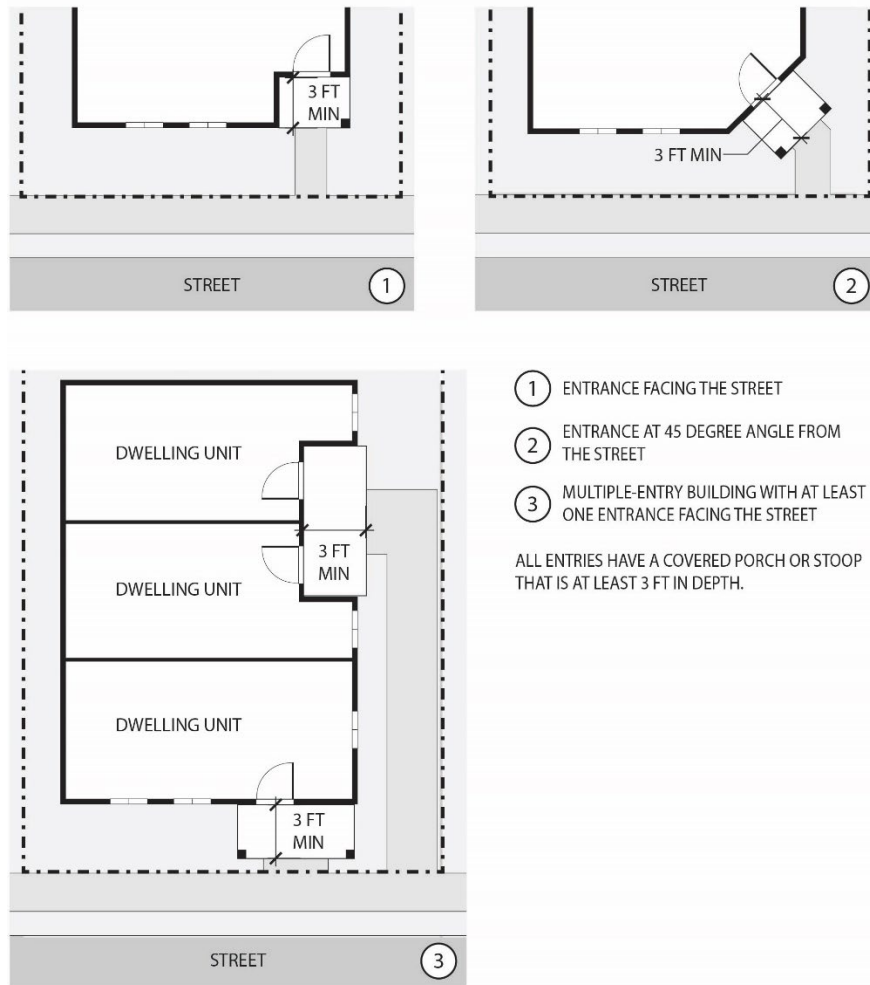
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

C. Entrances Implementation.

See Figure 17C.111.315-A.

1. Each residential structure fronting a public or private street must have at least one address and main entrance facing or within a 45 degree angle of a street frontage. Buildings with multiple units may have shared entries. (R)
2. Each unit with individual ground-floor entry and all shared entries must have a porch or stoop cover that is at least 3-feet deep. (P)
3. On corner lots, buildings with multiple units must have at least one entrance facing or within a 45 degree angle on each street frontage. (C)

Figure 17C.111.315-A. Building Entrances



17C.111.320 Windows

A. Purpose.

To maintain a lively and active street face while increasing safety and general visibility to the public realm.

B. Applicability.

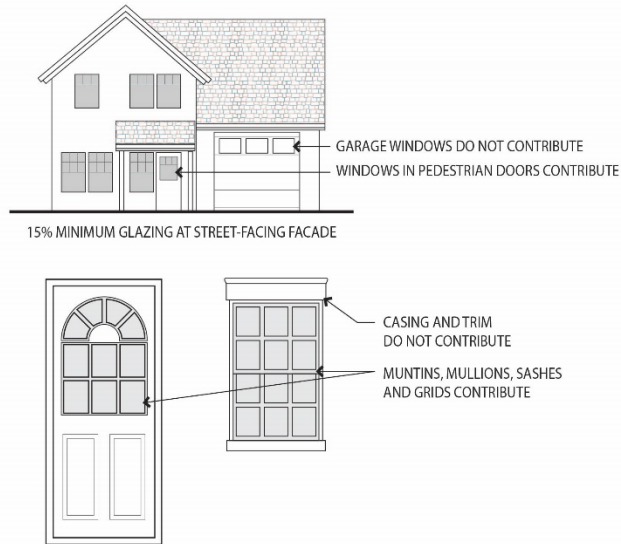
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

C. Windows Implementation.

See Figure 17C.111.320-A.

1. Windows shall be provided in façades facing public or private streets, comprising at least fifteen percent of the façade area (R).
2. Window area is considered the entire area within, but not including, the window casing, including any interior window grid.
3. Windows in pedestrian doors may be counted toward this standard. Windows in garage doors may not be counted toward this standard.
4. At least one of the following decorative window features must be included on all of the windows on street facing facades: (P)
 - a. Arched or transom windows.
 - b. Mullions.
 - c. Awnings or bracketed overhangs.
 - d. Flower boxes.
 - e. Shutters.
 - f. Window trim with a minimum width of three inches.
 - g. Pop-outs or recesses greater than three inches.
 - h. Bay windows.
 - i. Dormers.

Figure 17C.111.320-A. Window Coverage



17C.111.325 Building Articulation

A. Purpose.

To ensure that buildings along any public or private street display the greatest amount of visual interest and reinforce the residential scale of the streetscape and neighborhood.

B. Applicability.

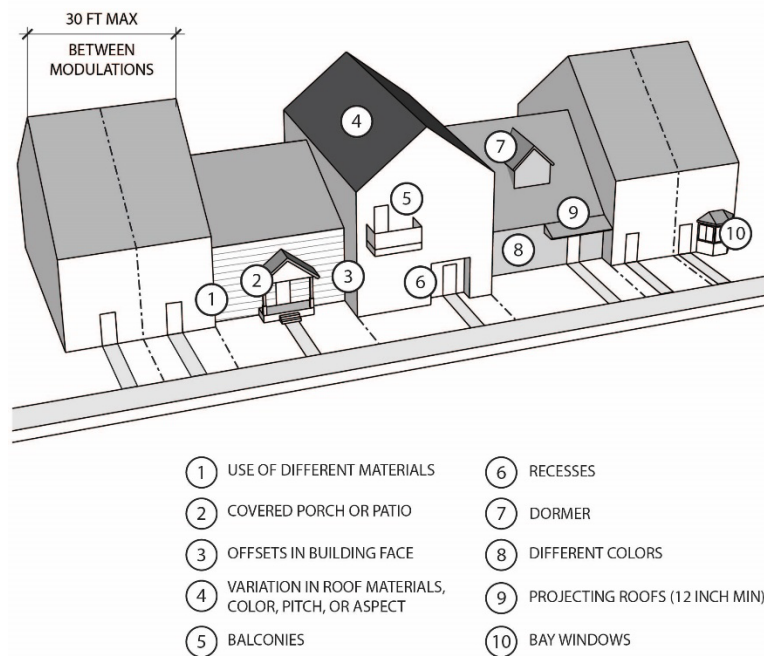
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building. The standards apply to facades of attached housing irrespective of underlying lot lines.

C. Building Articulation Implementation.

1. Buildings must be modulated along the street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. See Figure 17C.111.325-A. (R)
2. The scale of buildings must be moderated to create a human scale streetscape by including vertical and horizontal delineation as expressed by bays, belt lines, doors, or windows. (P)

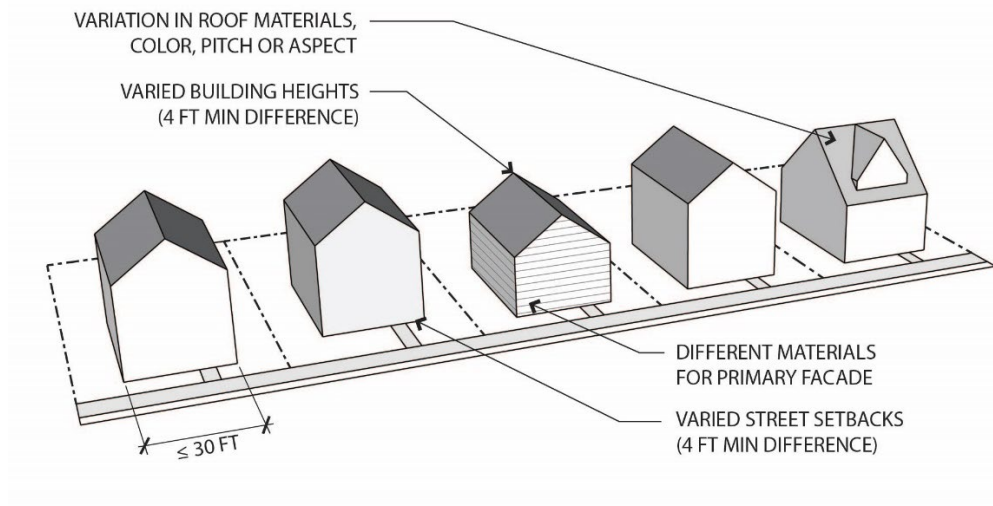
3. Horizontal street-facing facades longer than thirty feet must include at least four of the following design features per façade. At least one of these features must be used every thirty feet. (P)
 - a. Varied building heights.
 - b. Use of different materials.
 - c. Different colors.
 - d. Offsets.
 - e. Projecting roofs (minimum of twelve inches).
 - f. Recesses.
 - g. Bay windows.
 - h. Variation in roof materials, color, pitch, or aspect.
 - i. Balconies
 - j. Covered porch or patio.
 - k. Dormers

Figure 17C.111.325-A. Building Articulation for Long Facades



4. The following standard applies when detached housing units or individual units of attached housing have street-facing facades that are thirty feet or less in width. Each such unit shall provide variation from adjacent units by using one or more of the following design features (see Figure 17C.111.325-B):
 - a. Street setbacks that differ by at least four feet.
 - b. Building heights that differ by at least four feet.
 - c. Use of different materials for the primary façade.
 - d. Variation in roof materials, color, pitch, or aspect.

Figure 17C.111.325-B. Building Variation for Narrow Facades



5. Development should reduce the potential impact of new housing on established and historic neighborhoods by incorporating elements and forms from nearby buildings. This may include reference to architectural details, building massing, proportionality, and use of high-quality materials such as wood, brick, and stone. (C)

17C.111.330 Screening

A. Purpose.

The screening standards address specific unsightly features, which detract from the appearance of residential areas, such as garbage and recycling areas, mechanical equipment, and exterior storage.

B. Screening shall comply with the clear view triangle requirements defined in SMC 17C.111.245(G).

C. Screening Implementation.

1. Except as provided below, fire escapes, or exterior stairs that provide access to an upper level shall be located behind the front façade of the building and screened or enclosed so that they are not visible from a public or private street. (R)
 - a. Exception: The initial half flight of stairs on the ground floor is not required to be screened from view of a street provided it is under the roof of the building and located behind the front façade.

2. Garbage and Recycling Areas. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. (R)
3. Exterior storage shall take place from the rear of the main dwelling unit to the rear of the property line and meet the standards of SMC 17C.111.250. (R)
4. Screening must comply with at least one of the following criteria: (R)
 - a. L1 Visual Screen meeting SMC 17C.200.030(A).
 - b. A sight-obscuring fence that meets height requirements set forth in SMC 17C.111.245 or through the use of screening pursuant to SMC 17C.200.070(A)(1).
 - c. Be located inside a storage shed or garage that meets all applicable setback standards and provides full sight obstruction.
5. Storage areas are not allowed within fifteen feet of a street lot line. (R)
6. Mechanical Equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any adjoining residential uses by walls, fences or vegetation that is at least as tall as the equipment. Mechanical equipment on roofs must be screened from the ground level of any adjoining residentially zoned properties. (R)

17C.111.335 Parking Facilities

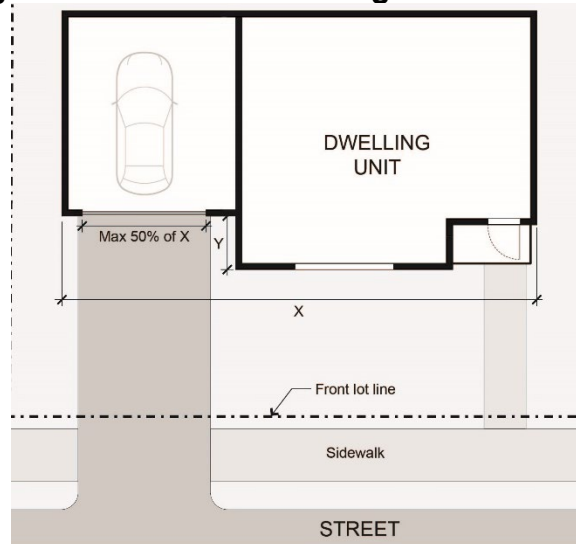
A. Purpose.

To integrate parking facilities with the building and surrounding residential context, promote pedestrian-oriented environments along streets, reduce impervious surfaces, and preserve on-street parking and street tree opportunities.

B. Parking Facilities Implementation.

1. The combined width of all garage doors facing the street may be up to fifty percent of the length of the street-facing building façade. For attached housing, this standard applies to the combined length of the street-facing façades of all units. For all other lots and structures, the standards apply to the street-facing façade of each individual building. See Figure 17C.111.335-A. (R)

Figure 17C.111.335-A. Garage Door Standard

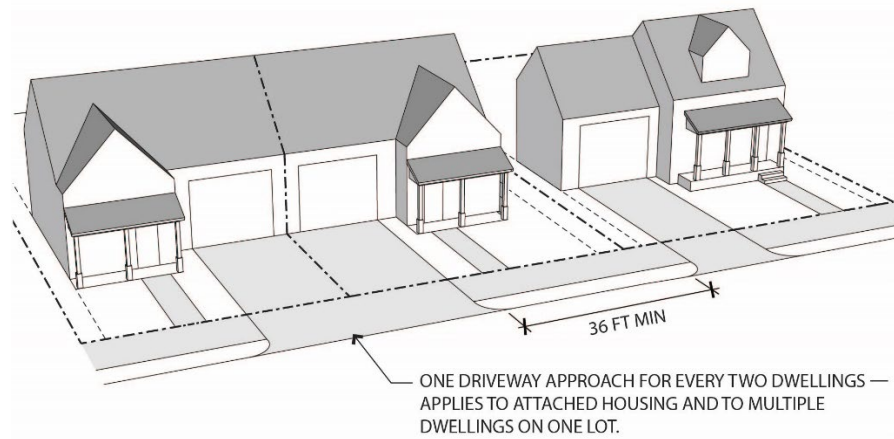


X = Length of street-facing building façade
Y = 2 ft minimum setback from primary street-facing building façade

2. Street-facing garage walls must be set back at least two feet from the primary street-facing building façade. (R)
3. Access to Parking.
 - a. Vehicular access to parking from an alley, improved street, or easement is required if parking is required pursuant to chapter 17C.230 SMC Parking and Loading. (R)
 - b. If the lot abuts a public alley, then vehicle access shall be from the alley unless the applicant requests a waiver of the requirement and the Planning Director determines that one of the following conditions exists: (R)
 - i. Existing topography does not permit alley access; or
 - ii. A portion of the alley abuts a nonresidential zone; or
 - iii. The alley is used for loading or unloading by an existing nonresidential use; or
 - iv. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard.
 - c. For lots with vehicle access through an alley, garages shall not be accessed from the street. (R)

- d. Where off-street parking is provided for attached housing or for two or more units on one lot, only one driveway approach and sidewalk crossing for each two dwellings may be permitted. See Figure 17C.111.335-B. (R)
 - e. Driveway approaches shall be separated by a minimum distance of 36 feet. The Planning Director will grant an exception to this standard if the 36-foot separation from existing driveways on adjacent lots would preclude vehicular access to the subject lot. See Figure 17C.111.335-B. (R)
4. Parking structures, garages, carports, and parking areas other than driveways shall not be located between the principal structure and streets. (P)

Figure 17C.111.335-B. Paired Driveways and Minimum Spacing



17C.111.340 Pedestrian Connectivity

A. Purpose.

To ensure that all buildings within a development have adequate access to public rights of way and municipal services.

B. Applicability.

The following standards apply to all buildings within a development.

C. Pedestrian Connectivity Implementation.

1. Public Right-of-Way Access.

At least one walking connection is required between each building and the sidewalk. For each ground-floor unit with a separate entry, separate walking connections are

required for each ground-floor unit. Driveways may be used to meet this requirement. (R)

2. Garbage and Recycling Areas.

At least one walking connection is required between each unit and its designated garbage and recycling area. Driveways and parking access aisles may be used to meet this requirement. (R)

17C.111.400 Multi-Unit Design Standards

A. Purpose.

Multi-unit housing at intensities above Middle Housing types is often more intensive than single-unit or Middle Housing development and can have different design considerations. These standards are intended to address the specific needs of multi-unit housing; mitigate impacts to light, air, visual intrusions, and noise; and assist these buildings in complementing surrounding development. These standards may also be used to make higher density housing more livable communities.

B. Applicability.

These standards apply to multi-unit development in the RMF and RHD zones where permitted unless otherwise noted.

17C.111.405 Design Standards Implementation

The design standards and guidelines found in this article follow the design standards administration section of SMC 17C.111.015. All projects must address the pertinent design standards and guidelines. 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. The City will expect to see how the design of a project has responded to every one of the guidelines. An applicant may seek relief through the chapter 17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.

17C.111.410 Sidewalks

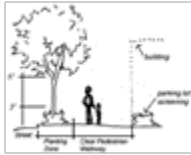
A. Purpose.

To provide continuous, safe, and consistent pedestrian system with connectivity to the street right-of-way and the neighborhood.

B. Sidewalk Implementation.

1. Sidewalks shall have the minimum dimension of five feet, even if part of the width is located on private property. This dimension shall be applied to the

clear, unobstructed pathway between the planting zone for street trees per SMC 17C.200.050 and building facades or parking lot screening. (R)

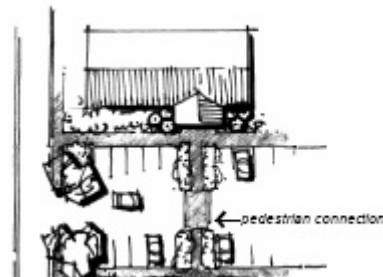


2. Sidewalks shall be continuous, without gaps between developments. (R)
3. Unless otherwise required or where larger plaza areas are provided, sidewalk paving materials shall be consistent with the street frontage improvements of adjacent developments. (P)
4. Sidewalks within the public right-of-way shall be concrete, two-foot grid, standard sidewalk color and float finish. (R)
5. Pervious concrete may be used in the design and construction of sidewalks, where feasible.

17C.111.415 Pedestrian Connections

A. Purpose.

To create a network of safe, consistent, and convenient linkages for pedestrians, including locating building entrances adjacent to public sidewalks.



Planting reinforces pedestrian connection through parking lot

B. Pedestrian Connections Implementation.

1. A comprehensive system of pedestrian walkways shall link all site entrances, building entries, parking facilities, and common outdoors spaces with the public sidewalk. (P)
2. Clearly defined pedestrian connections shall be provided between public sidewalks and building entrances when buildings are not located directly adjacent to the sidewalk. (R)



3. Clearly defined pedestrian connections between public sidewalks and internal pedestrian systems shall occur at intervals of one hundred fifty feet or less (P).
4. Pedestrian connections shall be reinforced with pedestrian scale lighting, bollard lighting, landscaping, accent lighting, signage or a combination thereof to aid in pedestrian way finding. (P)
5. The type and nature of all materials used for pedestrian walkways shall be consistent within a development. (P)
6. Where transit stops occur in the public right-of-way, pedestrian walkways shall provide a clear and direct connection from the main building entrances to the transit stop. (R)
7. Pedestrian connections shall occur between adjacent developments where feasible. (P)



8. Pedestrian walkways within parking areas may be included as part of the minimum requirements for interior parking lot landscaping, if landscaping is provided on one side. (C)
9. For parking lots that contain greater than fifteen parking spaces, pedestrian connections through the parking lot shall be clearly defined in a combination of two or more of the following ways (except as walkways cross vehicular travel lanes): (P)

- a. A raised walkway.
- b. Special railing, bollards and/or other architectural features to accent the walkway between parking bays.
- c. Special paving, such as concrete or unit pavers in an asphalt area.
- d. A continuous landscape area, a minimum of three feet wide along at least one side of the walkway.



- C. Pedestrian walkways within parking areas shall have a minimum of five feet in width of clear, unobstructed passage. (R)
- D. Chain link fencing may not be used to separate pedestrians from vehicular traffic. (C)

17C.111.420 Outdoor Spaces

A. Purpose.

To create pedestrian friendly, usable areas through the use of plazas, courtyards and other outdoors spaces for the enjoyment and health of the residents.

B. Outdoor Spaces Implementation.

- 1. Each multifamily development shall set provide a minimum of forty-eight square feet of outdoor open space area for each living unit in the complex, including those units occupied by the owner or building management personnel. Private outdoor spaces can count towards this outdoor common space provision. (R)



Trellis and special landscape defines private courtyard area

2. Ground Level Units.

The outdoor area for ground level units is a type of private outdoor space and must be directly accessible from the unit. The area must be surfaced with lawn, pavers, decking or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas or pools, may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. (R)

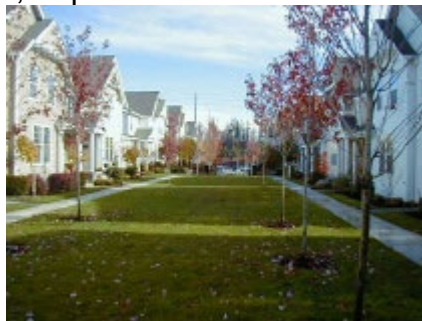


3. Upper Level Units.

Upper level units are a type of private outdoor space. For upper level units, the required outdoor area may be provided individually, such as by balconies, or combined into a larger area. If combined into a larger area, it must comply with the following requirements.(R)

- a. The total amount of required outdoor area for upper level units is the cumulative amount of the required area per dwelling unit for individual areas, minus any upper level units that provide individual outdoor areas (if provided). However, a combined required outdoor area must comply with the minimum area and dimension requirements for combined outdoor areas.

- b. The combined outdoor area may be developed for active or passive recreational use. Examples include play areas, plazas, rooftop patios, picnic areas, fitness centers, pools, tennis courts and open recreational facilities. The area must be surfaced with lawn, pavers, decking or sport court paving, which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.
4. Common outdoor spaces shall provide at least three of the following amenities to accommodate a variety of ages and activities. Amenities include: (P)
- a. Site furnishings (benches, tables, bike racks).
 - b. Picnic areas.
 - c. Patios, plazas or courtyards.
 - d. Tot lots.
 - e. Gardens.
 - f. Open lawn.
 - g. Play fields.
 - h. Sports courts, such as tennis or basketball courts (no more than fifty percent of required outdoor common space), equipped interior fitness areas, or pools.





Basketball court provided in common outdoor area

5. Common outdoor spaces shall be easily visible and accessible to multifamily residents. (P)
6. Berms, low walls, fences, hedges and/or landscaping shall be used to define private outdoor spaces such as yards, decks, terraces and patios from each other and from the street right-of-way. (P)
7. Walls, hedges and fences shall be used to define and ensure a sense of privacy in outdoor private spaces. The material or plantings should be a maximum of four feet (high and visually permeable, such as open rails, ironwork or trellis treatment to encourage interaction between neighbors.) (P)
8. Lighting shall be provided within outdoor spaces to provide visual interest, as well as an additional security function. Lighting should not cause off-site glare. (R)
9. If outdoor spaces are located adjacent to a street right-of-way, landscaping should be used to provide a buffer between outdoor spaces and the street right-of-way. (C)



Screening by wall and planting

10. Common outdoor spaces with active uses used to meet these guidelines shall not be located within required buffer areas, if prohibited by critical area or shoreline regulations. (R)

11. Outdoor spaces should not be located adjacent to dumpster enclosures, loading/service areas or other incompatible uses. (C)

17C.111.425 Screening

A. Purpose.

The screening standards address specific unsightly features, which detract from the appearance of multi-dwelling residential areas.

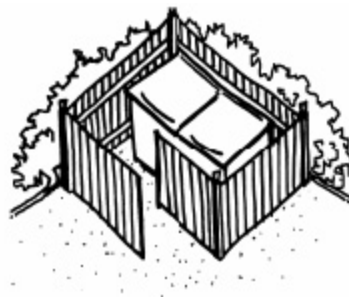


B. Garbage and Recycling Collection Areas.

All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the standards of chapter 17C.200 SMC, Landscaping and Screening. (R)

C. Mechanical Equipment.

Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any adjoining residential uses by walls, fences or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any adjoining R-zoned lands. (R)



D. Other Screening Requirements.

The screening requirements for parking, exterior storage, and exterior display areas are stated with the standards for those types of development. (R)

17C.111.430 Landscaped Areas

A. Purpose.

The standards for landscaped areas are intended to enhance the overall appearance of residential developments and institutional campuses in multi-dwelling zones. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the residents, and provides separation from streets. It also helps in reducing stormwater run-off by providing a pervious surface.

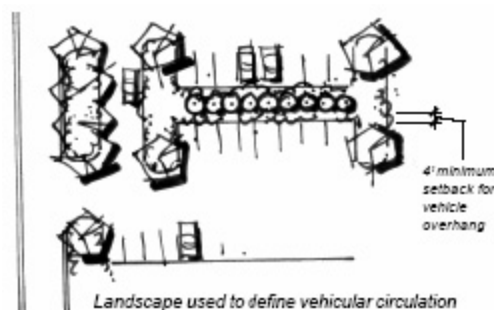
B. Landscaping Standards.

1. Building Setbacks.

The required building setbacks must be landscaped to at least the L3 standard of [chapter 17C.200 SMC](#), Landscaping and Screening. Parking, access, maneuvering areas, detached accessory structures and other allowed developments are exempt from this standard. Sites developed with a detached house, attached house or duplex are also exempt from this standard. (R)

2. Parking Areas.

Perimeter and internal parking area landscaping standards are stated in [chapter 17C.200 SMC](#), Landscaping and Screening. (R)



17C.111.435 Street Trees

See chapter 17C.200 SMC, Landscaping and Screening.

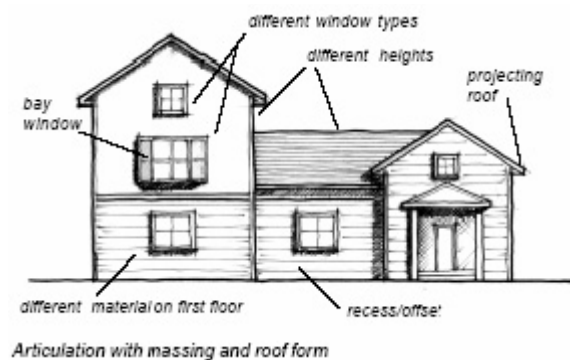
17C.111.440 Articulation and Details

A. Purpose.

To avoid massive building forms that seems bulky and institutional.

B. Articulation and Details Implementation.

1. Buildings shall include articulation along the facades that face streets. Flat blank walls are not permitted. (R)
2. Horizontal facades longer than thirty feet shall be articulated into smaller units, reminiscent of the residential scale of the neighborhood. At least four of the following methods should be used: (P)
 - a. Varied building heights.
 - b. Different materials used on first floor.
 - c. Different window types.
 - d. Different colors.
 - e. Offsets.
 - f. Projecting roofs (minimum of twelve inches).
 - g. Recesses.
 - h. Bay windows.
 - i. Varied roof forms or orientation.





Articulation with varied roof forms, recesses and stoops

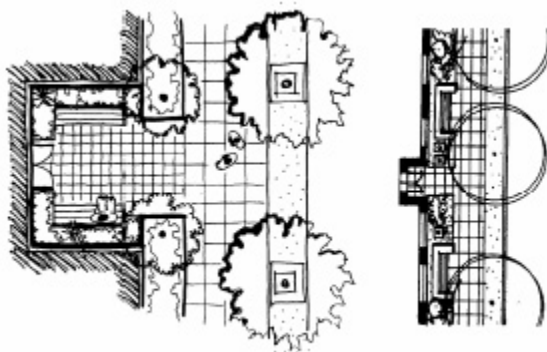


Building units with different color and building heights

17C.111.445 Front Yards and Entrances

A. Purpose.

To provide separation between buildings and the public pedestrian realm where the front yard functions as usable outdoor space and provides a clear, welcoming and safe entry for pedestrians from the sidewalk into the building.



Multi-family buildings utilizing enhancements to define main entries

B. Front Yards/Entrances Implementation.

1. Primary building entries shall be clearly identifiable and visible from the street, with well-defined walkways from pedestrian routes to building entries. (R)

2. Four or more of the following elements shall be used to highlight the main entrance to multifamily buildings: (P)
- a. Open space, plaza or courtyard.
 - b. Special paving.
 - c. Ornamental gate and/or fence.
 - d. Seating.
 - e. Water features.
 - f. Planter boxes or pots.
 - g. Functional, accent lighting.
 - h. Art work near the entry.
 - i. Porches.



3. Front yards shall include an entrance sequence between the sidewalk and the building including elements such as trellises, site furnishings, low hedges, landscaped borders and special paving. Landscaping shall screen

undesirable elements such as views to adjacent commercial or industrial development, utility boxes, outdoor storage areas and dumpsters. (P)

4. Pedestrian scale lighting and/or bollards shall be provided to create a safe and defensible walkway to the entry. (R)
5. Signage identifying building address shall be visible from the street and public pedestrian walkway. (P)
6. Landscape planting should consider the use of native shrubs and groundcovers. (C)
7. Accent lighting should be used to highlight special focal points, building/site entrances, public art and special landscape features. (C)



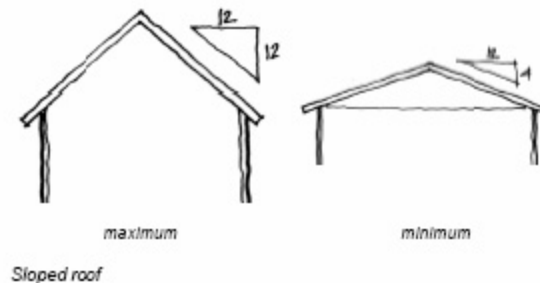
17C.111.450 Pitched Roofs

A. Purpose.

To maintain the residential scale and character of neighborhoods in transition from single-family to multifamily residences.

B. Pitched Roof Forms Implementation.

1. For the first sixty feet adjoining a single-family use, structures shall incorporate pitched roof forms having slopes between 4:12 and 12:12. (R)



2. Gables facing the street are encouraged. (C)

3. Dormers should be used to break up long lengths of roof. (C)



17C.111.455 Base, Middle, Top Standards

A. Purpose.

To reduce the apparent bulk of the buildings by providing a sense of “base” and “top.”



B. Base/Middle/Top.

1. Buildings should have a distinct “base” at the ground level, using articulation and materials such as stone, masonry or decorative concrete. (P)

2. The “top” of the building should be treated with a distinct outline with elements such as a projecting parapet, cornice or projection. (P)



Different material at ground level to define a "base"



17C.111.460 Windows

A. Purpose.

To maintain a lively and active street face.

B. Windows Implementation.

1. Windows shall be provided in facades facing streets, comprising at least fifteen percent of the facade area. (R)



2. Windows shall have visually prominent trim. (C)

3. Other decorative window features are encouraged. For example: (P)

- a. Arched window.
- b. Mullions.
- c. Awnings.
- d. Flower box.
- e. Bracketed overhang.



Windows facing street



Windows with visually prominent trim

Examples of decorative window features:



Bracketed overhangs



Multiple panes, half-round windows, flower box

17C.111.465 Parking Structures

A. Purpose.

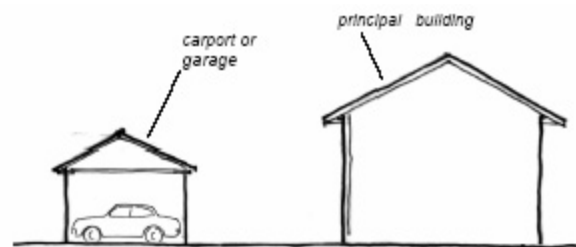
To integrate parking structure with the building and with surrounding character.

B. Parking Structures Implementation.

1. Carports and detached garages shall incorporate roofs of a design similar to the principal structure on the site. (R)
2. Ground level parking structures should be screened from view by one or more of the following: (R)
 - a. Walls containing architectural details, such as banding.
 - b. Trees and shrubs.
 - c. Grillwork incorporating decorative metal artwork or panels.
3. Parking structures, garages and carports shall not be located between primary use and public streets. (P)



Parking structure at ground level with architectural banding and shrubs



Parking structure consistent with the main building

17C.111.500 Institutional Design Standards

A. Purpose.

The base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses that may be allowed in residential zones. The intent is to maintain compatibility with, and limit the negative impacts on, surrounding residential areas.

B. Use Categories to Which These Standards Apply.

The standards of this section apply to uses in the institutional group of use categories, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, building or parking additions, exterior alterations and conversions to institutional uses.

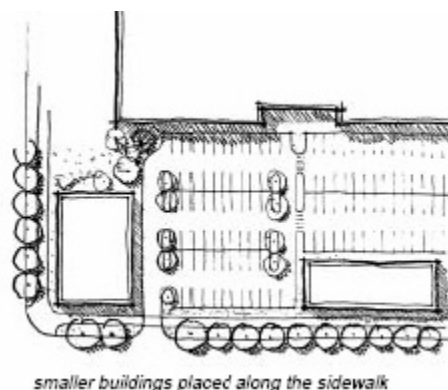
17C.111.510 Design Standards Implementation

The design standards and guidelines found in this article follow the design standards administration section of SMC 17C.111.015. All projects must address the pertinent design standards and guidelines. 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. The City will expect to see how the design of a project has responded to every one of the guidelines. An applicant may seek relief through chapter 17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.

17C.111.515 Buildings Along the Street

A. Purpose.

To ensure that some part of the development of a site contributes to the liveliness of sidewalks.



B. Design Standards.

1. New development shall not have only parking between buildings and the street. (P)

2. Buildings placed along sidewalks shall have windows and doors facing the street and shall incorporate other architectural features (see “Treatment of Blank Walls”). (P)
3. Gardens, plazas or other open space shall meet the L3 landscape standards of [chapter 17C.200 SMC](#), Landscaping and Screening.

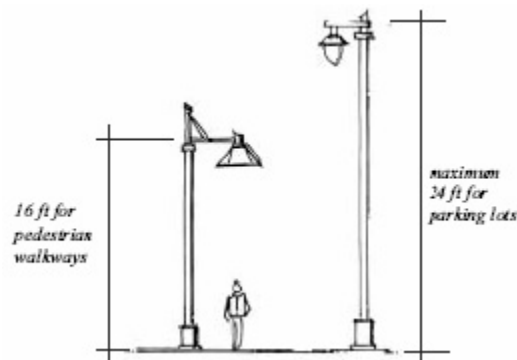
17C.111.520 Lighting

A. Purpose.

To ensure that site lighting contributes to the character of the site and does not disturb adjacent development.

B. Design Standards.

1. Lighting shall be provided within parking lots, along pedestrian walkways and accessible routes of travel. (R)
2. Lighting fixtures shall be limited to heights of twenty-four feet for parking lots and sixteen feet for pedestrian walkways. (P)
3. All lighting shall be shielded from producing off-site glare, either through exterior shields or through optical design inside the fixture, so that the direction of light is downward. (R)



17C.111.525 Landscaped Areas

A. Purpose.

The standards for landscaped areas are intended to enhance the overall appearance of institutional uses in residential zones. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the residents and provides separation from streets. It also helps in reducing stormwater runoff by providing a pervious surface.



lot lighting

B. Landscaping Standards.

1. Building Setbacks.

The required building setbacks must be landscaped to at least the L3 standard of [chapter 17C.200 SMC](#), Landscaping and Screening. Parking, access, and maneuvering areas, plazas, detached accessory structures and other allowed development are exempt from this standard. Sites developed with a detached house, attached house or duplex are also exempt from this standard. (R)



variety of plant materials

2. Parking Areas.

Perimeter and internal parking area landscaping standards are stated in [chapter 17C.200 SMC](#), Landscaping and Screening. (R)

3. Utility Substations.

The entire perimeter, including the street lot line (except for the access point), must be landscaped to the L2 standards of [chapter 17C.200 SMC](#), Landscaping and Screening. This landscaping must be planted on the outside of any security fence. Utility substations that are in a fully enclosed building are exempt from this requirement. (R)



plant materials to enhance corners and intersections

17C.111.530 Street Trees

See chapter 17C.200 SMC, Landscaping and Screening.

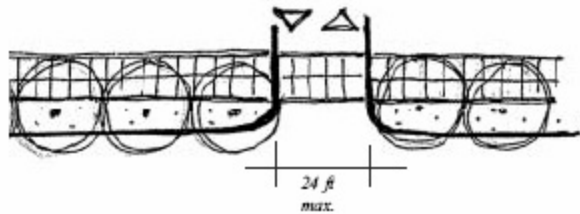
17C.111.535 Curb Cut Limitations

A. Purpose.

To provide safe, convenient vehicular access without diminishing pedestrian safety.

B. Design Standards.

1. A curb cut for a nonresidential use shall not exceed thirty feet for combined entry/exits. Driveway width where the sidewalk crosses the driveway shall not exceed twenty-four feet in width. (R)



2. The sidewalk pattern shall carry across the driveway. (R)

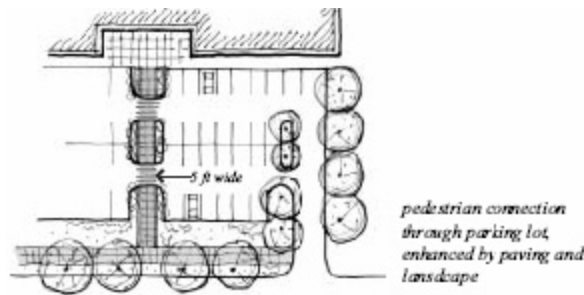


3. Adjacent developments shall share driveways, to the greatest extent possible. (P)
4. Vehicular access shall be designated so that traffic is not directed through an adjoining residential zone. (P)

17C.111.540 Pedestrian Connections in Parking Lots

A. Purpose.

To create a network of safe and attractive linkages for pedestrians.



B. Design Standards.

1. Within parking lots containing more than thirty stalls, clearly defined pedestrian connections shall be provided: (R)
 - a. between a public right-of-way and building entrances;
 - b. between parking lots and building entrances pedestrian connections can be counted toward the amount of required landscaping.
2. Pedestrian connections shall not be less than five feet wide. (R)
3. Pedestrian connections shall be clearly defined by at least two of the following: (R)
 - a. Six-inch vertical curb.
 - b. Textured paving, including across vehicular lanes.
 - c. A continuous landscape area at a minimum of three feet wide on at least one side of the walkway.



6 inch vertical curb defines pedestrian connection



textured paving reinforces pedestrian connection

17C.111.545 Transition Between Institutional and Residential Development

A. Purpose.

To ensure compatibility between the more intensive uses in and lower intensity uses of adjacent residential zones.

B. Design Standards.

Code provisions require lower heights for portions of buildings that are close to single-family residential zones. In addition, any side of the building visible from the ground level of an adjacent single-family residential zone shall be given architectural treatment using two or more of the following: (P)

1. Architectural details such as:
 - a. projecting sills;
 - b. canopies;
 - c. plinths;
 - d. containers for season plantings;
 - e. tilework;
 - f. medallions.
2. Pitched roof form.
3. Windows.

4. Balconies.



17C.111.550 Treatment of Blank Walls

A. Purpose.

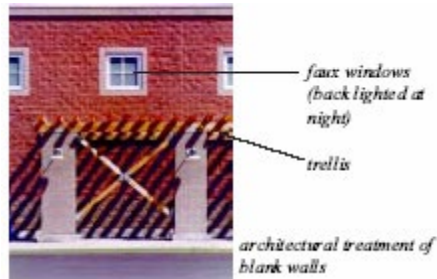
To ensure that buildings do not display blank, unattractive walls to the adjacent street or residential areas.

B. Design Standards.

Walls or portions of walls where windows are not provided shall have architectural treatment wherever they face adjacent streets or adjacent residential areas. At least four of the following elements shall be incorporated into these walls: (P)

1. Masonry (but not flat concrete block).
2. Concrete or masonry plinth at the base of the wall.
3. Belt courses of a different texture and color.
4. Projecting cornice.
5. Projecting metal canopy.
6. Decorative tilework.
7. Trellis containing planting.
8. Medallions.
9. Opaque or translucent glass.
10. Artwork.
11. Vertical articulation.

12. Lighting fixtures.
13. An architectural element not listed above, as approved, that meets the intent.



17C.111.555 Prominent Entrances

A. Purpose.

To ensure that building entrances are easily identifiable and clearly visible from streets and sidewalks.



B. Design Standards.

1. The principal entry to a store/building shall be marked by: (P)
 - a. ornamentation around the door; and
 - b. at least one of the following:
 - i. Recessed entrance (recessed at least three feet).
 - ii. Protruding entrance (protruding at least three feet) .
 - iii. Canopy (extending at least five feet).
 - iv. Portico (extending at least five feet).
 - v. Overhang (extending at least five feet).



entrance with portico and ornamental treatments

17C.111.560 Massing

A. Purpose.

To reduce the apparent bulk of the buildings by providing a sense of “base” and “top.”



B. Design Standards.

1. Buildings shall have a distinct “base” at the ground level, using articulation and materials such as stone, masonry or decorative concrete. (P)
2. The “top” of the building shall be treated with a distinct outline with elements such as a projecting parapet, cornice, or projection. (P)

17C.111.565 Roof Form

A. Purpose.

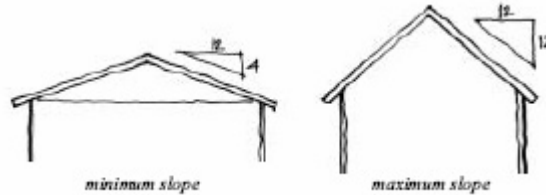
To ensure that rooflines present a distinct profile and appearance for the building and expresses the neighborhood character.

B. Design Standards.

Buildings shall incorporate one of the following roof forms: (P)

1. Pitched roofs with a minimum slope of 4:12 and maximum slope of 12:12, especially to highlight major entrances.

2. Projecting cornices to create a prominent edge when viewed against the sky.
3. Terraced roof forms that complement adjoining development.



17C.111.570 Historic Context Considerations

A. Purpose.

To ensure that infill and rehabilitation, when it is adjacent to existing buildings having historic architectural character, is compatible with the historic context.



B. Design Standards.

1. The new development of public structures shall incorporate historic architectural elements that reinforce the established character of a center or corridor. New semi-public structures should consider this design standard. The following elements constitute potential existing features that could be reflected in new buildings: (P)
 - a. Materials.
 - b. Window proportions.
 - c. Cornice or canopy lines.
 - d. Roof treatment.
 - e. Colors.

2. When rehabilitating existing historic buildings, property owners are encouraged to follow the Secretary of the Interior's Standards for Rehabilitation. (P)
 - a. If original details and ornamentation are intact, they shall be retained and preserved.
 - b. If original details are presently covered, they shall be exposed or repaired.
 - c. If original details are missing, missing parts shall be replaced to match the original in appearance. Remaining pieces or old photos shall be used as a guide.



3. If a proposed building is not adjacent to other buildings having a desirable architectural character, it may be necessary to look at contextual elements found elsewhere within the area. (C)

17C.111.575 Screening

A. Purpose.

The screening standards address specific unsightly features that detract from the appearance of multi-dwelling residential areas.

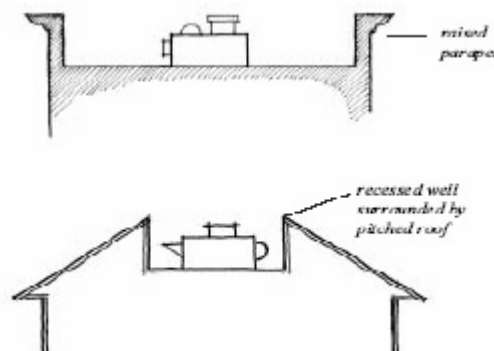


B. Garbage and Recycling Collection Areas.

All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the standards of [chapter 17C.200 SMC](#), Landscaping and Screening. (R)

C. Mechanical Equipment.

Mechanical equipment located on the ground, such as heating or cooling equipment, pumps or generators must be screened from the street and any adjoining residential zones by walls, fences or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any adjoining R-zoned lands. (P)



D. Cell Phone Transmission Equipment.

Cell phone equipment should be blended in with the design of the roofs, rather than being merely attached to the roof-deck. (C)

E. Other Screening Requirements.

The screening requirements for parking, exterior storage, and exterior display areas are stated with the standards for those types of development.

17C.111.600 Residential Visitability Standards

A. Purpose.

The purpose of the following section is to encourage the development of housing units for people with disabilities by providing allowances for accessible design and design considerations.

B. Applicability.

The provisions of this section apply to residential development in all zones where permitted. These guidelines encourage residential developments to incorporate visitable designs into at least a portion of the provided units. Any development seeking a reasonable deviation pursuant to 17C.111.600(C) must comply with all standards of 17C.111.600(D) for the unit(s) intended to benefit from the accessibility features requiring the deviation, and clearly note on submitted plans how the project meets each visitable design element. Director may waive full compliance with 17C.111.600(D) in cases of retrofits, commensurate with the significance of changes being made.

C. To encourage the development of housing units for people with disabilities, the Planning Director may allow reasonable deviation from height, setback, and footprint coverage standards to install features that facilitate accessibility. Such facilities shall be in conformance with the city adopted Building Code.

D. Visitable designs are encouraged for residential development, whether or not such accessible design considerations are required by the city adopted Building Code due to unit count. Elements of a visitable dwelling design include:

1. Visitable entrance. At least one entrance that is accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route does not exceed 1:8 (one foot in height for every 8 feet in length).
2. Visitable bathroom. At least one bathroom with a sink and toilet is designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. The visitable bathroom is on the same floor as the visitable entrance or is accessible from the visitable entrance via a ramp, elevator, or lift.
3. Visitable living area. There is at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area is accessible from the visitable entrance via a ramp, elevator, or lift.

4. Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom is at least 34 inches wide.
5. Visitable light switches and environmental controls. The first floor contains light switches and environmental controls that are no higher than 48 inches above the interior floor level and outlets.

Section 18. That Section 17C.120.500 SMC is amended to read as follows:

17C.120.500 Design Standards and Implementation

- A. The design standards and guidelines found in SMC 17C.120.500 through 17C.120.580 follow SMC 17C.120.015, Design Standards Administration. ~~((A#))~~ Except as provided in subsection (B) of this section, all projects must address the pertinent design standards and guidelines. 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. An applicant may seek relief through ~~((SMC))~~ chapter 17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.
- B. Residential development in Commercial Zones is subject to the residential design standards of SMC 17C.111.300-.465 that are applicable to the proposed housing type.

Section 19. That Section 17C.122.060 SMC is amended to read as follows:

17C.122.060 Design Standards and Guidelines for Centers and Corridors

- A. The document titled “Design Standards and Guidelines for Centers and Corridors” is adopted by reference as a part of the land use code for centers and corridors and incorporated as Attachment “A” to the land use code for centers and corridors. ~~((A#))~~ Except as provided in subsection (C) of this section, all projects must address these standards and guidelines. The applicant assumes the burden of proof to demonstrate how a proposed design addresses these standards and guidelines. For design standards and guidelines in “Attachment A” that are designated Requirement (R), an applicant may apply to the Design Review Board pursuant to the procedures set forth in chapter 17G.040 SMC, and the board may recommend approval of alternatives to strict compliance, upon a finding that the alternative satisfies the decision criteria for a design departure in SMC 17G.030.040.
- B. The design standards and guidelines for all centers and corridors are also applicable to the sites located in the Type 4 mixed use transition zone. In addition,

the design standards and guidelines for Type 1 centers and corridors are also applicable to the sites located in the Type 4 mixed use transition zone.

- C. Residential development in Centers and Corridor Zones is subject to the residential design standards of SMC 17C.111.300-.465 that are applicable to the proposed housing type.

Section 20. That Section 17C.200.020 SMC is amended to read as follows:

17C.200.020 Plan Submittal Requirements

Landscape plans are ~~((not))~~ required for ~~((a house, an attached houses or a duplex on a lot. For all other types of development on sites, including planned unit developments;))~~ all development of more than seven thousand square feet of lot area ~~((, landscape plans shall:))~~.

- A. ~~((be prepared and stamped by a licensed landscape architect, registered in the state of Washington;))~~ For all development types, landscape plans shall:

1. be submitted at the time of application for a development permit; and
2. include the following elements:
 - a. The footprint of all structures.
 - b. ~~((The final site grading.))~~
 - c. All parking areas and driveways.
 - d. All sidewalks, pedestrian walkways and other pedestrian areas.
 - e. The location, height and materials for all fences and walls.
 - f. The common and scientific names of all plant materials used, along with their size at time of planting.
 - g. The location of all existing and proposed plant materials on the site~~((;))~~ ; and
 - h. A proposed irrigation plan ~~((; and))~~.
 - i. ~~((Location of all overhead utility and communication lines, location of all driveways and street signs.))~~

- B. In addition, for development except residential construction of six or fewer dwelling units on a lot, landscape plane shall:

1. be prepared and stamped by a licensed landscape architect, registered in the state of Washington;
2. include the following elements:
 - a. the final site grading;
 - b. location of all overhead utility and community lines; and
 - c. location of all driveways and street signs.

Section 21. That Section 17C.200.040 SMC is amended to read as follows:

17C.200.040 Site Planting Standards

Sites shall be planted in accordance with the following standards:

A. Street Frontages.

1. The type of plantings as specified below shall be provided inside the property lines:
 - a. along all commercial, light industrial, and planned industrial zoned properties except where buildings are built with no setback from the property line: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3.
 - b. along all downtown, CC1, CC2, CC4, and FBC zoned properties except where buildings are built with no setback from the property line, or along a Type 1 Street of the FBC: a five-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, or raised masonry planters (overall height including any plantings shall not exceed three feet) may be used to screen parking lots from adjacent streets and walkways.
 - c. in the heavy industrial zone, along a parking lot, outdoor sales, or outdoor display area that is across from a residential zone: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3.
 - d. in industrial zones, all uses in the commercial categories (see chapter [17C.190 SMC](#), Use Category Descriptions, Article III, Commercial

Categories) are subject to the standards for uses in the general commercial (GC) zone.

- e. along all ~~((RA))~~ R1, ~~((RSF))~~ R2, RTF, RMF, and RHD zones: six feet of L3 open area landscaping and street trees as prescribed in [SMC 17C.200.050](#) are required, except that for ~~((single-family residences and duplexes))~~ single-unit residential and middle housing development, only street trees are required in addition to the landscape design standards of SMC 17C.111.305. For residential development along principal and minor arterials, a six-foot high fence with shrubs and trees may be used for screening along street frontages. The fence and landscaping shall comply with the standards of [SMC 17C.120.310](#) for the clear view triangle and must be placed no closer than twelve feet from the curb line. A minimum of fifty percent of the fence line shall include shrubs and trees. The landscaping is required to be placed on the exterior (street side) of the fence.
2. Within the clear view triangle (defined at [SMC 17A.020.030](#)) at street intersections on corner lots and at driveway entries to public streets, plantings may not exceed thirty-six inches in height or hang lower than ninety-six inches. The City Engineer may further limit the height of plantings, landscaping structures, and other site development features within a particular clear view triangle or may expand the size of the clear view triangle as conditions warrant in a particular case.



B. Other Property Perimeters.

A planting strip of five feet in width shall be provided along all other property lines except where buildings are built with no setback from the property line or where a parking lot adjoins another parking lot. In CC zoned properties, the planting strip shall be eight feet in width to enhance the screening between CC and Residential zoned properties. The type of planting in this strip varies depending upon the zone designation of the properties sharing the property line (with or without an intervening alley) as indicated in the matrix below. Where properties with dissimilar zones share a common boundary, the property with the more intense zone shall determine the required type of planting and the planting width. The owners of adjacent properties may agree to consolidate their perimeter plantings along shared boundaries. For example, instead of each property providing a five-foot wide planting strip, adjacent property owners could provide a single, shared five-foot wide planting strip, so long as the required planting type, as indicated in the matrix below, is provided. Types of landscaping to be provided in planting strips alongside and rear property lines:

**ADJACENT PROPERTY ZONE
(horizontal)**

SUBJECT PROPERTY ZONE (vertical)	RA	RSF	RTF	RMF	RHD	O, OR	NR, NMU	CB	GC	CC, FBC	LI, PI	HI	DT
RA	--	--	--	--	--	--	--	--	--	--	--	--	--
RSF	--	--	--	--	--	--	--	--	--	--	--	--	--
RTF	--	--	--	--	--	--	--	--	--	--	--	--	--
RMF	L2	L2	L2	L3	L2	L2	L2	L1	L1	L1	--	--	L1
RHD	L2	L2	L2	L2	L3	L2	L2	L2	L2	L2	--	--	L2
O, OR	L2	L2	L2	L2	L2	L3	L2	L2	L2	--	--	--	L2
NR, NMU	L2	L1	L2	L2	L2	L2	L3	L3	L2	--	--	--	L3
CB	L1	L1	L1	L1	L2	L2	L3	L3	L3	--	--	--	L3
GC	L1	L1	L1	L1	L2	L2	L2	L3	L3	--	--	--	L3
CC, <u>FBC</u>	L1	L1	L1	L1	L2	--	--	--	--	--	--	--	--
LI, PI [3]	L1	L1	L1	L1	L1	L1	L2	--	--	--	--	--	--
HI [3]	L1	L1	L1	L1	L1	L1	L1	--	--	--	--	--	--
DT	L1	L1	L1	L1	L1	L2	L2	L3	L3	--	--	--	--

Notes:

[1] In the industrial zones, all uses in the commercial categories (see chapter 17C.190 SMC, Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.

C. Planning Director Discretion.

The planning director shall have the discretion to waive or reduce the requirements of subsections (A)(1) and (B) of this section based on the following factors:

1. No useable space for landscaping exists between the proposed new structure and existing structures on adjoining lots or alleys because of inadequate sunlight or inadequate width.
2. The building setback provided in front of the new structure is less than six feet or is developed as a plaza with decorative paving/pavers, trees, planters, or other amenities.
3. Xeriscape landscaping is utilized in designated stormwater control areas.
4. When existing trees and other vegetation serves the same or similar function as the required landscaping, they may be substituted for the required landscaping if they are healthy and appropriate for the site at mature size. When existing trees are eight inches or more in diameter, they shall be equivalent to three required landscape trees. If necessary, supplemental landscaping shall be provided in areas where existing vegetation is utilized to accomplish the intent of this chapter.

D. Other Areas.

All other portions of a site not covered by structures, hard surfaces, or other prescribed landscaping shall be planted in L3 open area landscaping until the maximum landscape requirement threshold is reached (see [SMC 17C.200.080](#)).

E. Parking Lot Landscaping Design.

1. Purpose.

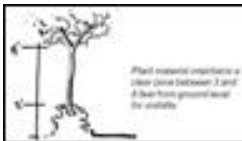
To reduce the visual impact of parking lots through landscaped areas, trellises, and/or other architectural features that complement the overall design and character of developments.



2. Parking Lot Landscaping Design Implementation.

This section is subject to the provisions of [SMC 17C.120.015](#), Design Standards Administration.

3. The parking lot landscape shall reinforce pedestrian and vehicle circulation, especially parking lot entrances, ends of driving aisles, and pedestrian walkways leading through parking lots. (P)
4. Planted areas next to a pedestrian walkways and sidewalks shall be maintained or plant material chosen to maintain a clear zone between three and eight feet from ground level. (R)



5. Low walls and raised planters (a maximum height of three feet), trellises with vines, architectural features, or special interest landscape features shall be used to define entrances to parking areas. Where signs are placed on walls, they shall be integrated into the design and complement the architecture or character of other site features. (P)
6. Landscape plant material size, variety, color, and texture within parking lots should be integrated with the overall site landscape design. (C)

F. Parking, Outdoor Sales, and Outdoor Display Areas.

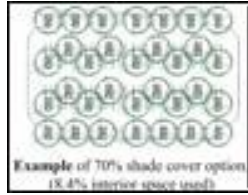
1. In residential, commercial, center and corridor, and FBC zones, a six-foot wide planting area of L2 see-through buffer landscaping shall be provided between any parking lot, outdoor sales, outdoor display area, and a street right-of-way. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, raised masonry planters, or L1 visual screen landscaping shall be used to screen parking lots from adjacent streets and walkways (overall height including any plantings or structures shall not exceed three feet). Trees required as a part of the L2 landscape strip shall be located according to the standards for street trees in [SMC 17C.200.050](#), Street Tree Requirements.
2. In residential, commercial, center and corridor, and FBC zones all parking stalls shall be within sixty feet of a planted area with L3 open area landscaping. All individual planting areas within parking lots shall be at least one hundred fifty square feet in size.
3. In residential, commercial, center and corridor, and FBC zones all paved parking areas on a site with more than fifty cumulative parking spaces shall have plantings that satisfies one of the following options:

- a. Option 1.

Interior landscaping consisting of L3 open area landscaping, including trees amounting to at least ten percent of the total area of the paved parking area, excluding required perimeter and street frontage strips. A minimum of one interior tree shall be planted for every six parking spaces.

- b. Option 2.

Tree plantings shall be spaced in order that tree canopies cover a minimum of seventy percent of the entire paved area of the parking lot within fifteen years of project completion. Canopy coverage shall be measured in plan view, and be based on projected mature size of the selected tree species. All individual planting areas within parking lots shall be a minimum of eight feet in width, be at least one hundred fifty square feet in size, and in addition to the required trees, shall be planted with a living groundcover. See the "Landscape Plants for the Inland Northwest" issued by the Washington State University cooperative extension and the U.S. department of agriculture, available from the City planning services department, for acceptable mature tree size to be used when calculating canopy size.



4. Where parking lots are located between the building and a street, the amount of required interior landscaped area shall be increased by fifty percent and the minimum amount of tree shade cover shall increase to eighty percent. Where parking lots are behind buildings, the amount of interior landscaping may be decreased by fifty percent of what the code requires and the minimum amount of tree shade cover shall decrease to fifty percent.
5. A planting strip of five feet in depth with L1 visual screen landscaping or site-obscuring decorative wood, iron, etc. fences or masonry walls at least six feet in height shall be installed along property lines where any adjacent single-family residential zone would have views of parking or service areas.
6. A minimum of two-foot setback shall be provided for all trees and shrubs where vehicles overhang into planted areas.



7. In industrial zones, parking lots, outdoor sales, and outdoor display areas that are abutting or across the street from residential zones are subject to all of the requirements of subsections (E) and (F) of this section.
8. In industrial zones, all uses in the commercial categories (see chapter [17C.190 SMC](#), Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zones.
9. In downtown zones an applicant must demonstrate to the director that the following required elements meet the intent of the Downtown Design Guidelines. Key design elements for these features include integrating storm water facilities, improving the pedestrian environment, and adding public amenities next to surface parking; outdoor sales and outdoor display areas so that they help to define space and contribute to a more active street environment.
 - a. Surface Parking Lot Liner Walls in the Downtown Zones.

Surface parking lots must have a solid, decorative concrete or masonry wall adjacent to a complete street and behind a sidewalk. The wall must have a minimum height above the surface of the parking lot of two and one-half

feet and a maximum height of three feet. The wall shall screen automobile headlights from surrounding properties. A wrought iron fence may be constructed on top of the wall for a combined wall and fence height of six feet. An area with a minimum width of two feet, measured from the property line, must be provided, landscaped and maintained on the exterior of the required wall. Such walls, fences, and landscaping shall not interfere with the clear view triangle. Pedestrian access through the perimeter wall shall be spaced to provide convenient access between the parking lot and the sidewalk. There shall be a pedestrian access break in the perimeter wall at least every one hundred fifty feet and a minimum of one for every street frontage. Any paving or repaving of a parking lot over one thousand square feet triggers these requirements.



Parking liner walls with plantings contribute to an interesting pedestrian environment. The parking liner wall and screen pictured above is enhanced by larger wall sections near automobile crossing points and a change in sidewalk scoring pattern. Both give cues to pedestrians and drivers.

- b. Surface parking lots in the Downtown zones are subject to the interior parking lot landscaping standard sections (F)(2) through (F)(6).
- c. The exterior boundary of all surface parking lots adjacent to any public right-of-way must include trees spaced no more than twenty-five feet apart. The leaves of the trees or any other landscaping features at maturity shall not obscure vision into the parking lot from a height of between three and eight feet from the ground. The species of trees shall be selected from the city's street tree list. If street trees exist or are provided consistent with [SMC 17C.200.050](#) then this landscaping strip may be omitted.
- d. Outdoor sales and display areas shall contribute to an interesting streetscape by providing the following:
 - i. Monument Features or Artistic Elements along the Street Edge between the Outdoor Display Area and the Sidewalk.

These shall be integrated with display area lighting and pedestrian amenities.

- ii. Additional Streetscape Features in the Sidewalk Environment.

Items may include elements that improve the health of street trees and plantings, improve storm water management, or artistic features that improve the pedestrian environment. This may include items such as permeable pavers in the pedestrian buffer strip, increased soil volumes for street trees, suspended sidewalks around the street tree to increase the amount of un-compacted soils, and engineered soils to support larger and healthier trees.

Section 22. That Section 17C.200.100 SMC is amended to read as follows:

17C.200.100 Irrigation Requirements

The owners of the adjacent property shall keep and maintain all required planting areas and street trees in a healthy condition. For development of ~~((new single family and duplex homes on individual))~~ six or fewer dwelling units on an infill ((lots)) lot and modification of non-conforming development that fall below thresholds found in 17C.210.090, the Planning ~~((and Economic Development Services))~~ Director, in consultation with the Urban Forester, may approve the use of species-specific alternative methods of irrigation. For all other forms of new construction and modification of non-confirming development that meet thresholds found in 17C.210.090 the installation and maintenance of an automatic irrigation system is required.

Section 23. That Section 17C.230.110 SMC is amended to read as follows:

17C.230.120 Minimum Required Parking Spaces

A. Purpose.

Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality. The maximum ratios in this section vary with the use the parking it is accessory to. These maximums will accommodate most auto trips to a site based on typical peak parking demand for each use.

B. Maximum Number of Parking Spaces Allowed.

Standards in a plan district or overlay zone may supersede the standards in this subsection.

1. Surface Parking.

The maximum number of parking spaces allowed is stated in Table 17C.230-1 and Table 17C.230-2, except as specified in subsection (B)(2) of this section.

2. Structure Parking.

Parking provided within a building or parking structure is not counted when calculating the maximum parking allowed

TABLE 17C.230-1 PARKING SPACES BY ZONE [1] (Refer to Table 17C.230-2 for Parking Spaces Standards by Use)		
ZONE	SPECIFIC USES	REQUIREMENT
RA, ((RSF)) <u>R1</u> , ((RTF)) <u>R2</u> , RMF, RHD	All Land Uses	Minimum and maximum standards are shown in Table 17C.230-2 .
O, OR, NR, NMU, CB, GC, Industrial		
CC1, CC2, CC3 [2]	Nonresidential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit plus one per bedroom after 3 bedrooms. Maximum ratio is the same as for nonresidential uses.
CC4 [2]	Nonresidential	Minimum ratio is 2 stalls per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is the same as for nonresidential uses.
Downtown [2]	All Land Uses	See the Downtown Parking Requirement Map 17C.230-M1 to determine if parking is required. Minimum ratio for areas shown on the map that require parking is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is 3 stalls per 1,000 gross square feet of floor area.
FBC [2]	All Land Uses	See SMC 17C.123.040 , Hamilton Form Based Code for off-street parking requirements.
Overlay	All Land Uses	No off-street parking is required. See the No Off-Street Parking Required Overlay Zone Map 17C.230-M2 and No Off-Street Parking Required Overlay Zone Map 17C.230-M3 .

- [1] Standards in a plan district or overlay zone may supersede the standards of this table.
 [2] See exceptions in [SMC 17C.230.130](#), CC and Downtown Zone Parking Exceptions.

Section 24. That Section 17C.230.130 SMC is amended to read as follows:

17C.230.130 Parking Exceptions

- A. In center and corridor downtown, and FBC CA1, CA2, and CA3 zones any new building or building addition with a floor area less than three thousand square feet shall have no parking requirement.
- B. In the neighborhood retail zone, any existing building, new building, or building addition, having a floor area less than three thousand square feet shall have no parking requirement. In addition, if a building has a floor area of five thousand square feet or less, the parking requirement will be determined after deducting the three thousand square foot exemption from the building's floor area. For example, the parking requirement for a four thousand square foot building would be based on one thousand square feet of floor area – i.e., a four thousand square foot building size minus the three thousand square foot exemption.
- C. The ~~((director))~~ Planning Director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the surrounding area. When determining if a different amount of parking is appropriate, the ~~((director))~~ Director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the ~~((character))~~ form of the proposed use.
- D. If property owners and businesses establish a parking management area program with shared parking agreements, the ~~((director))~~ Planning Director may reduce or waive parking requirements.
- E. ~~((Except in the residential single family and residential two family zones, existing))~~ Existing legal nonconforming buildings that do not have adequate parking to meet the standards of this section are not required to provide off-street parking when remodeling which increases the amount of required parking occurs within the existing structure.
- F. Attached Housing.

The following exceptions apply only to attached housing (defined in SMC 17A.020.010) in the RMF and RHD zones. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.

1. On a lot at least partially within one thousand three hundred twenty feet of CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is fifty percent less than the minimum required for Residential Household Living in Table 17C.230-2.
2. On a lot farther than one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is thirty percent less than the minimum required for Residential Household Living in Table 17C.230-2.

G. Parking is not required for residential development on sites located within one-half mile of a Major Transit Stop, as defined in SMC 17A.020.130.

TABLE 17C.230-2 PARKING SPACES BY USE [1] (Refer to Table 17C.230-1 for Parking Space Standards by Zone) CU = Conditional Use			
RESIDENTIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Group Living		1 per 4 residents	None
		1 per unit	
		plus 1 per bedroom	
		after 3 bedrooms [3];	
Residential Household Living [2]		((1 per)) Accessory Dwelling Unit (ADU) = see Note [4];	None
		Single Resident Occupancy (SRO) are exempt	
COMMERCIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Adult Business		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Commercial Parking		Not applicable	None

Drive-through Facility		Not applicable	None
Major Event Entertainment		1 per 8 seats or per CU review	1 per 5 seats or per CU review
Office	General Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Medical/Dental Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Quick Vehicle Servicing		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Retail Sales and Service	Retail, Personal Service, Repair-oriented	1 per 330 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Restaurants and Bars	1 per 250 sq. ft. of floor area	1 per 60 sq. ft. of floor area
	Health Clubs, Gyms, Lodges, Meeting Rooms and similar continuous entertainment, such as Arcades and Bowling Alleys	1 per 330 sq. ft. of floor area	1 per 180 sq. ft. of floor area
	Temporary Lodging	1 per rentable room; for associated uses such as Restaurants, see above	1.5 per rentable room; for associated uses such as Restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
	Retail sales and services of large items, such as appliances, furniture and equipment	1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Mini-storage Facilities		Same as Warehouse and Freight Movement	Same as Warehouse and Freight Movement
Vehicle Repair		1 per 750 sq. ft. of floor area	1 per 200 sq. ft. of floor area

INDUSTRIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Industrial Services, Railroad Yards, Wholesale Sales		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Manufacturing and Production		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Warehouse and Freight Movement		1 per 1,000 sq. ft. of floor area for the first 3,000 sq. ft. of floor area and then 1 per 3,500 sq. ft. of floor area thereafter	1 per 200 sq. ft. of floor area
Waste-related		Per CU review	Per CU review
INSTITUTIONAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Basic Utilities		None	None
Colleges		1 per 600 sq. ft. of floor area exclusive of dormitories, plus 1 per 4 dorm rooms	1 per 200 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm room
Community Service		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Daycare		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Medical Centers		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Parks and Open Areas		Per CU review for active areas	Per CU review for active areas
Religious Institutions		1 per 100 sq. ft. of main assembly area or per CU review	1 per 60 sq. ft. of main assembly area
Schools	Grade, Elementary, Junior High	1 per classroom	2.5 per classroom
	High School	7 per classroom	10.5 per classroom
OTHER CATEGORIES			

USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Agriculture		None or per CU review	None or per CU review
Aviation and Surface Passenger Terminals		Per CU review	Per CU review
Detention Facilities		Per CU review	Per CU review
Essential Public Facilities		Per CU review	Per CU review
Wireless Communication Facilities		None or per CU review	None or per CU review
Rail Lines and Utility Corridors		None	None
[1] The ((director)) <u>Planning Director</u> may approve different amounts of parking spaces under the exceptions listed in SMC 17C.230.130.			
<u>[2] Parking is not required for residential development on sites located within one-half mile of a Major Transit Stop, as defined in SMC 17A.020.130.</u>			
[3] For middle housing developed in the R1 and R2 zones, the following standards apply:			
<ul style="list-style-type: none"> • <u>On lots smaller than 6,000 square feet, only one parking space per unit is required regardless of bedroom count.</u> • <u>On lots 6,000 square feet or larger, each unit with 4 or more bedrooms must provide a minimum of two parking spaces.</u> 			
<u>[4] Parking requirements for ADUs are provided in SMC 17C.300.130(A)(4).</u>			

Section 25. That Section 17C.300.010 SMC is amended to read as follows:

17C.300.010 Purpose

This chapter establishes the standards for the location and development of accessory dwelling units in residential zones. The purpose of accessory dwelling units is to create new housing units ~~((while respecting the look and scale of single dwelling development))~~ that complement the principal dwellings on the properties on which they are located. They can increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives. Accessory dwelling units allow more efficient use of existing housing stock and infrastructure and provide a mix of housing that responds to changing family needs and smaller households. They provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and

neighborhoods, and obtain extra income, security, companionship and services; and provide a broader range of accessible and more affordable housing.

Section 26. That Section 17C.300.100 SMC is amended to read as follows:

17C.300.100 General Regulations

A. Where the Regulations Apply.

Attached and detached accessory dwelling units are permitted in the RA through RHD zones, including planned unit developments, subject to the limitations of subsection (B) of this section.

B. Limitation.

One accessory dwelling unit is allowed per lot in the RA, ((RSF)) R1, ((RTF)) R2, RMF, and RHD zones subject to the development standards of the underlying zoning district.

C. ADU versus principal dwelling.

Section 17C.300.130(A)(1) establishes the methods by which an ADU may be crated. In cases where a proposed dwelling unit meets the definition and criteria of both an ADU and an additional principal dwelling (e.g., the second unit of a duplex or a second single-unit residential building on a lot), applicants may choose whether the proposed dwelling unit is permitted as an ADU or a principal dwelling.

Section 27. That Section 17C.300.110 SMC is amended to read as follows:

17C.300.110 Criteria

A. Maximum Size.

1. Internal ADU.

Before the establishment of an internal ADU the floor area of the principal structure, excluding an attached garage, must be not less than eight hundred square feet.

- a. The internal ADU shall contain no more than two bedrooms and the floor area of the internal ADU must be not more than eight hundred square feet, excluding any related garage area.
- b. The conversion of an existing interior basement or attic space of a principal structure into an ADU may exceed the maximum floor area for an internal ADU specified in subsection (1)(a) of this subsection.

2. Detached ADU.

- a. The maximum detached ADU size is subject to building coverage per SMC 17C.300.130(B)(3) and floor area ratio per subsection (3) of this subsection (A); and
- b. A detached ADU shall not exceed seventy-five percent of the floor area of the principal structure, or nine hundred seventy-five square feet of floor area, whichever is greater.
- c. The maximum detached ADU size is subject to the maximum building footprint standards for ADUs in Table 17C.111.205-2.

~~3. ((FAR.~~

- ~~a. The floor area of an ADU, excluding any garage, is counted as part of the floor area ratio (FAR).~~
- ~~b. To offer greater flexibility in integrating an ADU on smaller lots, the maximum allowable FAR may be increased to 0.6 on lots smaller than seven thousand two hundred square feet in area, with an ADU, and to 0.7 on lots smaller than five thousand square feet in area with an ADU.))~~

B. Occupancy for Short-Term Rentals.

Where a lot with an ADU also has a Short-Term Rental under chapter 17C.316 SMC, one of the dwelling units on the lot shall be occupied by one or more owners of the property as the owner's permanent and principal residence. The owner-occupant must occupy the owner-occupied dwelling unit for more than six months of each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling unit. If a complaint that an owner has violated these requirements is filed, the owner shall:

1. submit evidence to the director showing good cause, such as a job dislocation, sabbatical leave, education or illness, for waiver of this requirement for up to one year absence from the property. Upon such showing the director may waive the requirement;
2. re-occupy the structure; or
3. remove the accessory dwelling unit.

Section 28. That Section 17C.300.130 SMC is amended to read as follows:

17C.300.130 Development Standards

A. Development Standards – Requirements for All Accessory Dwelling Units.

All accessory dwelling units must meet the following:

1. Creation.

An accessory dwelling unit may only be created through the following methods:

- a. Converting existing living area, attic, basement or garage.
- b. Adding floor area.
- c. Constructing a detached accessory dwelling unit on a site with an existing ~~((house, attached house, duplex, or manufactured home))~~ residential use.
- d. Constructing a ~~((new house, attached house or manufactured home))~~ residential use with an internal or detached accessory dwelling unit.
- e. In the ~~((RSF))~~ R1, ~~((RTF))~~ R2, RMF, or RHD zone, constructing an attached or detached accessory dwelling unit on a site with any existing or new principal structure (including non-residential uses or structures). Any structure shall comply with all applicable building, fire, and engineering standards.

2. Number of Residents.

The total number of individuals that reside in ~~((both))~~ all units on the site may not exceed any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building or fire code, as provided in RCW 35.21.682.

3. Location of Entrances for Internal ADUs.

Only one entrance may be located on the facade of the structure facing the street, unless the principal structure contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

4. Parking.

- a. Studio and one-bedroom ADUs require no additional parking. One additional off-street parking space is required for the accessory dwelling unit with more than one bedroom, plus one per bedroom after two bedrooms. Existing required parking for the principal structure must be maintained.
- b. As an exception to subsection (a), no additional off-street parking space is required for the ADU within one-quarter-mile of stops for a bus or other transit mode providing actual fixed route service at intervals of no less frequently than fifteen minutes for at least five hours during the peak hours of operation on weekdays, defined as a major transit stop under RCW 36.70A.696.

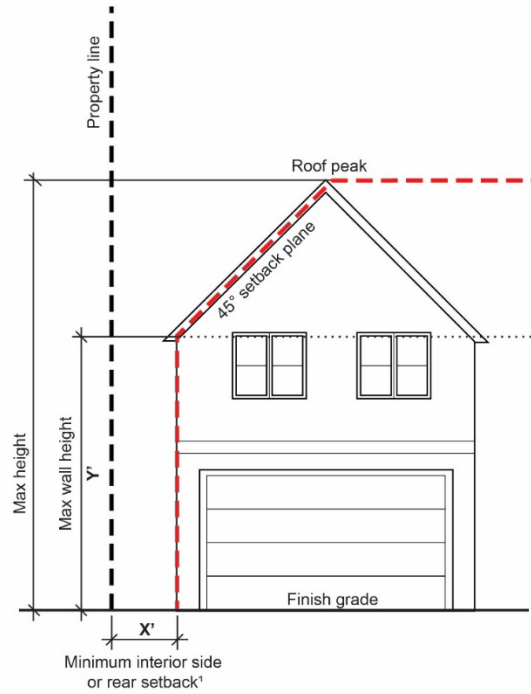
B. Additional Development Standards for Detached ADUs.

1. Setbacks.

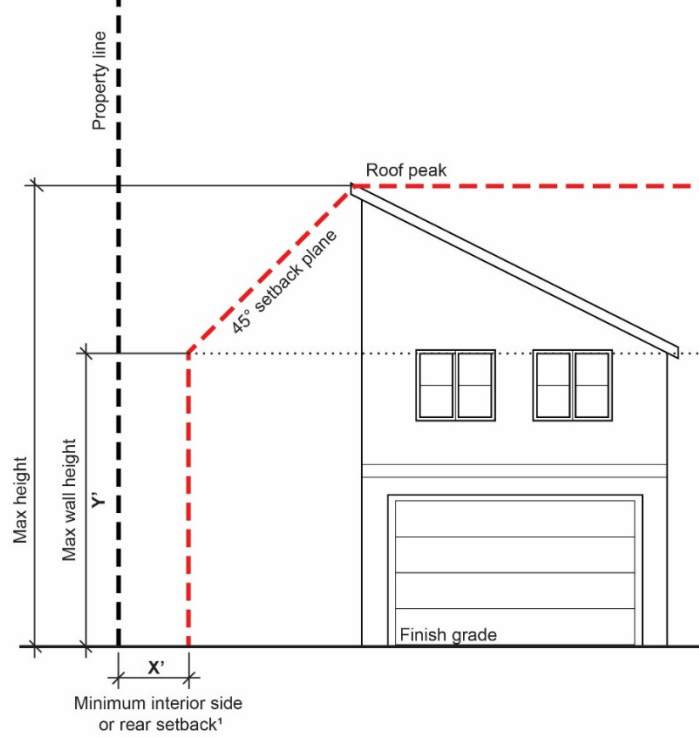
Except for conversion of existing accessory structures, the accessory dwelling unit must be:

- a. as specified for setbacks in [Table 17C.111-3](#) for accessory structures and
- b. ~~((in conformance with the forty-five degree setback plane:~~
 - i. ~~The forty-five degree setback plane is measured at the maximum wall height listed in Table 17C.300-1, from the interior side lot line setback, or rear setback without an alley, as listed in Table 17C.110-3 for accessory structures. The setback plane does not apply on side or rear setbacks measured from alley or street lot lines.~~
 - ii. ~~The setback plane increases at a forty-five degree angle away from the interior side and rear lot lines without an alley, up to the maximum roof height in Table 17C.300-1. See Figure 17C.300-A for examples.~~
 - iii. ~~No portion of the accessory dwelling unit may project beyond the forty-five degree setback plane described in this subsection, except for the roof structure and minor extensions allowed by SMC 17C.110.220(C)(1).~~
 - iv. ~~The setback may be reduced to zero feet with a signed waiver from the neighboring property owner. In that case, the forty-five degree setback plane would be measured from the maximum wall height and the property line.))~~

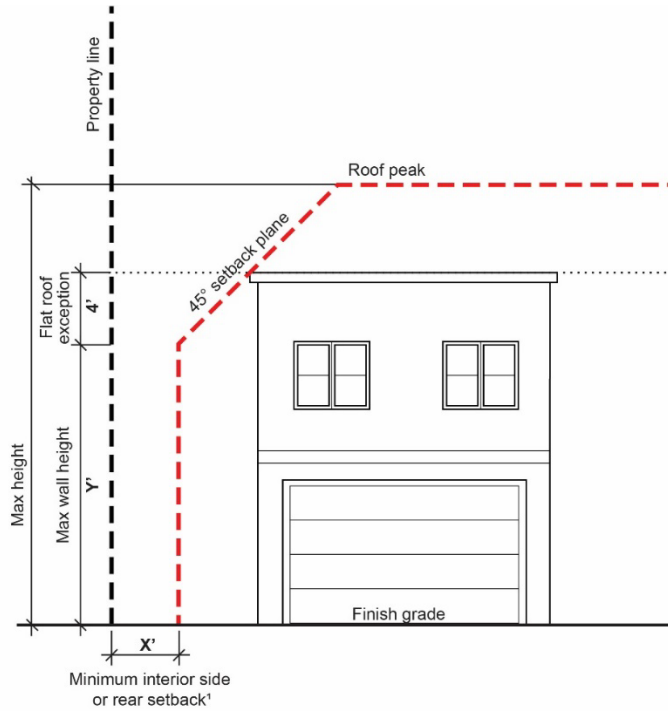
((~~Figure 17C.300-A. Setback Plane [1]~~))



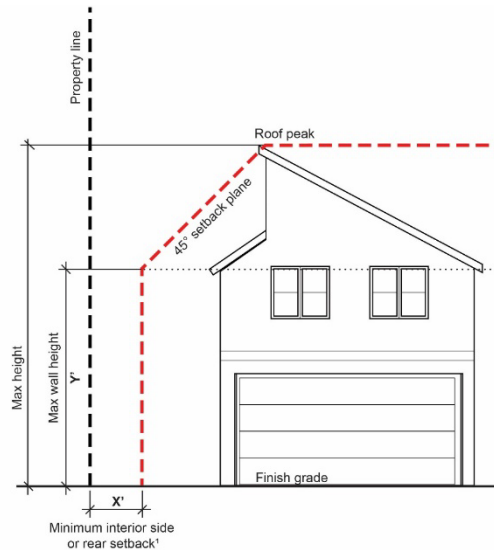
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2. Height.

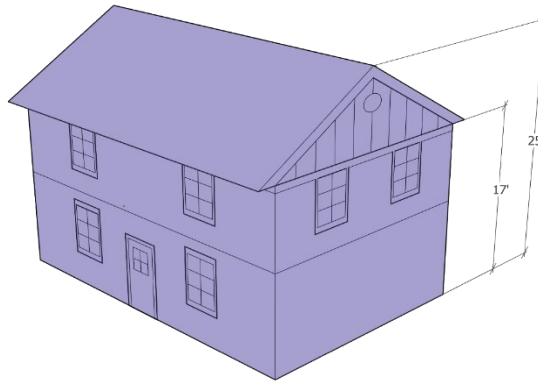
The maximum height allowed for a detached accessory dwelling unit is ~~((shown))~~ provided in Table ~~((17C.300-1))~~ 17C.111.205-2. ~~((A detached ADU over a detached accessory structure with flat or terraced roof forms with slopes of less than 3:12 that conform to the forty five degree setback plane in subsection (B)(1)(b) of this section may be granted a wall height exception up to four feet.))~~

**((TABLE 17C.300-4
MAXIMUM ROOF AND WALL HEIGHT**

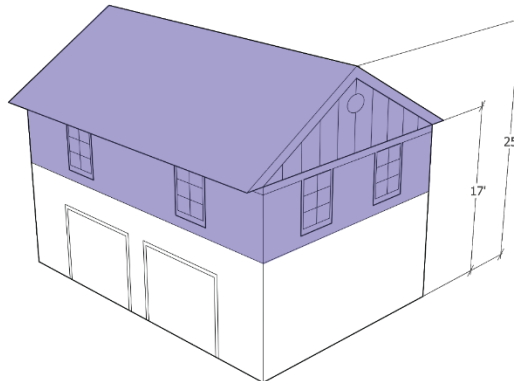
	Maximum Height – Detached Accessory Building Attached to an ADU or Detached ADU [1]	Maximum Height – Detached ADU Over a Detached Accessory Structure
Maximum Wall Height [2]	17 ft.	17 ft.
Maximum Roof Height [3]	25 ft.	25 ft.

[1] Detached accessory structures cannot include living area, nor any storage areas with a ceiling height of six feet eight inches or greater.
 [2] The height of the lowest point of the roof structure intersects with the outside plane of the wall.
 [3] The height of the ridge of the roof.
 See “Figure 17C.300-B” below.))

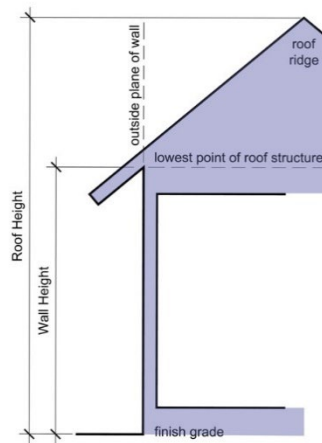
((Figure 17C.300-B))



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3. Bulk Limitation.

The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the principal structure.

- a. On lots five thousand five hundred square feet or larger, the combined building coverage of all detached accessory structures may not exceed fifteen percent of the total area of the site.
- b. On lots smaller than five thousand five hundred square feet, the combined building coverage of all detached accessory structures may not exceed twenty percent of the total area of the site.

4. Conversion of Existing Detached Accessory Structures.

- a. ~~((In RA through RTF zones, conversion))~~ Conversion of an existing detached accessory structure that is in a front building setback required by ~~((Table 17C.110-3))~~ Table 17C.111.205-2 is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by SMC ~~((17C.110.220))~~ 17C.111.235, Setbacks, and SMC ~~((17C.110.225))~~ 17C.111.240, Accessory Structures.
- b. ~~((In RMF through RHD zones, conversion of an existing detached accessory structure that is in a front building setback required by~~ Table 17C.110-3 ~~is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is~~

~~allowed as provided by [SMC 17C.110.220](#), Setbacks, and [SMC 17C.110.225](#), Accessory Structures.))~~

- c. If the accessory dwelling unit is proposed for an existing detached accessory structure that meets any of the standards of subsections (B)(2) and (3) of this section, alterations that will move the structure out of conformance with the standards that are met are not allowed.
- d. If the accessory dwelling unit is proposed as a conversion of an existing detached accessory structure or a portion of the building, and any floor area is added to the existing detached accessory structure to accommodate an ADU, then the entire structure must meet the underlying zoning development standards.

C. Utilities and Addressing.

The ADU must utilize those municipal utilities and address established for the principal dwelling unit.

D. Code Compliance.

The ADU must meet all technical code standards of this title including building, electrical, fire, and plumbing code requirements and permits.

Section 29. That Chapter 17C.400 SMC is repealed.

Section 30. That there is adopted a new Section 17D.060.135 to Chapter 17D.060 SMC to read as follows:

17D.060.135 Areas of Drainage Concern

A. Purpose.

Areas of Drainage Concern are identified due to special geographic considerations that increase the likelihood of harmful impacts resulting from stormwater events. These impacts may include flooding, direct drainage to waterways, or capacity limitations in the combined sewer overflow system.

B. Identification, Designation, and Mapping of Areas of Drainage Concern.

Data sources are available from the City of Spokane that are used in identifying Areas of Drainage Concern. Public mapping related to Areas of Drainage Concern is not guaranteed to pinpoint a drainage issue that may require submittal of an engineer's drainage plan. Use of maps of Areas of Drainage Concern shall be for informational purposes only. In the event of a conflict between the map and the criteria set forth in this section, the criteria shall prevail.

C. Characteristics.

Areas of Drainage Concern generally have at least one of the following characteristics:

1. Poorly draining soils;
2. Historic overflows of the wastewater system during rainfall events;
3. Direct drainage to waterways;
4. Topography

D. The City Engineer shall determine whether a lot is considered an Area of Drainage Concern and whether an engineer's drainage plan is required.

Section 31. That Section 17G.020 SMC is amended to read as follows:

17G.020.060 Comprehensive Plan Amendment Procedure

A. Threshold Review

1. Pre-application Conference.

A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for addressing the applicant's proposed amendment. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their proposal. Staff and the applicant will also explore approaches to the amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).

2. Map Amendments.

In the case of a map amendment, the applicant shall make reasonable efforts to schedule a meeting with the impacted neighborhood council(s) and document any support or concerns by said neighborhood councils(s).

3. Threshold Review Application Deadline.

Applications for threshold review initiated by the public must be submitted between September 1 and October 31 in order to be considered for inclusion in that cycle's

Annual Comprehensive Plan Amendment Work Program. Planning staff shall have 30 days following application submittal to request additional information in order to make sure the application is counter complete.

4. Determination of Completeness.

Following determination of completeness, staff will notify the applicant in writing that it is counter complete. In the case of a map amendment, staff will notify the neighborhood council(s) in which they are located.

B. Final Review.

1. Final Review Application. An application shall not move ahead for final review unless it is added to the Annual Comprehensive Plan Amendment Work Program by the City Council pursuant to SMC 17G.020.025, and a final review application fee has been submitted as provided in SMC 17G.020.050(D). Final review applications and fees must be submitted no later than fifteen (15) days following the City Council's decision to place an amendment proposal on the Annual Comprehensive Plan Amendment Work Program.

2. Review by City Staff and Agencies.

Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. City staff shall notify interested city departments and agencies of all proposals on the docket and request review and comments. SEPA review and in-depth staff analysis of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. Timely review is dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements. Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning (~~and Economic Development Services~~) Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.

3. Notice of Application/SEPA.

When the review described in subsection (C) above is complete, staff sends a form of notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within thirty days of the date the notice of application is provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If the (~~planning and economic development services director~~) Planning Director or his/her designee decides an

amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.

4. Public Comment Period.

The public comment period initiated by the notice of application may last up to sixty days or longer and may not be less than thirty days, depending on the complexity and number of applications. During this time period each applicant must present their proposal to representatives of all neighborhood councils related to each potentially affected site. As public comment letters are received, the planning department will input contact information into a database for later use in notifying interested parties regarding specific stages of the process.

5. Plan Commission Consideration.

Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding each amendment proposal, the plan commission and staff will also review public comment correspondence during this time.

6. SEPA Determination.

Following the end of the public comment period, staff will complete the SEPA threshold determination pursuant to ((SMC)) chapter 17E.050 SMC and set a hearing date with the Plan Commission. Applicants must complete all notice requirements in SMC 17G.020.070 within thirty days of the date of the applicant's receipt of the notice of Plan Commission Hearing and SEPA Determination provided by staff. If a determination of significance (DS) is made, those applications will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

7. Notice of SEPA and Hearing.

The combined notice of SEPA determination and notice of plan commission hearing must be published fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a ((~~planning and economic development services director's~~)) Planning Director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.

8. Staff Report.

Prior to the Plan Commission hearing, staff prepares its final report, which address SEPA and provide an analysis regarding the merits of the amendment proposal. Copies of the report are provided to the applicant as well as plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington state department of commerce and other state agencies for their sixty-day review, per RCW 36.70A106, WAC 365-195-620.

9. Plan Commission Hearing.

The plan commission's public hearing takes place after the SEPA decision has been issued. The hearing will usually occur within thirty days of the end of the public comment period.

10. Plan Commission Recommendation.

The plan commission bases its recommendation on the guiding principles, final review criteria, public input, conclusions from any required studies, the staff report, and the SEPA determination. The plan commission's findings, conclusions and recommendations are forwarded to the city council within thirty days of their decision on their recommendation. The plan commission's recommendation may take the form of one of the following:

- a. Approval based on support for the proposal and recognition that it is consistent with the comprehensive plan applicable guiding principles, and amendment review criteria.
 - i. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.
- b. Denial for the following reason(s):
 - i. The proposal is not consistent with applicable guiding principles and/or amendment review criteria.
 - ii. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).

- iii. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal.

11. City Council.

The city council considers the amendment proposals, public comments and testimony, staff report, and the plan commission's recommendations within the context of its budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget. The council may decide to approve, modify, continue consideration of or deny an amendment proposal. The council may also remand the proposal back to the plan commission for further consideration, in which case the council shall specify the time within which the plan commission shall report back with its findings and recommendations on the matter referred to it. If the council wishes to substantially modify the proposal before adopting it, the council shall hold an additional hearing on the modified version following an opportunity for public input. The council's decision shall reflect the same decision criteria applied by the plan commission, as indicated by comments in the council's findings on each item that factors into its decision. Proposals adopted by ordinance after public hearings are official amendments to the comprehensive plan.

Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified.

12. Changes Made.

As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive plan amendments over the years, and such list will be included as part of the comprehensive plan.

Section 32. That Section 17G.025.010 SMC is amended to read as follows:

17G.025.010 Text Amendments to the Unified Development Code

A. Purpose.

This section provides for orderly and transparent modifications to the Unified Development Code with significant opportunities for public review and participation.

B. Definitions.

1. Construction Standards.

The following chapters of the Spokane Municipal Code are referred to herein as Construction Standards:

- a. Chapter 17F.040 SMC (International Building Code, International Residential Code, International Energy Conservation Code);
- b. Chapter 17F.050 SMC (National Electrical Code);
- c. Chapter 17F.080 SMC (International Fire Code)
- d. Chapter 17F.090 SMC (International Mechanical Code)
- e. Chapter 17F.100 SMC (Uniform Plumbing Code)

C. Applicability.

The requirements of this section apply to all proposed modifications to Title 17 SMC.

D. Amendments to Construction Standards.

1. Adoption Process.

Amendments to Construction Standards do not follow the remainder of this section. Instead, they follow City Council's regular legislative process. When a proposal combines modifications to Construction Standards with other proposed amendments to Title 17 SMC, the portion pertaining to Construction Standards is not subject to the same approval process but should be clearly identified in public notices.

2. Application of State Code.

Adoption of changes to the Construction Standards is also subject to the following sections of state code:

- a. RCW 43.21C, if any;
- b. RCW 19.27.040; and
- c. RCW 19.27.060.

3. State Building Code Council.

Changes to Construction Standards that apply to single-dwelling or multi-dwelling residential buildings shall be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

E. Initiation.

Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:

1. Property owner(s) or their representatives;
2. Any citizen, agency, neighborhood council, or other party; or
3. A ((city)) City department, the ((plan-commission)) Plan Commission, or the ((city council)) City Council.

F. ~~((Applications. Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specified in chapter 8.02 SMC.))~~

G. ~~((Application Submittal for Amendment))~~ Proposals Initiated by Persons or Entities other than ((the)) a City department, the Plan Commission, or the City Council.

1. Applications.

Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specific in chapter 8.02 SMC.

2. Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to the threshold review and docketing procedures set forth in ((chapter)) SMC 17G.020.025 ((SMG)), using the following criteria:

- a. The proposed amendment presents a matter appropriately addressed through an amendment to Title 17 SMC; and
- b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
- c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and
- e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan

Amendment Work Program, unless additional supporting information has been generated; or

- f. State law required, or a decision of a court or administrative agency has directed such a change.
3. If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application should be placed on the next available plan commission agenda for a workshop.

D. Notice of Intent to Adopt and SEPA Review

Proposals to amend Title 17 SMC may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and SEPA checklist are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible. Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC 17G.020.080.

E. Notice of Public Hearing.

Amendments to Title 17 SMC require a public hearing before the plan commission.

1. Contents of Notice.

A notice of public hearing shall include the following:

- a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
 - b. A statement of how the proposal would change the affected provision;
 - c. The date, time, and place of the public hearing;
 - d. A statement of the availability of the official file; and
 - e. Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and
 - f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.
2. Distribution of Notice.

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

the public notice requirements outlined in SMC ((17G.060.120)) 17G.061.210
Public Notice – Types of Notice.

F. Plan Commission Recommendation – Procedure.

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

1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
3. If the plan commission is unable to take either of the actions specified in ((~~subsection (E)~~)) (1) or (2) of this ((~~section~~)) subsection, the proposal will be sent to city council with the notation that the plan commission makes no recommendation.

G. Approval Criteria.

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

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

H. City Council Action.

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

1. Approve the application;

2. Disapprove the application;
 3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
 4. Refer the proposal back to the plan commission for further consideration.
- I. Transmittal to the State of Washington.

At least sixty days prior to final action being taken by the city council, the Washington ~~((department of commerce (“commerce”)))~~ Department of Commerce (“Commerce”) shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to ~~((commerce))~~ Commerce.

J. ~~((Inapplicability to certain chapters.~~

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

Section 33. That Section 17G.030.010 SMC is amended to read as follows:

17G.030.010 Purpose

The purpose of this chapter is to coordinate the design review and the land use permit review process for projects seeking a design departure. Whenever a design departure is sought from the design standards of the land use code, the following review procedures are to be followed. Design departures are sought in order to modify or waive a design Requirement (R) or waive a design Presumption (P) contained within the design standards.

Section 34. That Section 17G.030.030 SMC is amended to read as follows:

17G.030.030 Review Process

Procedures for the review of design departures vary with the type of proposal being reviewed.

A. Type III Procedure.

The following proposals are processed through a Type III procedure:

1. A permit for a development seeking a design departure, which also requires a discretionary decision of the hearing examiner after a public hearing such as a conditional use permit, zone change, or a variance shall follow the Type III application process.
2. Role of Design Review Board.

The design review board reviews the design departure request and makes a recommendation to the hearing examiner. The review of the design review board may occur either before or during the public comment period on the underlying permit application.

3. Notice of Application.

The notice for the design departure shall be included as part of the notice required for the discretionary decision permit application.

4. Hearings and Decision.

The hearing examiner considers the recommendation of the design review board regarding the design departure during the public hearing on the permit application. A decision is made on the design departure as a part of the decision on the Type III application. The decision criteria for design departures are provided in SMC 17G.030.040, Decision Criteria.

5. Appeals.

Follows appeal process of the underlying permit application.

B. Type II Procedure.

The following proposals are processed through a Type II procedure:

1. A permit for a development seeking a design departure, which does not require a discretionary decision of the hearing examiner, shall follow the Type II application process.
2. Role of Design Review Board.

The design review board reviews the application and makes a recommendation to the ~~((planning and economic development services director))~~ Planning Director. The review of the design review board may occur either before or during the public comment period on the underlying permit application.

3. Role of Staff.

In instances of minimal complexity and cumulative impact, the urban design or planning staff can review and make recommendations on requests for design departures on behalf of the ~~((design review board))~~ Design Review Board. However, at the discretion of the applicant, any request for design departures can be forwarded for review by the design review board.

4. Notice of Application.

The notice for the design departure shall be included as part of the notice required for the Type II permit application.

5. Hearings and Decisions.

No hearing is required. A decision is made on the design departure as a part of the decision on the Type II application. The decision criteria for a design departure are provided in SMC 17G.030.040.

6. Appeals.

Follows appeal process of the permit application. The decision on a Type II application may be appealed to the hearing examiner.

Section 35. That Section 17G.030.040 SMC is amended to read as follows:

17G.030.040 Decision Criteria

The decision criteria for a design departure are provided below.

- A. Has the applicant's design team thoroughly examined how the Requirement (R) and/or Presumption (P) could be applied as written?
- B. Does the proposal meet the intent and the general direction set forth by the Requirement (R) and/or Presumption (P) as written?
- C. ~~((Is))~~ For a Requirement (R), is the specific change superior in design quality to that potentially achieved by the Requirement ~~((R) and/or Presumption (P)))~~ as written?

- D. For a Presumption (P) is the specific change equal to or superior in design quality to that potentially achieved by the Presumption as written?
- E. Is the departure necessary to better address aspects of the site or its surroundings?
- F. Is the proposed departure part of an overall, thoughtful and comprehensive approach to the design of the project as a whole?
- G. Has the applicant responded to the optional Considerations (C), if any, found within the design guideline? Including Considerations may assist in gaining acceptance for the plan.

Section 36. That Chapter 17G.060 SMC is repealed.

Section 37. That Chapter 17G.060T SMC is repealed.

Section 38. That there is adopted Chapter 17G.061 SMC to read as follows:

17G.061 Land Use Application Procedures

17G.061.000 Purpose and Administration

A. Purpose.

The purpose of this chapter is to establish standard procedures for the review and processing of land use applications through the establishment of complete application standards, review procedures, notice requirements, hearing processes, decision criteria and appeal procedures for all applications.

B. Administration.

1. Responsibility for the administration, application and interpretation of these procedures pursuant to this ordinance is as is set forth below.
 - a. 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.
 - b. 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.
 - c. The Planning Director or his designee is responsible for Title 17B SMC and Title 17C SMC and 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.061 SMC, chapter 17G.070 SMC, and chapter 17G.080 SMC.

2. 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.

C. Exclusions per RCW 36.70B.140.

1. The following are excluded from the project permit review process, associated time frames, and other provisions of these procedures:
 - a. Landmark designations;
 - d. street vacations;
 - e. approvals related to the use of public areas or facilities;
 - f. project permits that, by ordinance or resolution, have been determined to present special circumstances warranting a review process different from that provided in this chapter.
 - g. Lot line or boundary adjustments;
 - f. final short subdivisions;
 - g. final binding site plans;
 - h. final plats; and
 - i. building or other construction permits, or similar administrative approvals categorically exempt from environmental review under RCW 43.21C, or for which environmental review has been completed in conjunction with other project permits and are judged by the director to adequately address the current application.
2. Applications for interior alterations are excluded, provided they do not result in the following:
 - c. Additional sleeping quarters or bedrooms;
 - d. Nonconformity with federal emergency management agency substantial improvement thresholds; or

- e. Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

D. Conflicting Ordinances.

If any provision of the ordinance codified in this title or its application to any person or circumstance is held invalid, the remainder of the ordinance codified in this title or the application of its provisions to other persons or circumstances shall not be affected.

E. Severability.

To the extent there is a conflict between this chapter and other ordinances or resolutions for the City of Spokane regulating project permits, this chapter shall govern.

17G.061.010 Summary of Land Use Application Procedures

Table 17G.061.010-1 summarizes the applications subject to this chapter. For any application type that is referenced in the land use codes, but not represented in Table 17G.061.010-1, the process shall be as identified in the application most closely associated with the application process definitions in SMC 17G.061.100.

TABLE 17G.061.010-1 SUMMARY OF APPLICATION TYPES AND REQUIREMENTS								
	Applicati on Type	Notice of Community Meeting	Notice of Applicati on	Notice of Hearing	Notice Conte nt	Review Official	City Council Review	Expi ratio n of Per mit
BUILDING AND CODE ENFORCEMENT								
Building Permit without SEPA	Type I	-	-	-	-	Building Official	-	180 day s
Building Permit with SEPA (Commerci al/Industria l/Other)	Type I	-	Sign Posted Legal	-	-	Building Official	-	180 day s
Demolition Permit without SEPA	Type I	-	- [2]	- [1]	-	Building Official	-	180 day s

Demolition Permit with SEPA [2]	Type I	-	Sign Posted Legal Newspaper	- [1]	-	Building Official	-	180 days
Fence Permit	Excluded	-	-	-	-	Building Official	-	180 days
Grading Permit without SEPA	Type I	-	Sign Posted Legal	-	-	Building Official	-	180 days
Grading Permit with SEPA	Type I	-	-	-	-	Building Official	-	180 days
Manufactured Home Permit	Excluded	-	-	-	-	Building Official	-	180 days
Sign Permit	Excluded	-	-	-	-	Building Official	-	180 days
Residential Building Permit	Excluded	-	-	-	-	Building Official	-	180 days
Remodel Permit	Excluded	-	-	-	-	Building Official	-	180 days
ENGINEERING SERVICES								
Address Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Approach Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Design Deviation – Street Design	Excluded	-	-	-	-	Engineering Director	-	180 days
Encroachment Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
LID Formation	Excluded	-	-	-	-	Engineering Director	-	180 days

Obstruction Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Road Closure	Excluded	-	-	-	-	Engineering Director	-	180 days
Sidewalk Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Stormwater Design Acceptance	Excluded	-	-	-	-	Engineering Director	-	180 days
Street Vacation	Excluded	-	-	-	-	Engineering Director	-	180 days
PLANNING AND ECONOMIC DEVELOPMENT SERVICES								
Accessory Dwelling Unit (ADU)	Excluded	-	-	-	-	Planning Director	-	180 days
Administrative Exemptions	Excluded	-	-	-	-	Planning Director	-	180 days
Administrative Interpretations/Determinations	Excluded	-	-	-	-	Planning Director	-	180 days
Binding Site Plan (BSP) – Preliminary	Type II	-	Individual Sign Posted	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years
Binding Site Plan (BSP) – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Boundary Line	Excluded	-	-	-	-	Planning Director	-	N/A

Adjustment (BLA)								
Certificate of Compliance (CC) – Hearing Examiner	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	N/A
Certificate of Compliance (CC) – Planning Director	Type II	-	Individual Sign Posted	-	Project name Proposed use	Planning Director	-	N/A
Conditional Use Permit (CUP) – Hearing Examiner	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	3 years
Conditional Use Permit (CUP) – Planning Director [3]	Type II	-	Individual Sign Posted	-	Project name Proposed use	Planning Director	-	3 years
Floodplain Development with SEPA	Type I	Individual Sign Posted	Individual Sign Posted	-	Proposed use	Planning Director	-	180 days
Floodplain Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	3 years
Home Occupation	Excluded	-	-	-	-	Planning Director	-	N/A
Long Plat – Preliminary	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted Newspaper	Project name Proposed use Acreage	Hearing Examiner	-	5 years

					# of lots			
Long Plat – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Planned Unit Development (PUD) – Preliminary	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Acreage # of lots	Hearing Examiner	-	5 years [5]
Planned Unit Development (PUD) – Final	Excluded	-	-	-	-	Planning Director	Yes	N/A
Shoreline Exemption/ Determination/ Interpretation	Excluded	-	-	-	-	Planning Director	-	Must comply with WAC 173-27-90
Shoreline Substantial Development Permit (SDP)	Type II	Individual Sign Posted	-	-	Project name Proposed use	Planning Director	-	Must comply with WAC 173-27-90
Shoreline Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Propo	Hearing Examiner	-	Must comply with

					sed use			WA C 173-27-90
Shoreline Conditional Use Permit (CUP)	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	Must comply with WA C 173-27-90
Short Plat – Preliminary with Standard Review and SEPA	Type II	-	Individual Sign Posted	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years
Short Plat – Preliminary with Standard Review and No SEPA	Type II	-	Individual Sign [4] Posted [4]	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years
Short Plat – Preliminary with Minor Review	Type II	-	-	-	-	Planning Director	-	5 years
Short Plat – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Skywalk	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	-	Hearing Examiner	Yes	Up to 25 year

								agreement
Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Proposed standard	Hearing Examiner	-	3 years
Rezone	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Proposed zone	Hearing Examiner	-	3 years

Footnotes

[1] Public Hearing is required if the structure is on the National Historic Register.

[2] Applications for demolition permits for the demolition of an entire building or structure shall, in addition to any applicable requirements under chapter 43.21C RCW, be subject to a ten-day review and comment period. This review and comment period shall run concurrently with any other applicable notice and comment period. Following receipt of such applications, copies shall be forwarded to the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the building or structure is located, at the address for such neighborhood council designee(s) that is on file with the department. Any comments submitted to the department by the neighborhood council during this review and comment period shall be provided to the applicant prior to issuing the demolition permit.

[3] Conditional Use Permits required under SMC 17C.111.110, Limited Use Standards for Religious Institutions and Schools, will complete posted/individual notification requirements for a Community Meeting.

[4] Sign and posted notice not required for 2-4 lots per SMC 17G.080.040(D)

[5] If a PUD is approved together with a preliminary plat, the expiration date for the PUD shall be the same as the expiration date of the preliminary plat.

17G.061.100 Application Types

A. Purpose.

Applications are consolidated into application types to simplify the permitting process for applicants and ensure appropriate opportunity for public comment on proposals.

B. Excluded Application.

Excluded applications are not subject to the requirements of this chapter. Exclusions are listed in SMC 17G.061.000(C).

C. Type I Application.

1. A Type I application is subject to administrative approval.
2. A Type I application must be categorically exempt from environmental review under RCW 43.21C (SEPA) and chapter 17E.050 SMC.
3. Type I applications do not require a public hearing.

D. Type II Application.

1. A Type II application is subject to administrative approval by a department director.
2. A Type II application may or may not be categorically exempt from RCW 43.21C (SEPA) and chapter 17E.050 SMC.
3. Type II applications do not require a public hearing.

E. Type III Application.

1. A Type III application is subject to a quasi-judicial decision of the Hearing Examiner.
2. A Type III application may or may not be categorically exempt from RCW 43.21C (SEPA) and chapter 17E.050 SMC.
3. Type III applications require a public hearing before the Hearing Examiner.

17G.061.110 Application Requirements

A. Predevelopment Meeting.

1. Purpose.

Predevelopment meetings are not intended to be an exhaustive review of all regulations or potential issues for a given application. Predevelopment meetings have two purposes:

- a. acquaint City staff and other agencies with a proposed development and to generally advise the applicant of applicable regulations, design guidelines and design review processes, and policies impacting the proposal; and
 - b. acquaint the applicant with the applicable provisions of these procedures, minimum submission requirements and other plans or regulations which may impact the proposal.
2. The City may, when applicable, apply additional relevant laws to the application subsequent to a predevelopment meeting.
3. Predevelopment meetings are required for any development proposal in the central business district. The Planning Director or Building Official, as appropriate, may waive this requirement.
4. Predevelopment meetings are recommended for Type II and III applications, and Type I project permit applications in the centers and corridors (CC) zones.

B. Community Meeting.

All Type III applications and Type II applications where indicated in Table 17G.061.010-1 are required to hold a community meeting regarding the proposed application. The applicant or their representative shall conduct the community meeting.

1. Timing.

The meeting shall occur no more than one hundred twenty days prior to application and before the application is accepted by the City.

2. Notice.

Notice for the community meeting shall be posted fourteen days prior to the meeting. Public notice of a community meeting shall be provided as required in SMC 17G.061.210.

3. Combining with Traffic Study.

When a traffic study is required as a part of an application, the scoping meeting for a traffic study may be combined with the community meeting.

4. Meeting Summary.

The applicant shall provide a summary of the meeting at the time of submission of the application. Other attendees of the community meeting may also submit a summary of the meeting issues to the decision-maker. The meeting summary shall consist of the following:

- a. A digital recording of the meeting proceedings; and
- b. List of attendees; and
- c. A copy of the notice of community meeting; and
- d. Affidavits of posting/mailing the notice.

C. General Requirements.

Applications shall include the following:

- 1. Predevelopment meeting summary, if required under subsection (A).
- 2. Filing fees as required under chapter 8.02 SMC.
- 3. Application documents supplied by the City, including but not limited to:
 - a. General application form;
 - b. Supplemental application form;
 - c. Environmental checklist, if required under chapter 17E.050 SMC;
- 4. A site plan drawn to scale showing:
 - a. Property dimensions;
 - b. location and dimensions of all existing and proposed physical improvements;
 - c. location and type of landscaping;
 - d. walkways and pedestrian areas;
 - e. off-street parking areas and access drives;
 - f. refuse facilities; and

- g. significant natural features, such as slopes, trees, rock outcrops, and critical areas.
- 5. Required copies of documents, plans, or maps (as set forth in the application checklist).
- 6. Written narrative identifying consistency with the applicable policies, regulations, and criteria for approval of the permit requested.
- 7. 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.
- 8. Additional application information as requested by the permitting department, which may include, but is not limited to, the following:
 - a. geotechnical studies;
 - b. hydrologic studies;
 - c. critical area studies;
 - d. noise studies;
 - e. air quality studies;
 - f. visual analysis; and
 - g. transportation impact studies.

D. Additional Requirements.

The following Type II and III applications shall meet these requirements in addition to the provisions of subsection (B) 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 Title 17C SMC 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.
 - e. Acceptance of the final design review recommendations.
 - f. Location and design of all wayfinding signage to be placed to ensure public access.
- 7. Floodplain – Floodplain Development Permit and Variance.
As provided in chapter 17E.030 SMC.

17G.061.120 Determination of a Complete Application

A. Determination of Completeness.

Within twenty-eight days of receiving a project permit application, the department shall determine if the application is complete (RCW 36.70B.070).

B. Procedures for Determination of Completeness.

The following steps outline the process for the department to determine that an application is complete.

1. Counter Complete.

The department shall conduct a preliminary, immediate review to determine if the application contains the documents and information required by SMC 17G.061.110. If the department determines the application does not contain the required documents and information, the application including fees shall be returned to the applicant.

2. Component Screening.

If the application appears to contain required documents, the department shall accept the application and within seven days, conduct a detailed review and determine if any additional information is necessary to process the application. If the department determines the application is missing required components, or is inadequate in other ways, the application including any fees shall be returned to the applicant.

3. Review by Interested Agencies.

If the application, after the detailed review, is found to contain the required components and supporting documents, the application and supporting documents shall be forwarded to (i) interested City departments, (ii) agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application, and (iii) the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the project is located and to any neighborhood council whose geographic boundaries are located within a 600-foot radius of the project, at the address for such departments, agencies, and neighborhood council designee(s) on file with the department, for review to ensure compliance with state laws, ordinances and concurrency requirements. Interested departments, agencies, and the neighborhood council shall be given fourteen days to provide comments on a permit application. All written comments will be forwarded to the applicant

at the end of the fourteen day comment period. Comments submitted after the fourteen day comment period will be forwarded to the applicant, subject to RCW 36.70B.070.

- a. If review agencies require additional information to continue processing the application, the applicant shall be notified in writing.
- b. Required information must be provided within sixty days from the notification by the department. The applicant may submit a written request for additional time to the director; any time extensions shall be in writing. If the information is not received within the sixty days (or as otherwise agreed to), the application and a portion of the fees shall be returned to the applicant, pursuant to chapter 8.02 SMC.
- c. Within fourteen days of the submission of the additional information identified by the review agency, the department shall notify the applicant whether the studies are adequate or what additional information is necessary.
- d. If the neighborhood council submits written comments on an application, the department shall provide a written response to the chairperson, with copy to the applicant, no later than the date on which the application is certified complete pursuant to paragraph D herein below.

4. Application Certified Complete.

Within seven days of the expiration of the interested agency comment period, if no additional information was required, or the information required under subsection (3) is acceptable, the department shall certify the application complete. Applications requiring review by the hearing examiner are forwarded to the hearing examiner upon being certified as complete.

5. Notice of Application.

Within fourteen days of the issuance of a determination of a complete application, a notice of application shall be provided for Type I, II and III project permit applications in accordance with this section (RCW 36.70B.110.2), except that notice of application is not required for short subdivision applications involving minor engineering review as defined in SMC 17G.080.040(C)(2). The notice of application shall follow the public notice requirements contained in SMC 17G.061.210. The notice of application may be combined with the notice of public hearing, if a hearing has been scheduled by notice of application. The date, time, place and type of hearing, SEPA determination and SEPA appeal deadline (using the optional DNS process) are required to be added to the notice of application if this provision is used (RCW 36.70B.110(2)(f)).

6. Vesting.

Applications shall be considered vested at the time the application is certified complete, the vesting date shall be the date of application submission. If the application is not complete when filed or information is not timely provided as set forth in subsection (2) or (3), the application shall not be considered complete for purposes of vesting or other statutory compliance dates.

17G.061.130 Application Time Limits

- A. A decision on permit applications subject to this chapter shall be made within one hundred twenty days of submission of a complete application as set forth in SMC 17G.061.130.
- B. The following shall be excluded when calculating this time period:
 - 1. Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional required information due to the applicant's inaccurate or insufficient information.
 - 2. Any period during which an environmental impact statement is being prepared.
 - 3. Any period for administrative appeals of land use permits.
 - 4. Any extension for any reasonable period mutually agreed upon in writing between the applicant and the department (RCW 36.70B.080(1)).
 - 5. If the permit requires approval of a new fully contained community as provided in RCW 36.70A.350, or a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200.

17G.061.140 Expiration of Application

- A. Any application which has been determined to be counter complete, and for which the applicant fails to complete the next application step for a period of one hundred eighty days after issuance of the determination of completeness, or for a period of one hundred eighty days after the City of Spokane has requested additional information or studies, will expire by limitation and become null and void. The department may grant a one-hundred-eighty-day extension on a one-time basis per application. In no event shall an application be pending for more than three hundred sixty days from the date the application is deemed counter complete; provided, once an applicant provides notice of application pursuant to SMC 17G.061.120, the application shall no longer be considered pending for purposes of this time limitation. For purposes of this section, all time during which the City is reviewing materials submitted by an applicant will be excluded. This subsection shall apply to applications regardless whether the applications were submitted prior to the effective date of this section, as amended.
- B. Applications which have been certified complete by the effective date of the ordinance codified in this title shall have one hundred twenty days to complete the project review, receive a decision, and complete any appeal provisions of this chapter. The department will notify any applicants in writing that are subject to this provision within thirty days of the effective date of the ordinance codified in this title.

17G.061.150 Modification of Applications and Permits

- A. Modification of Complete Application.
 - 1. Proposed modifications to an application, which the department has previously found to be complete, will be treated as follows:
 - a. Modifications proposed by the department to an application shall not be considered a new application.
 - b. If the applicant proposes substantial modifications to an application, as determined by the department, the application may be considered a new application. The new application shall conform to the requirements of all statutes and ordinances in effect at the time the new application is submitted. A substantial modification may include but is not limited to the following:
 - i. change in use;
 - ii. increase in density;
 - iii. increase in site area; or
 - iv. changes that increase or significantly modify the traffic pattern for the proposed development.
- B. Limitations on Refiling of Application.
 - 1. Applications for a land use permit pursuant to Title 17 SMC on a specific site shall not be accepted if a similar permit has been denied on the site within the twelve months prior to the date of submittal of the application. The date of denial shall be considered the date the decision was made on an appeal, if an appeal was filed or the date of the original decision if no appeal was filed.
 - 2. The twelve-month time period may be waived or modified if the director finds that special circumstances warrant earlier reapplication. The director shall consider the following in determining whether an application for permit is similar to, or substantially the same as, a previously denied application:
 - a. An application for a permit shall be deemed similar if the proposed use of the property is the same, or substantially the same, as that which was considered and disallowed in the earlier decision.
 - b. An application for a permit shall be deemed similar if the proposed application form and site plan (i.e., building layout, lot configuration, dimensions) are the same, or substantially the same, as that which was considered and disallowed in the earlier decision; and
 - c. An application for a variance, exception, or waiver shall be deemed similar if the special circumstances which the applicant alleges as a basis for the request are the same, or substantially the same, as those considered and rejected in the earlier decision. In every instance, the burden of proving that an application is not similar shall be upon the applicant.
- C. Modifications or Revisions to Shoreline Permits.
 - 1. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and

- conditions of the permit, the shoreline master program and/or the policies and provisions of chapter 90.58 RCW.
2. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the director shall request from the applicant detailed plans and text describing the proposed changes in the permit.
 3. If the director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2) and are consistent with the shoreline master program and the Shoreline Management Act, the director may approve a revision.
 4. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.
 5. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with WAC 173-27 and which would not require a permit for the development or change proposed under the terms of the Shoreline Management Act, this section and the shoreline master program. If the proposed change constitutes substantial development then a new permit is required. This shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
 6. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or WAC 173-27-100 violate the provisions that they are "within the scope and intent of the original permit," the director shall require that the applicant apply for a new permit.
 7. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department of ecology. In addition, the director shall notify parties of record of their action.
 8. If the revision to the original permit was a conditional use or variance, which was conditioned by the department of ecology, the director shall submit the revision to the department of ecology for its approval, approval with conditions, or denial, indicating that the revision is being submitted under the requirements of this section. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the department of ecology's receipt of the submittal from the director. The director shall notify parties of record of the department of ecology's final decision.
 9. The revised permit is effective immediately upon final decision by the director, or when reviewed by the department of ecology, pursuant to subsection (7), then upon final action by the department of ecology.
 10. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the shorelines hearings board within twenty-one days from the date of receipt of the revision approved by the director, or when appropriate under

subsection (7), the date ecology's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

D. Modification to a Building Permit Subject to a Type II or III Approval.

In issuing building permits for construction under an approved site plan, the building official may, with concurrence of the Planning Director, permit minor adjustments of the location and/or dimensions of buildings, parking areas, and roadways as long as such adjustments do not change any points of ingress or egress to the site unless approved by the director of engineering services, change any perimeter setbacks, or exceed the density authorized in the permit. No modification of an approved application may be considered approved unless specifically provided in writing.

1. The Planning Director may, without public notice, modify an approved site plan, if all the following criteria are met:
 - a. The use will remain the same.
 - b. The total site coverage or total area covered by buildings will not increase.
 - c. The use will continue to comply with all conditions of approval imposed by the original decision.
 - d. The use will comply with all of the requirements of the land use regulations applicable to it and the property on which it is or will be located.
2. Any modification of an approved site plan not consistent with the standards of subsection (B)(1) of this section may be approved only pursuant to the procedures for granting the original Type II or III approval.

E. Modification of Shoreline Permit.

1. Recision and Remanding of Shoreline Permit.
 - a. After providing notice to the permittee and the public and also holding a public meeting, the Planning Director may rescind or suspend a permit if any of the conditions in RCW 90.58.140(8) exist.
 - b. Under the conditions listed in RCW 90.58.180, shoreline permits may be remanded back to the City by the Shorelines Hearings Board.
2. Other Modification of Shoreline Permit.
 - a. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the shoreline master program and/or the policies and provisions of chapter 90.58 RCW.

- b. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the director shall request from the applicant detailed plans and text describing the proposed changes in the permit.
- c. If the director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2) and are consistent with the shoreline master program and the Shoreline Management Act, the director may approve a revision.
- d. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.
- e. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with WAC 173-27 and which would not require a permit for the development or change proposed under the terms of the Shoreline Management Act, this section and the shoreline master program. If the proposed change constitutes substantial development then a new permit is required. This shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
- f. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or WAC 173-27-100 violate the provisions that they are "within the scope and intent of the original permit," the director shall require that the applicant apply for a new permit.
- g. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department of ecology. In addition, the director shall notify parties of record of their action.
- h. If the revision to the original permit was a conditional use or variance, which was conditioned by the department of ecology, the director shall submit the revision to the department of ecology for its approval, approval with conditions, or denial, indicating that the revision is being submitted under the requirements of this section. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the department of ecology's receipt of the submittal from the director. The director shall notify parties of record of the department of ecology's final decision.
- i. The revised permit is effective immediately upon final decision by the director, or when reviewed by the department of ecology, pursuant to subsection (7), then upon final action by the department of ecology.

- j. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the shorelines hearings board within twenty-one days from the date of receipt of the revision approved by the director, or when appropriate under subsection (7), the date ecology's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

17G.061.210 Public Notice

- A. Purpose.
Public notice informs interested parties of the application at proper stages of the approval process and ensures opportunity for appropriate comment. Notice occurs through various means depending on the type of application and proposed action.
- B. General.
 - 1. The types of notice for various categories of permit applications and actions are listed in Table 17G.061.010-1. The specified types of notice are used for community meetings, notice of application, notice of public hearing, notice of decision, and notice of appeals, as applicable.
 - 2. It is the responsibility of the applicant to provide public notice and file a statutory declaration as evidence of compliance.
- C. Types of Notice.
 - 1. Individual Notice.
Individual notice is given in writing by regular U.S. mail or by personal service. Notice shall be given to the following parties:
 - a. All owners and taxpayers of record, as shown by the most recent Spokane County assessor's record, and occupants of addresses of property located within a four-hundred-foot radius of any portion of the boundary of the subject property, including any property that is contiguous and under the same or common ownership and control (RCW 36.70B.040(2)). The department may expand the mailing to include areas adjacent to the access easements and areas on the opposite side of rights-of-way, rivers and other physical features;
 - b. Any person who has made a written request to receive such notice, including any registered neighborhood organization as defined in chapter 17A.020 SMC representing the surrounding area;
 - c. Any agency with jurisdiction identified by the director.
 - d. The individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the project is located, at the address for such neighborhood council

designee(s) that is on file with the City's department of neighborhood services.

2. Sign Notice.

Sign notice is given by installation of a sign on the site of the proposal adjacent to the most heavily traveled public street and located so as to be readable by the public. The director may require more than one sign if the site fronts on more than one arterial or contains more than three hundred feet of frontage on any street.

a. The notice sign must meet the following specifications:

- i. It measures a minimum of four feet by four feet, but sign size may be increased in order to contain all of the required information.
- ii. It is constructed of material of sufficient weight and strength to withstand normal weather conditions.
- iii. It is white with red lettering.

3. Posted Notice.

Posting of the notice as a letter, identical in form and content to individual written notice, shall be posted at "official public notice posting locations," including:

- a. The main City public library and the branch library within or nearest to the area subject to the pending action;
- b. The space in City Hall officially designated for posting notices; and
- c. Any other public building or space that the city council formally designates as an official public notice posting location, including electronic locations.

4. Newspaper Notice.

Newspaper notice is published in a legal newspaper of general circulation. The contents of the newspaper notice are as prescribed in subsection (D) of this section. Newspaper notices are published on the same day of two consecutive weeks, the first no later than the number of days specified for the particular application type specified in this chapter.

5. Other Notice.

The hearing examiner, with respect to permit applications for non-site specific issues, such as essential public facilities, may require or provide for such alternative or additional notice as deemed necessary and appropriate to serve the public interest. A notification plan may be required of the applicant by the hearing examiner indicating the form and time of notice appropriate to the scope and complexity of the proposed project.

D. Contents of Notice.

1. Individual, Newspaper, and Posted Notice.

The following information shall be included:

a. All application types:

- i. Location of the property sufficient to clearly locate the site.
- ii. Description of the proposed action and required permits.
- iii. Name, address, and office telephone number of the City official from whom additional information may be obtained.

- iv. Applicant name and telephone number.
 - v. Statement that any person may submit written comments and appear at the public hearing, if applicable.
 - vi. A statement that comments will be received on environmental issues, any environmental documents related to the proposed action, the SEPA status, and the appeal deadline for SEPA.
 - vii. A statement that written comments and oral testimony at a hearing will be made a part of the record, if applicable.
 - viii. A statement, in bold type, that only the applicant, persons submitting written comments, and persons testifying at a hearing may appeal the decision.
 - ix. Date and time by which any written comments must be received on the notice of application; and
 - x. Date of the application and date of the notice of complete application.
- b. An application requiring a community meeting shall also include a notice of community meeting with the date, time, and place of the meeting.
 - c. An application requiring a public hearing shall also include a notice of public hearing with the date, time, and place of the hearing.
2. Sign Notice.
- Sign notices must contain the following information:
- a. The first line of text on the sign in four-inch letters reads: "NOTICE OF COMMUNITY MEETING" or the applicable notice type.
 - b. The second line of text on the sign in three-inch letters reads: "PROPOSED CONDITIONAL USE PERMIT, File #Z----- -CUP" or some other appropriate description of the proposed action.
 - c. The third line of text on the sign in three-inch letters reads: "COMMUNITY MEETING ON/PUBLIC HEARING ON/COMMENTS DUE BY (date, time, and location)."
 - d. The subsequent line(s) of text, in three-inch letters, contain additional details as indicated for the project type in Table 17G.061.010-1.
 - e. The applicant (or agent) name and phone number, the SEPA status, and the deadline for appeal of the SEPA determination.
 - f. The last line of text on the sign in three-inch letters reads: "FOR INFORMATION: (City contact telephone number and web page address where additional project information may be found)."
 - g. The following figures illustrate posted notice signs:

Example "A"

NOTICE OF PUBLIC HEARING
 PROPOSED ZONE CHANGE, FILE #Z2003-01-ZC
 PUBLIC HEARING ON : 1/1/2004 AT 9:00 A.M.
 LOCATED: COUNCIL BRIEFING RM., CITY HALL
 Proposed Zone: C1
 Proposed Use: Warehouse

Applicant/Agent: John Doe, Phone (509) 999-0001
SEPA: DNS, appeal deadline 12/24/03
FOR INFORMATION: (509) 625-6300 <https://my.spokanecity.org/projects/example/>

Example "B"

NOTICE OF SEPA/APPLICATION
BUILDING PERMIT, FILE #B0300001
PUBLIC COMMENT DUE : 1/1/2004 AT 9:00 A.M.
LOCATED: COUNCIL BRIEFING RM., CITY HALL
Proposed Use: Commercial
Applicant/Agent: John Doe, Phone (509) 999-0001
SEPA: DNS, appeal deadline 12/24/03
FOR INFORMATION: (509) 625-6300 <https://my.spokanecity.org/projects/example/>

E. Removal of Public Notice.

1. Posted notices shall be removed within seven days after the close of the public hearing or by the due date of the decision on a ministerial permit.
2. If a posted notice remains on a site more than fourteen days after the time limitation stated above, the City shall remove and dispose of the sign and charge the applicant or other person responsible for the notice.

17G.061.220 Public Comment Period

- A. The public comment period for Type I, II, and III applications is fifteen days, except short subdivision applications with minor engineering review as provided in SMC 17G.080.040(C)(2) shall have no public comment period.
- B. The public comment period for a shoreline substantial development permit, shoreline conditional use, or shoreline variance shall be thirty days.
- C. The public comment period for a shoreline substantial development permit for limited utility extensions and bulkheads shall be twenty days (WAC 173-27-120).
- D. In case of conflicting time periods, the longest public comment period shall prevail.

17G.061.230 Public Hearing

- A. Notice of Public Hearing.
 1. A notice of public hearing is required for Type III applications. At the close of the public comment period initiated by the notice of application, the director consults with the hearing examiner regarding a date and time for the public hearing. No less than fifteen days prior to the public hearing, the director causes the notice of public hearing to be provided, unless notice of public hearing has been provided with the notice of application pursuant to SMC 17G.061.120(B)(5). The notice shall contain the information required under SMC 17G.061.210 and Table 17G.061.010-1.

2. The director makes a written report regarding the application to the hearing examiner. The report of the director is filed with the hearing examiner ten days prior to the scheduled public hearing and copies are mailed to the applicant and applicant's representative. Copies of the report are made available to any interested person for the cost of reproduction. If a report is not made available as provided in this subsection, the hearing examiner may reschedule or continue the hearing, or make a decision without regard to any report.
3. The written report of the director contains a description of the proposal, a summary of the comprehensive plan policies and provisions, a summary of the applicable provisions of the land use codes, the environmental threshold determination, findings and conclusions relating to the proposal to the prescribed decision criteria and a recommendation.

17G.061.240 SEPA Threshold Determination

All permit applications are subject to environmental review pursuant to SMC 17E.050.070 and 17E.050.230. An environmental checklist, along with any supplemental documents needed to fully disclose potential environmental impacts and measures to mitigate those impacts, is submitted as part of the application, if applicable. Review of those environmental documents is conducted concurrent with the other application material.

A. DNS Process for Type I, II and III Permit Applications.

1. The administrative official makes a SEPA threshold decision within ten days of the end of the public comment period initiated by the notice of application.
2. For Type I and II permit applications, the administrative official may issue the permit decision and the SEPA threshold determination simultaneously. However, the department shall not issue a decision on the permit application for fourteen days after the issuance of a determination of nonsignificance (DNS) if the proposal involves:
 - a. another agency with jurisdiction;
 - b. demolition of any structure or facility not exempted by SMC 17E.050.070;
 - c. issuance of clearing or grading permits not exempted by SMC 17E.050.070; or
 - d. a mitigated DNS or determination of significance (DS).
3. The public notice of the DNS shall be integrated with the notice requirements of the underlying project permit application, as prescribed in SMC 17G.061.210.
4. The issuance of a DNS shall follow the process under WAC 197-11-340 and for a mitigated DNS under WAC 197-11-350.

- B. Optional DNS process for Type I, II or III permit applications may be used with the following requirements if the administrative official has a reasonable basis for determining that significant adverse impacts are unlikely as a result of the project:
1. A single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal may be used. The time limits of this subsection (B) do not apply when the optional DNS process is utilized for SEPA.
 2. Provide notice of application as prescribed in SMC 17G.061.210 as set forth for the underlying project permit application. The notice shall include the following:
 - a. The notice of application shall state that the responsible official expects to issue a DNS for the proposal, and that:
 - i. the optional DNS process is being used;
 - ii. this may be the only opportunity to comment on the environmental impacts of the proposal;
 - iii. the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
 - iv. a copy of the subsequent threshold determination for the specific proposal may be obtained upon request.
 3. List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected.
 4. Send the notice of application and environmental checklist to:
 - a. agencies with jurisdiction, the department of ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
 - b. anyone requesting a copy of the environmental checklist for the specific proposal.

17G.061.310 Decision Criteria

- A. The purpose of the following sections is to establish the decision criteria for all permit types regardless of whether the decision is made by the director, hearing examiner, or city council, as applicable.
- B. The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.

- C. The following decision criteria shall be used for Type II and III permit applications, with the exception of plats, short plats, and binding site plans, which have separate decision criteria provided in 17G.080.025:
1. The proposal is allowed under the provisions of the land use codes.
 2. The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.
 3. The proposal meets the concurrency requirements of chapter 17D.010 SMC.
 4. If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic, or cultural features.
 5. The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.
- D. The following Type II and III applications have decision criteria listed in this subsection that are required to be met in addition to the provisions of subsection I of this section:
1. Shoreline Substantial Development Permit.
 - a. Consistency with the map, goals, and policies of the shoreline master program; and
 - b. Consistency with RCW 90.58 (Shoreline Management Act) and WAC 173-27 (Permits for Development on Shorelines of the State).
 2. Shoreline Conditional Use Permit.

The purpose of a shoreline conditional use permit is to provide a system within the shoreline master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the shoreline master program.

 - a. Uses classified or set forth in these shoreline regulations in Table 17E.060-4 as conditional uses, as well as unlisted uses, may be authorized provided the applicant can demonstrate all of the following:
 - i. The proposed use is consistent with the policies of RCW 90.58.020 and the shoreline master program.
 - ii. The proposed use will not unreasonably interfere with the normal public use of public shorelines.
 - iii. The cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program.

- iv. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the shoreline master program.
 - v. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located, and the public interest in enjoying physical and visual access suffers no substantial detrimental effect.
 - b. Consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were to be granted for other developments in the area where similar circumstances exist, the total of the conditional and shall not produce substantial adverse effects to the shoreline environment.
 - c. Other uses which are not classified or set forth in the shoreline master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the shoreline master program.
 - d. Uses which are specifically prohibited by the shoreline master program shall not be authorized by conditional use.
3. Shoreline Variance Permit.
- The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in shoreline master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the shoreline master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances exist and demonstrate that the public interest in enjoying physical and visual access to the shorelines shall suffer no substantial detrimental effect.
 - b. Variance permits for development and/or uses that will be located landward of the ordinary high-water mark, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program regulations precludes, or significantly interferes with, reasonable use of the property.
 - ii. That the hardship described in (i) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features

and the application of the shoreline master program regulations, and not, for example, from deed restrictions or the applicant's own actions.

- iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP regulations and will not cause adverse impacts to the shoreline environment.
 - iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
 - iv. That the variance requested is the minimum necessary to afford relief.
 - vi. That the public interest in enjoying physical and visual access to the shorelines will suffer no substantial detrimental effect.
 - c. Variance permits for development and/or uses that will be located waterward of the ordinary high-water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program precludes all reasonable use of the property.
 - ii. That the proposal is consistent with the criteria established under WAC 173-27-170(2)(b) through (f); and
 - iii. That the public rights of navigation and use of the shorelines will not be adversely affected.
 - d. In the granting of variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were to be granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
 - e. Variances from the use regulations of the shoreline master program are prohibited.
4. PUD and Plans-in-lieu.
- All of the following criteria are met:
- a. Compliance with All Applicable Standards.
The proposed development and uses comply with all applicable standards of the title, except where adjustments are being approved as part of the concept plan application, pursuant to the provisions of SMC 17G.070.200(F)(2).
 - b. Architectural and Site Design.
The proposed development demonstrates the use of innovative, aesthetic, and energy-efficient architectural and site design.
 - c. Transportation System Capacity.

There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.

d. Availability of Public Services.

There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and stormwater disposal to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.

e. Protection of Designated Resources.

City-designated resources such as historic landmarks, view sheds, street trees, urban forests, critical areas, or agricultural lands are protected in compliance with the standards in this and other titles of the Spokane Municipal Code.

f. Compatibility with Adjacent Uses.

The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned unit development and adjacent uses. There shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features, or other techniques.

g. Mitigation of Off-site Impacts.

All potential off-site impacts including litter, noise, shading, glare, and traffic will be identified and mitigated to the extent practicable.

E. The following Type II and III applications are not subject to subsections I and (D) of this section; they shall comply with the following decision criteria:

1. Variance.

a. A variance or modification of the standard or requirement is not prohibited by the land use codes.

b. No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome.

c. Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere economic hardship or self-created hardship are not considered for the purposes of this section.

i. The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements or uses located on the land do not allow such development; or

ii. Compliance with the requirement or standard would eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance.

d. In addition, the following objectives shall be reasonably satisfied:

- i. Surrounding properties will not suffer significant adverse effects.
 - ii. The appearance of the property or use will not be inconsistent with the development patterns of the surrounding property; and
 - iii. The ability to develop the property in compliance with other standards will not be adversely affected.
 - e. No variance may be granted to allow or establish a use that is not allowed in the underlying districts as a permitted use; or to modify or vary a standard or requirement of an overlay zone, unless specific provision allow a variance.
 - f. Floodplain variance is subject the additional criteria of SMC 17E.030.090 and SMC 17E.030.100.
2. Certificate of Compliance.
- a. Written documentation establishes that all necessary permits were issued and inspections conducted, or the current owner of the property is not the same party responsible for the creation of the violation, but is an innocent purchaser for value.
 - b. Approval of the certificate of compliance is necessary to relieve the applicant of a substantial practical or economic hardship; and
 - c. Approval of the certificate of compliance will not adversely affect the neighboring property or the area.
3. Skywalk Permit and Air Rights Use Permit.
- a. The proposed skywalk or air rights use is consistent with the comprehensive plan.
 - b. The proposed air rights use conforms to the standards contained in chapter 12.02 SMC Article III and the skywalk conforms to the standards contained in SMC 17C.255.500 through SMC 17C.255.530, unless the design review board has approved design deviations.
 - c. The proposed skywalk or air rights use conforms to the standards contained in the development codes.
 - d. The City is compensated for the fair market value of public air space used for any activity other than public pedestrian circulation.
 - e. An agreement, satisfactory to the city attorney, indemnifies and holds the City harmless against all loss or liability, and the applicant obtained approved public liability insurance, naming the City as an additional named insured, with combined limits of five hundred thousand dollars.

17G.061.320 Notice of Decision

- A. Decisions on Type I, II, and III project permit applications are made by the hearing examiner or director within ten days of the date the record is closed. The time for decision may be extended if the applicant agrees in writing. Subject to chapter 36.70B RCW, the time for decision may also be extended to allow time for

additional public comment if the hearing examiner or director determines that notice was not properly mailed or posted; provided, a person is deemed to have received notice if that person appears at the hearing or submits timely written comments, even if notice was not properly mailed or posted. In making the decision, the hearing examiner or director may approve, approve with conditions, or deny the permit application. The decision is made in writing.

- B. Within seven days of making the decision, the hearing examiner or director causes notice of decision to be provided as follows:
1. Written notice of decision is provided by the decision-maker concurrent to the decision.
 2. Notice of a decision denying a permit application is given to the applicant. A full copy of the decision and any conditions of approval accompanies the notice of the decision to the applicant.
 3. Notice of all other decisions is given to the applicant, all parties of record, and all persons who have requested to be given notice.
 4. Notice of decision for Type I permit applications shall be the permit. For Type II and III permit applications the decision includes the following information:
 - a. Location of the property.
 - b. Description of the proposed action.
 - c. Name, address, and office telephone number of the City official from whom additional information may be obtained.
 - d. Applicant name and number.
 - e. The decision made, including the environmental threshold determination.
 - f. A list of persons who testified in person or in writing, or a summary of such a list.
 - g. A list of exhibits or a summary of such a list.
 - h. A statement of the decision criteria governing the application.
 - i. A statement of the comprehensive plan policies governing the application.
 - j. Findings of fact and conclusions relating the proposal to the decision criteria governing the application and which form the basis for the decision.
 - k. A statement that a full copy of the decision may be obtained from the designated official for the cost of reproduction.
 - l. The last date the decision may be appealed.
 - m. The place the appeal must be filed.
 - n. A statement of the fee to be charged for an appeal and the approximate cost to prepare any required transcripts.
 - o. A statement that the decision will be final unless appealed; and
 - p. The signature of the person making the decision.
- C. If the decision on a Type II or III project permit includes conditions of approval, a covenant must be recorded in the Spokane County auditor's office identifying the restrictions to use and development of the property exist. The covenant must be filed within the approval time limits of the permit or the approval becomes void. For

rezones, the hearing examiner does not forward the rezone to the city council until the covenant has been filed.

- D. The decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance must contain a statement that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the “date of filing” by department of ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.149(5)(a) and (b).
- E. Notice of decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance shall be submitted to the department of ecology along with a permit data sheet (Appendix A, WAC Chapter 173-27). For a shoreline conditional use permit or a shoreline variance, there is a thirty-day review by department of ecology. After this period, the department of ecology shall render and transmit to the City of Spokane and the applicant a final decision approving, approving with conditions, or disapproving the permit. The Planning Director shall provide notification within seven days of the department of ecology’s final decision to those interested persons having requested notification.

17G.061.330 Decision – When Final

A decision is considered final at the termination of an appeal period if no appeal is filed, or when a final decision on appeal has been made pursuant to SMC 17G.061.340.

17G.061.340 Appeals

- A. The provisions of this section shall apply to any written order, requirement, permit, decision, or determination made under the land use codes.
- B. Appeal of a director’s decision on a project permit application is to the hearing examiner as an open record appeal, except appeals of building permits that are not related to the land use codes shall go before the building construction review board pursuant to chapter 4.06 SMC. The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner’s rules of procedure.
- C. Appeal of a hearing examiner’s decisions is to superior court, except rezones, PUDs, preliminary long plats, and skywalk permits are appealable to city council as a closed record appeal hearing and are subject to the procedures in chapter 17G.050 SMC.
- D. Shoreline substantial development permits decisions, after final decision by the City, may be appealed within twenty-one days from the “date of filing” or the date of actual receipt by the Department of Ecology; appeal is made to the shorelines hearings board.
- E. Shoreline conditional use permits and shoreline variance permits may be appealed to the shorelines hearings board within twenty-one days from the “date of filing” or the date the decision of the Department of Ecology is transmitted to the City of

- Spokane. If, as a result of the appeal process, the project has been modified, the director must reissue the permit according to WAC chapter 173-27-130 and submit a copy of the reissued permit to the department of ecology.
- F. Except as otherwise provided, appeals or requests for reconsideration from decisions shall be filed within fourteen calendar days of the date of the decision. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day. The appeal or request for reconsideration is filed in the department that is responsible for the permit application, except an appeal to superior court must be filed as a land use petition to the court within twenty-one days of the date of the written decision is issued.
- G. An appeal or request for reconsideration shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal or reconsideration. The following information, accompanied by an appeal fee as specified in chapter 8.02 SMC, shall be submitted. All fees including transcript deposit fees must be paid by the appellant no later than the last day to file the appeal. The appellant shall pay the cost of a written transcript within five days of the receipt of the hearing examiner's statement for the cost. An appeal application is not considered complete until all required fees are paid. Failure to timely pay all fees results in dismissal of the appeal with prejudice. The appeal or request for reconsideration application shall contain:
1. file number of the decision;
 2. the names of the appellant(s) and an indication of facts that establish the appellant's right to the relief requested;
 3. an identification of exceptions and objections to the decision being appealed or reconsidered, or an identification of errors in fact or conclusion;
 4. the requested relief from the decision being appealed or reconsidered;
 5. any other information reasonably necessary to make a decision on the appeal or reconsideration;
 6. failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal or reconsideration request.
- H. The appeal or request for reconsideration is rejected if:
1. it is filed by a person without standing as specified in chapter 17A.020 SMC;
 2. an appeal decision is being sought from a decision-maker not authorized by this chapter to make such a decision;
 3. it is not timely filed;
 4. the appeal fees have not been paid; or
 5. it is not filed in accordance with the procedures of this chapter.
- I. An appeal or request for reconsideration stays the underlying decision pending final disposal of the appeal, unless the action ordered in the decision is necessary to protect the public health or safety, or unless the appeal is required to be filed in superior court. Filing a suit or action in court does not stay the final decision unless and until the court, pursuant to RCW 36.70C.100, issues an order.
- J. Notice of Appeal.
Notice of a hearing by the hearing examiner is given to the director, appellant, applicant, and any party of record. This notice is mailed through regular U.S. mail

or personally served at least fourteen days prior to the hearing. The notice of appeal contains the following information:

1. Location of the property including a map sufficient to clearly locate the site.
2. Description of the proposed action.
3. Name of the applicant.
4. Application name and number.
5. Decision made on the application, including the environmental threshold determination.
6. Name of the appellant if other than the applicant.
7. Date, time, and place of hearing.
8. A statement of whether the appeal is on the record or if new information will be allowed; and
9. Name, address, and office telephone number of the City official from whom additional information may be obtained.

17G.061.350 Expiration of Permit

- A. Table 17G.061.010-1 indicates the expiration provisions for land use permits within the City of Spokane.
- B. The term for a permit shall commence on the date of the hearing examiner or director's decision, provided that in the event the decision is appealed, the effective date shall be the date of decision on appeal. The term for a shoreline permit shall commence on the effective date of the permit as defined in WAC 173-27-090.
- C. A permit under this chapter shall expire if, on the date the permit expires, the project sponsor has not submitted a complete application for building permit or the building permit has expired.
- D. In accordance with WAC 173-27-090, the director may authorize a single extension before the end of the time limit for up to one year if a request for extension has been filed before the expiration date and notice of the proposed extension is given to the parties of record and to the department of ecology. The extension must be based on reasonable factors. Extensions of time for plats, short plats and binding site plan are subject to the extension provisions of SMC 17G.080.020(M).

17G.061.400 Design Review

- A. Project permit applications that are subject to design review follow the procedures contained within chapter 17G.040 SMC, Design Review Board Administration and Procedures.
- B. Project permit applications that are subject to design review are listed in SMC 17G.040.020, Development and Applications Subject to Design Review.
- C. Prior to submitting a project permit application that is subject to design review under this title, a project permit applicant must have begun the design review process and may be required to participate in a design review collaborative workshop as defined in SMC 17G.040.050, Design Review Process, and outlined in the Design Review Application Handbook.

- D. Project permit applications that are subject to design review shall contain the information specified in chapter 17G.040 SMC. The design review process is completed prior to the end of the public comment period initiated by notice of application and a recommendation is made to the hearing examiner, Planning Director, Building Official, or other official as appropriate. The report of the design review board is made available to the action-approving authority by the close of the public comment period.

17G.061.510 Optional Consolidated Project Permit Review Process

- A. The optional process allows for the consideration of all discretionary land use, environmental, construction and building permits issued by the City, together with project permits requiring a public hearing as a single project, if requested in writing by the applicant. Permit decisions of other agencies are not included in the process but public meetings and hearings for other agencies may be coordinated with those of the City of Spokane.
- B. When multiple permits are required for a single project, the optional consolidated project permit review process is available as follows:
 - 1. A permit coordinator shall be designated.
 - 2. A single determination of complete application, notice of application and notice of final decision is made for all project permits being reviewed through the consolidated process, provide the time limits in this chapter can be met.
 - 3. Consolidated permit review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the consolidated review process shall permit only a single open record hearing and one closed record appeal.
 - 4. A single open record hearing including appeals of the SEPA threshold determination shall be conducted by the hearing examiner, pursuant to the procedures in chapter 17G.050 SMC. The hearing examiner's decision shall be appealable to superior court except rezones and preliminary long plats that are appealable to the city council and shoreline permits are appealable to the shoreline hearing board. Appeals to the city council shall be conducted as a closed record appeal hearing pursuant to the procedures in chapter 17G.050 SMC.

17G.061.520 Shoreline Substantial Development Permit Letter of Exemption Procedure

- A. State law and the shoreline master program specifically exempt certain types of development from the requirement of obtaining a shoreline substantial development permit. The types of development that are exempted are listed in SMC 17E.060.300 and WAC 173-27-040. No exempt development, use or activity shall be undertaken within the jurisdiction of the Shoreline Management Act (chapter 90.58 RCW or its successor) and the shoreline master program unless a

statement of exemption has been obtained from the director. Burden of proof that a development or use is exempt from the permit process is on the applicant.

- B. Application procedure for a letter of exemption from a shoreline substantial development permit is the same as for any shoreline permit as defined in SMC 17G.061.110 with these additional application materials:
 - 1. Written explanation of exemption type as defined in SMC 17E.060.300 and WAC 173-27-040.
 - 2. A contractor's bid to verify the total cost or fair market value of the proposal including labor and material, if the proposed exemption category is below the dollar threshold defined in WAC 173-27-040.
 - 3. A statement from a structural engineer licensed by the State of Washington to verify the need for immediate action, in order to address the imminent threat to public health and safety on the property, if proposed exemption category is for emergency construction as defined in WAC 173-27-040.
- C. All development within the shoreline, even when an exemption from the requirement of a substantial development permit is granted, must be consistent with the policies of the Shoreline Management Act and the shoreline master program. Conditions may be attached to the approval of a shoreline exemption in order to assure consistency of the project with the Shoreline Management Act and the shoreline master program (WAC 173-27-040).
- D. A letter of exemption from a shoreline substantial development permit is not always an exemption from a shoreline conditional use permit or a shoreline variance. A development or use that is listed as a conditional use pursuant to the SMP regulations or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance (WAC 173-27-040).
- E. In the case of shoreline projects with federal permit review and upon completion of a letter of exemption, the director must submit to ecology:
 - 1. Letter of exemption.
 - 2. Site plan.
 - 3. What is being approved; and
 - 4. Conditions of approval.

It must also state the specific exemption provision from WAC 173-27-040 and SMC 17E.060.300 and provide a summary of analysis of the consistency of the project with the SMP and the SMA. It shall contain any SEPA determination made and include the permit data sheet and transmittal letter form (WAC 173-27-990 Appendix A).
- F. The director shall review watershed restoration projects as defined in WAC 173-27-040 for consistency with the SMP and shall issue a decision along with any conditions within forty-five days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as defined in WAC 173-27-040.

Section 39. That Section 17G.070.030 SMC is amended to read as follows:

17G.070.030 Development Standards

A. Permitted Uses.

Any permitted or conditional use allowed in the base zoning districts of the subject property plus additional uses including the following:

1. In the RA, ~~((RSF))~~ R1, and ~~((RTF))~~ R2 zoning districts, an applicant with a planned unit development approval may develop the site to contain these additional uses:
 - a. ~~((Single family attached residential units;~~
 - b. ~~In the RTF zone, duplexes and attached duplexes;))~~
 - c. Accessory uses directly serving the planned unit development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone including:
 - i. community building with indoor and/or outdoor recreation facilities;
 - ii. recreational vehicle and personal storage area;
 - iii. consolidated guest parking facilities.
2. In the RMF and RHD zoning districts, an applicant with a planned unit development approval may develop any uses permitted in the ~~((RSF))~~ R1, ~~((RTF))~~ R2, RMF and RHD zones together with these additional uses:
 - a. Retail sales and service uses and office uses are permitted subject to the following limitations:
 - i. The PUD site is larger than ten acres,
 - ii. Individual retail sales and service uses and office uses shall not exceed a floor area of three thousand square feet each and the site area developed with retail sales and service uses and office uses shall not exceed five percent of the total PUD site area.
 - iii. Sites developed with retail sales and service uses and office uses shall have frontage on a street that is designated as a collector or higher classified arterial.

- iv. The retail sales and service uses and office uses in the PUD shall not be permitted until sixty percent of the approved residential units are completed.
- v. An one hundred percent increase in the amount of retail sales and service uses and office uses is allowed when retail sales and service uses and office uses are physically built under residential uses in a mixed use building with ground floor retail sales and service uses and office uses.
- vi. Outdoor sales and display and outdoor storage areas are not permitted except outdoor seating is allowed for restaurants and cafes.

3. Commercial Zones.

PUDs are permitted in the commercial zones including center and corridor (CC) and the downtown (DT) zones.

4. Industrial Zones.

In the PI zones, an applicant with a planned unit development approval may develop the site to contain all of the uses permitted by right in the underlying zone and, in addition, up to fifty percent of the total gross floor area may be devoted to housing units provided these are built above the ground floor.

5. More Than One Base Zone.

When a site contains land that is in more than one zoning district, the allowed residential and conditional uses at the required minimum and maximum densities, if applicable, shall be proportionate to the land within the development site devoted to each zoning district.

B. Density.

1. Densities Required.

An applicant with a planned unit development approval (~~may~~) shall develop the site subject to the minimum and maximum density provisions of the base zone, as contained in Title 17C SMC, except as provided in subsection (B)(2) of this section, plus a maximum of ten percent density bonus per the provisions below under SMC 17G.070.030(B)(5).

2. Density Exception.

For properties with a designated critical area or properties located in agricultural lands designation of the City's comprehensive plan, the minimum density requirement may be waived by the hearing examiner based on the following criteria:

- a. The development of the site with the critical area would not allow sufficient minimum lot size under the base zone requirements because critical area setbacks and buffers would reduce minimum lot sizes below those required by the base zone.
- b. The development of the site would require reducing buffers, setbacks or other dimensional modifications due to the location of designated critical areas; and
- c. The protection of the agricultural lands or critical area would be more effective by clustering the homes and structures to the minimum area necessary.

3. Calculating Density.

The calculation of density for a planned unit development is the net area based on the total area of subject property less the area set aside for right-of-way, tracts of land reserved for private streets and dedicated tracts reserved for stormwater facilities. The calculation of density is rounded up to the next whole number.

4. Transfer of Development Rights.

An applicant for a planned unit development may shift allowed residential densities to another site to protect and preserve designated critical areas and agricultural lands while providing the overall maximum density permitted by the underlying zoning district.

5. Density Bonuses.

- a. An applicant for a planned unit development may apply for a residential density bonus of ten percent above the maximum density allowed in the underlying base zone for developing affordable housing units that meet or exceed the HUD standards for affordable units.
- b. The density bonus may be granted based on a one percent ratio of bonus density for the project for each one percent of affordable housing that is provided.

- c. Affordable housing units are required to be dispersed throughout the project and shall not be congregated all in one building, when more than one building is proposed.

C. Dimensional Requirements of the Base Zone.

The dimensional requirements of the base zone standards apply to a PUD except as follows:

1. Lot Dimensional Standards.

- a. The minimum lot size, lot depth and lot width standards may be modified.
- b. The lot frontage requirements may be modified to allow the lots to be served by a private street or private access, rather than a public street as required under SMC ((~~17C.110.200(F)~~)) 17C.111.200(F), provided that the director of engineering services has determined that private streets or private access can serve the subject lots in the planned unit development. A private street or private access that does not conform to chapter 17H.010 SMC, Street Development Standards, may be approved through a design variance request under SMC 17H.010.020.

2. Lot Coverage and FAR.

The lot coverage by buildings and the floor area ratio (FAR) provisions may be modified.

3. Setbacks.

- a. Front and rear yard setbacks.
 - i. Front and rear yard setbacks for structures located within eighty feet of the perimeter of the project shall be the same as required by the base zone.
 - ii. Front and rear yard setbacks in the remainder of the project may be modified, except that a minimum front or rear yard setback of twenty feet is required for any garage or carport that opens facing a street or an alley.
 - iii. Above and below ground parking structures used in conjunction with a mixed use or multifamily residential project may modify front yard setbacks, if sufficient queuing to enter the structure is provided on-site.

b. Side Yard Setbacks.

- i. Side yard setbacks may be modified, except that a side yard setback of twenty feet is required for any garage or carport that opens facing a street.
- ii. Above and below ground parking structures used in conjunction with a mixed use or multifamily residential project may modify side yard setbacks, if sufficient queuing to enter the structure is provided on-site.

4. Building Height.

Except as provided below, building height allowed in the base zone cannot be modified, waived or varied through the planned unit development process.

- a. Changes to the height limits in the underlying zone require a rezone processed concurrently with the planned unit development.
- b. In the RMF zone, the wall height for a mixed-use commercial building may be increased to thirty five feet. Such a building is exempt from the height transition requirements of SMC ((17C.110.215(C)(3))) 17C.111.215(C)(3).

5. Off-street Parking.

The minimum number of off-street parking stalls may be modified based upon sufficient evidence that the occupancy of the project will not require the number of off-street parking stalls specified for that use under chapter 17C.230 SMC, Parking and Loading.

6. Signs.

The number, type and size of signs cannot be modified through a planned unit development.

7. Fencing.

Perimeter fencing for a planned unit development is permitted except the maximum height of fencing along a street frontage of the planned unit development may not exceed forty-two inches. When a fence is along a street frontage, usable pedestrian access shall be provided spaced a minimum of one every three hundred feet.

8. Gates.

If the director of engineering services approves of private streets in the planned unit development, based on the criteria of SMC 17H.010.090, gates may be permitted in a planned unit development.

9. Lot Access.

The ~~((lot))~~ alley access requirements of SMC ~~((17C.110.208(D)))~~ 17C.111.335(B) apply to lots in a PUD. If a lot abuts a public alley, then vehicle access shall be from the alley.

D. Infrastructure.

All public or private streets, paving, curbs, sidewalks, utilities, stormwater, lights and similar facilities shall be developed according to City standards, unless specifically modified by the city engineer. Waivers, variances, or modifications to the private or public street standards, utilities, and other infrastructure through a planned unit development shall be approved by the city engineer. An approved design variance request form shall be submitted with the PUD application.

E. Common Open Space.

In exchange for the approval of more intense residential development, higher densities, smaller lots and relaxed development standards, the developer of a planned unit development is required to provide common open space for the active and passive recreational activities of residents, employees, and visitors. Such space shall be aggregated wherever feasible and shall consist of a combination of landscaped and hard-scaped areas. Such common open space shall include some combination of the following: plazas, arbors, sitting areas, picnic areas, playing fields and trails to accommodate a variety of active and passive activities and promote visual interest.

1. In planned unit developments, the following requirements shall apply:

- a. At least ten percent of the gross area of the site must be devoted to such open space. Such space must be fully accessible to the residents, employees, visitors and/or other users of the site. Reduction of this standard in PUDs is prohibited and a variance cannot be sought to reduce this requirement.
- b. Fenced yards associated with buildings immediately adjacent to designated open space, landscaping in parking lots, or fenced stormwater facilities shall not count toward the total open space requirement.
- c. Environmentally-constrained land within the planned unit development, including wetlands, geologically hazardous areas, fish

and wildlife habitats and frequently flooded areas may be used to meet up to fifty percent of the total requirement specified in subsection (E)(1)(a) above, provided that these areas are either accessible to pedestrians to the extent practical or are visually accessible from adjacent and adjoining common open space.

2. The common open space designated to meet this requirement shall be permanently maintained by and conveyed to one of the following:
 - a. A homeowners' or property owners' association as regulated by state law.
 - b. A public agency that agrees to maintain the common open space and any buildings, structures or improvements placed within it.

F. Subdivision.

When a planned unit development is combined with a division of land including a short plat, long plat or binding site plan, the requirements of ~~((SMC)) chapter 17G.080 SMC~~ are required to be met, including ~~((chapter 17C.110.200(C) SMC)) SMC 17C.111.200(C)~~, along with the following:

1. Lot Size Transition.

Transition requirements for lot sizes in the RA and RSF zones cannot be waived or modified through the planned unit development process.

2. Through lots.

Lots shall be configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. A new PUD/subdivisions shall not "turn its back" on a collector, minor or principal arterial street. Through lots are allowed only where both front lot lines are on local access streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

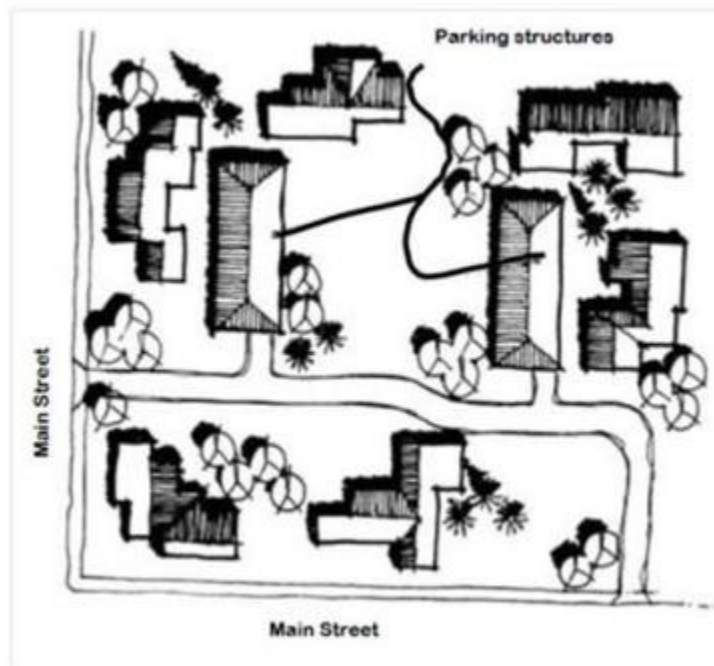
Section 40. That Section 17G.070.135 SMC is amended to read as follows:

17G.070.135 Compatibility with Surrounding Areas

A. Purpose.

For a PUD to be compatible with, and an integral part of the surrounding area. Although a completely homogeneous neighborhood is not necessary or desirable, a reasonable level of compatibility to the surroundings should be achieved. Diversity

in style and density can help create an interesting and vibrant community. When combined with a respect for, and acknowledgment of, existing forms, siting and details, a new development can quickly “belong” in a particular community. A new development should be done in a manner that complements the existing area.



B. Design Standards.

1. The architectural style and detailing of any entrance monument, fencing materials and any structure, other than ~~((single-family))~~ single-unit detached ~~((homes))~~ dwellings, and ~~((duplexes))~~ middle housing, should incorporate significant elements and details of the architecture in the surrounding areas, particularly regarding form, size, color and materials. Chain link fencing is particularly discouraged. (P)
2. The design standards of SMC ~~((17C.110.400))~~ 17C.111.400 shall apply to any ~~((attached housing of three or more units and any multi-family))~~ multi-unit residential building within a PUD. (R)
3. The design standards of SMC ~~((17C.110.500))~~ 17C.111.500 shall apply to any common buildings within a PUD.
4. Driveways and open parking areas should be integrated into the overall design and should not be the dominant features along the street frontages. (P)

5. Parking structure entrances should preferably be accessed from streets within the development rather than from public streets and their appearance should be minimized and integrated into the overall design. (P)
6. Entrance signage shall be in character with the proposed and surrounding developments. (P)

Section 41. That there is adopted Section 17G.080.000 SMC to read as follows:

17G.080.000 Purpose and Administration

A. Purpose.

This chapter is adopted pursuant to RCW 36.70A and RCW 58.17. It implements the provisions of chapter 36.70A RCW and serves the following purposes:

1. Ensures consistency with the City's comprehensive plan
2. Regulates the subdivision of land in a manner which promotes the public health, safety, and general welfare in accordance with the provisions of chapter 58.17 RCW.
3. Provides for the expeditious review and approval of proposed subdivisions, short subdivisions, and binding site plans which conform to the City's zoning and development regulations and the policies of the City's comprehensive plan.

B. Applicability.

This chapter shall apply to all divisions and redivisions of land for the purposes of sale, lease or transfer of ownership.

C. Administration.

The director administers, interprets, and enforces the requirements of this chapter. The director establishes administrative rules and requires the use of such forms as needed for the administration of subdivision under this chapter.

D. Exemptions.

The provisions of this chapter shall not apply to:

1. cemeteries and other burial plots while used for that purpose;
2. divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;
3. the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights-of-way, creation of new public road rights-of-way, or other public road construction purposes;
4. a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;
5. the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;
6. acquisition of land by the City for:

- a. such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or
 - b. Additional street right-of-way;
- 7. an adjustment of boundary lines in accordance with the provisions of this chapter.
- E. Severability.
If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

Section 42. That Section 17G.080.010 SMC is repealed.

Section 43. That Section 17G.080.020 SMC is amended to read as follows:

17G.080.020 General Provisions

~~A. ((Authority and Administration.~~

~~This chapter is adopted pursuant to chapters 36.70A and 58.17 RCW. The director is assigned the duty to administer, interpret and enforce the requirements of this chapter. The director establishes administrative rules and requires the use of such forms as needed for the administration of subdivision under this chapter.~~

~~B. Exemptions.~~

~~The provisions of this chapter shall not apply to:~~

- ~~1. cemeteries and other burial plots while used for that purpose;~~
- ~~2. divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;~~
- ~~3. the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights-of-way, creation of new public road rights-of-way, or other public road construction purposes;~~
- ~~4. a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;~~
- ~~5. the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;~~
- ~~6. acquisition of land by the City for:~~

~~a. such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or~~

~~b. Additional street right-of-way;~~

~~7. an adjustment of boundary lines in accordance with the provisions of this chapter.))~~

C. Expiration of Approval.

A final plat, final short plat or final binding site plan meeting all requirements of Chapter 17G.080 Subdivisions shall be submitted to the director within the timelines of RCW 58.17.140. A time extension may be requested for a preliminary plat, preliminary short plat or preliminary binding site plan, as provided in subsection (L) of this section.

D. Alteration, Vacation and Redivision of Final Plat, Short Plat or Binding Site Plan.

1. Alteration.

The alteration of any plat, short plat or binding site plan or portion thereof, except as provided in subsection (B)(7) of this section, is subject to the procedures set forth in RCW 58.17.215. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute. When the application is for an alteration that substitutes private streets for City street/right-of-way the applicant shall:

- a. obtain approval from the director of engineering services prior to application for alteration;
- b. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the alteration by the hearing examiner.

2. Vacation.

- a. When the application is for the vacation of the City street/right-of-way, the procedures for street vacation set forth in chapter 35.79 RCW shall be utilized. The city council shall conduct the public hearing required under this statute.
- b. When the application is for the vacation of the plat together with the City streets/right-of-way the procedure for vacation set forth in RCW 58.17.212 shall be utilized. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute.

3. Redivision of Platted Lots.

- a. The division of a lot located in a recorded plat, binding site plan or short plat shall be processed as a new application in accordance with the provisions of this chapter. Lot lines within an existing subdivision may be adjusted in accordance with the procedures for SMC 17G.080.030, Boundary line adjustment, without redivision providing that no new or substandard lots are created.
- b. When the application is for a redivision which replaces private streets with City street/right-of-way, the applicant shall:
 - i. obtain approval from the director of engineering services prior to application for redivision;
 - ii. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the redivision by the hearing examiner.

E. Names of Plats, Short Plats and Binding Site Plans.

The name of a plat, short plat or binding site plan shall be approved by the director prior to the submittal of the final plat, short plat or binding site plan. A name that is similar to or the same as an existing recorded plat, short plat or binding site plan on file with the Spokane county auditor is not permitted. The following format shall be followed for naming plats, short plats and binding site plans:

1. Short plats: "_____ City Short Plat, File No. _____."
2. Plats:
 - a. City View Addition.
 - b. City View 1st Addition.
 - c. City View 2nd Addition.
 - d. City View 3rd Addition.
3. Binding site plans: "_____ BSP, File No. _____."

F. Street Names.

The names of all public and private streets shall be approved by the director of engineering services prior to recording of the plat, short plat or binding site plan and shall meet the requirements of chapter 17D.050 SMC.

G. Modification to a Preliminary Plat, Short Plat or Binding Site Plan.

A request to modify a preliminary plat, short plat or binding site plan that has received preliminary approval shall be submitted to the director.

1. Substantial Modifications.

Revisions that result in a substantial change, as determined by the director, shall be treated as a new application for purposes of vesting and concurrency and shall be reviewed and approved under the same process required for a preliminary subdivision, short subdivision or binding site plan. For the purpose of this section, substantial change includes:

- a. the creation of additional lots or the inclusion of additional area; or
- b. a significant change in the proposal, including changes in points of ingress or egress; or alteration of conditions of approval that leads to significant built or natural environmental impacts that were not addressed in the original approval; or
- c. change of use((~)) ; or
- d. modification of types or locations of Middle Housing that results in an increase in dwelling units on a lot.

2. Minor Modifications.

The following modifications are considered minor and may be approved administratively by the director:

- a. Engineering design that does not alter or eliminate features specifically required as a condition of preliminary subdivision approval;
- b. Changes in lot dimensions that are consistent with the underlying zone;
- c. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained; or
- d. Changes in phasing plans that do not significantly impact the plat and are acceptable to the director of engineering services and non-City service providers.

H. Monument/Survey Data Requirements for Plats, Short Plats and Binding Site Plans.

1. All final plats, short plats and binding site plans shall be surveyed and monuments installed.
2. Every final plat, short plat and binding site plan shall show the following:
 - a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.
 - b. Bearing trees, corner accessories or witness monuments, bearing and length of lines.
 - c. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.
 - d. Ties to adjoining surveys of record.
3. Every final plat, short plat and binding site plan shall conform to the following standards:
 - a. The allowable error of mathematical closure for the final plat map shall not exceed one foot in eighty thousand feet or 0.04 feet, whichever is greater.
 - b. Bearings and lengths are to be shown for all lines; no ditto marks are to be used.
 - c. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.
 - d. Plat boundary and street monument lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show chord bearing and length.
 - e. Lots along curves shall show arc length and include angle (Δ) along curve and radial bearings at lot corners where the lot line is non-radial. If a curve table is provided, it shall show the included angle (Δ), radius, and arc length for each segment of the curve along each lot. Radial bearings on non-radial lot lines are still required. Radial bearings shall be provided for all non-tangent curves.
4. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds.

5. When elevations are required on the final plat, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the director of engineering services.
6. The final plat shall indicate the actual net area for each platted lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.

I. Fees.

All applications shall include the fees set forth in chapter 8.02 SMC.

J. Enforcement and Penalties.

Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this chapter or chapter 58.17 RCW relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense.

K. Appeals.

Appeals of this chapter shall be governed by chapters 17G.050 and 17G.061 SMC.

L. Extensions of Time.

An approved preliminary subdivision, short plat and binding site plan may receive a one-time, one-year time extension.

1. The applicant shall comply with all of the following:

- a. The extension request shall be filed with the director at least thirty days prior to the expiration of the approval.
- b. The applicant must have finalized at least one phase.
- c. The application shall demonstrate that construction plans have been submitted and are under review for acceptance by the City prior to submission for extension or that the applicant is in the process of installing infrastructure for the development.
- d. The project shall be consistent with the comprehensive plan.

- e. The applicant shall demonstrate that there are no significant changes in conditions that would render approval of the extension contrary to the public health, safety or general welfare; and
 - f. Valid concurrency certificate.
- 2. The director shall take one of the following actions upon receipt of a timely extension request:
 - a. Approve the extension request if no significant issues are presented under the criteria set forth in this section.
 - b. Conditionally approve the application if any significant issues presented are substantially mitigated by minor revisions to the original approval; or
 - c. Deny the extension request if any significant issues presented cannot be substantially mitigated by minor revisions to the approved plan.
- 3. A request for extension approval shall be processed as a Type I action under chapter ((~~17G.060~~)) 17G.061 SMC.

M. Sunset Provision.

- 1. For subdivision applications with preliminary approval on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the remainder of the five years allowed by chapter 58.17 RCW. In this case, the applicant may receive a one-time extension of one year under the provisions of subsection (L) of this section.
- 2. For subdivision applications with final plat approval for one or more phases on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the greater of either the remainder of the five years allowed by chapter 58.17 RCW or three years from the effective date of the ordinance codified in this chapter.
- 3. Extensions of the Sunset Provision.

The director may grant five-year extensions to the time period under subsection (M)(2) of this section for preliminary subdivisions upon the following:

- a. An application with supporting data for a time extension request must be submitted to the director no less than thirty days prior to the expiration of the preliminary subdivision.

- b. The preliminary subdivision has a minimum of one hundred lots or dwelling units remaining to be finalized as of the effective date of the ordinance codified in this chapter.
- c. The applicant must have finalized at least one phase including the installation of infrastructure and recording of lots, by the end of the three years granted under subsection (M)(2) of this section or since the last time extension.
- d. The application shall demonstrate compliance with all of the following:
 - i. The project is consistent with the comprehensive plan.
 - ii. The project is consistent with current development standards; and
 - iii. The project has a valid concurrency certificate. This certificate may be based on a new review of the project or extension of an existing concurrency certificate.
- e. Provided all of the conditions in subsections (M)(3)(a) through (d) of this section are met, the director may include additional or altered conditions and requirements to the preliminary plat approval. A time extension granted as a result of administration delays are not subject to additional or altered conditions.
- f. The director shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant and those parties requesting a copy of the decision. Appeals of the time extension shall be filed consistent with the provisions of chapter 17G.050 SMC.

Section 44. That there is adopted a new Section 17G.080.025 to Chapter 17G.080 SMC to read as follows:

17G.080.025 Decision Criteria

A. Purpose.

This section establishes conditions for approval or disapproval of land divisions.

B. Burden of Evidence.

The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.

C. Concurrency.

The proposed subdivision shall make appropriate (in terms of capacity and concurrency) provisions for:

1. public health, safety and welfare;
2. open spaces;
3. drainage ways;
4. streets, roads, alleys, and other public ways;
5. transit stops;
6. potable water supplies;
7. sanitary wastes;
8. parks, recreation, and playgrounds;
9. schools and school grounds; and
10. sidewalks, pathways, and other features that assure safe walking conditions.

Section 45. That Section 17G.080.040 SMC is amended to read as follows:

17G.080.040 Short Subdivisions

A. Predevelopment Meeting

A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.

B. Preliminary Short Plat Application and Map Requirements

1. Applications for approval of a preliminary short subdivision shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal

requirements determined to be unnecessary for review of the application. The application shall include the following:

- a. The general application.
 - b. The supplemental application.
 - c. The environmental checklist, if required under [chapter 17E.050 SMC](#).
 - d. Title report no older than thirty days from issuance from the title company.
 - e. The filing fees as required under [chapter 8.02 SMC](#).
 - f. The required number of documents, plans or maps drawn to a minimum scale of one-inch equals one hundred feet, on a sheet twenty-four by thirty-six inches, as set forth in the application checklist.
 - g. A written narrative identifying consistency with the applicable policies, regulations and criteria for approval of the permit requested; and
 - h. Additional application information which may be requested by the permitting department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, critical area studies, noise studies, air quality studies, visual analysis and transportation impact studies.
 - i. One copy of the predevelopment conference notes (if applicable); and
 - j. One copy of the notification district map.
2. Contents of Preliminary Short Plat Map

The preliminary short plat shall be prepared by a land surveyor and shall show the following:

- a. Plat name and the name of any subdivision to be replatted.
- b. The name, mailing address and phone number of the owner and the person with whom official contact should be made regarding the application.
- c. Surveyor's name, mailing address, and phone number.
- d. Legal description.
- e. Section, township, and range.
- f. Vicinity map.

- g. North arrow, scale and date.
- h. Datum plane.
- i. Acreage.
- j. Number of lots ~~((and))~~, proposed density, and number of housing units.
- k. Zoning designation.
- l. The boundary lines of the proposed subdivision.
- m. City limits and section lines.
- n. Park or open space (if proposed).
- o. Existing topography at two-foot maximum interval.
- p. The boundaries and approximate dimensions of all blocks and lots, ~~((together with the numbers proposed to be assigned each lot and block, and the dimensions, square footage and acreage of all proposed lots and tracts.))~~ along with the following information:
 - i. the numbers proposed to be assigned each lot and block;
 - ii. the dimensions, square footage, and acreage of all proposed lots and tracts; and
 - iii. for residential lots zoned R1 or R2, the proposed Middle Housing types, included single-unit detached houses, and total number of proposed units on all proposed lots.
- q. Proposed names of streets.
- r. The location and widths of streets, alleys, rights-of-way, easements (both public and private), turn around and emergency access, parks and open spaces.
- s. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown along with any and all recorded covenants and easements.
- t. The names and address of the record owners and taxpayers of each parcel adjoining the subdivision.

- u. Indicate any street grades in excess of eight percent.
- v. The location and, where ascertainable, sizes of all permanent buildings, wells, wellhead protection areas, sewage disposal systems, water courses, bodies of water, flood zones, culverts, bridges, structures, overhead and underground utilities, railroad lines, and other features existing upon, over or under the land proposed to be subdivided, and identifying any which are to be retained or removed.
- w. Proposed one-foot strips for right-of-way conveyed to the City, in cases where a proposed public street or alley abuts unplatted land.
- x. If a body of water forms the boundary of the plat, the ordinary high water mark as defined in chapter 90.58 RCW.
- y. Critical areas as defined in chapters [17E.020](#), [17E.030](#), [17E.070](#) and [17G.030 SMC](#).
- z. Significant historic, cultural or archaeological resources; and
- aa. If the proposal is located in an irrigation district, the irrigation district name.

C. Review of Preliminary Short Plat

1. The application shall be reviewed in accordance with the procedures set forth in chapter ((~~17G.060~~)) [17G.061](#) SMC for a Type II application, except an application that meets the requirements for minor engineering review as provided in subsection (2) of this section shall be excluded from the public notice requirements contained in SMC ((~~17G.060.110~~)) [17G.061.210](#) ((~~through 17G.060.120~~)) and public comment period under SMC ((~~17G.060.130~~)) [17G.061.220](#).
2. Minor Engineering Review.
 - a. A preliminary short plat application may qualify for a ((~~minor engineering review~~)) Minor Engineering Review if it meets all of the following conditions:
 - i. The application is categorically exempt from chapter 43.21C RCW (SEPA);
 - ii. There is direct water and sewer main lot frontage on an existing and improved public right-of-way;
 - iii. No extensions of public water, sewer, or other utility services will be needed;

- iv. No public easements for water, sewer, or other utility service exists on the lot;
 - v. The lot is not situated in a Special Drainage District as defined in [SMC 17D.060.130](#); and
 - vi. Public utility mains do not exist on the lot.
- b. The City Engineer is authorized to waiver conditions ii through vi of the subjection (a) if the application substantially meets the intent of the Minor Engineering Review.

D. Public Notice And Public Comment.

All public notice of the application and opportunities for public comment shall be given in accordance with the procedures set forth in ~~((chapter 17G.060 SMC))~~ chapter 17G.061 SMC for a Type II application ~~((, except a short plat that meets the requirements for minor engineering review as provided in subsection (C)(2) of this section shall not require a notice of application)).~~

1. Exceptions.

- a. A short plat that meets the requirements of Minor Engineering Review as provided in subsection (C)(2) of this section shall not require a notice of application.
- b. A short plat that is categorically exempt from SEPA and results in four or fewer lots shall not require a posted or signed notice of application.

E. Preliminary Short Plat Approval Criteria₂

Prior to approval of a short plat application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in ~~((chapter 17G.060 SMC))~~ chapter 17G.061 SMC. The director has the authority to approve or disapprove a proposed preliminary short plat under the provisions of this chapter, subject to appeal as provided in chapters 17F.050 and ~~((17G.060 SMC))~~ 17G.061 SMC.

F. Final Short Plat Review Procedure

- 1. The subdivider shall submit to the director for review the following:
 - a. A final short plat, prepared by a registered land surveyor licensed in the state of Washington, consistent with the approved preliminary short plat.

- b. A title report less than thirty days old confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
 - c. Covenants, conditions and restrictions, if applicable; and
 - d. Fees pursuant to [chapter 8.02 SMC](#).
- 2. Within thirty days, unless the applicant has consented to a longer period of time, of receipt of a proposed final short plat, the director shall review the plat for conformance with all conditions of the preliminary short plat approval, the requirements of this chapter and that arrangements have been made to insure the construction of required improvements. If all such conditions are met, the director shall approve the final short plat and authorize the recording of the plat. If all conditions are not met, the director shall provide the applicant in writing a statement of the necessary changes to bring the final short plat into conformance with the conditions.
 - a. If the final short plat is required to be resubmitted, the subdivider is required to provide the following:
 - b. A cover letter addressing the corrections, additions or modifications required.
 - c. Title report no older than thirty days from issuance of a title company conforming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication; and
 - d. The required number of copies of the corrected final short plat map.
- 3. If the final short plat is approved, the surveyor causes the plat to be signed by the Spokane county treasurer and file of record with the Spokane county auditor. The surveyor is required to file the appropriate number of mylar and bond copies of the recorded short plat with the director.

G. Final Short Plat Map Requirements

The subdivider shall submit to the director a final short plat in the same form and with the same content as the preliminary short plat, as provided in subsections (B)(1) and (2) of this section, with the following exceptions or additional requirements:

- 1. A final short plat shall contain all the information required of the preliminary plat, except the following:

- a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
2. The final short plat shall include the following:
- a. Surveyor's certificate, stamp, date and signature, as follows:

The following land surveyor's certificate to be shown on each sheet of the plat: "I, _____ registered land surveyor, hereby certify the plat of _____, as shown hereon, is based upon actual field survey of the land described and that all angles, distances, and courses are correctly shown and that all non fronting lot corners are set as shown on the plat. Monuments and fronting lot corners shall be set upon completion of the utility and street improvements.

Signed _____(Seal)"

- b. A certification by the city treasurer, as applicable:

- i. "I hereby certify that the land described by this plat, as of the date of this certification, is not subject to any local improvement assessments. Examined and approved, this _____ day of _____, 20__.

City of Spokane Treasurer"

- ii. "I hereby certify that the land described by this plat, as of the date of this certificate, is not subject to any delinquent local improvement assessment. Future installments, if any, shall remain due and payable and it shall be the responsibility of the owners to initiate the segregation of the LID assessment. Examined and approved, this _____ day of _____, 20__.

City of Spokane Treasurer"

- iii. "A preliminary local improvement assessment exists against this property. It shall be the responsibility of the owner's to initiate the segregation of the LID assessment. After this assessment is finalized, it shall be due and payable. Examined and approved this _____ day of _____, 20__.

City of Spokane Treasurer"

- c. The certification by the planning director, as follows:

"This plat has been reviewed on this _____ day of _____, 20__ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner's/Planning Director's approval of the preliminary plat # - -PP/SP.

City of Spokane Planning Director"

- d. The certification by the city engineer, as follows:

"Approved as to compliance with the survey data, the design of public works and provisions made for constructing the improvements and permanent control monuments this _____ day of _____, 20__.

City of Spokane Engineer"

- e. The certification by the Spokane county treasurer, as follows:

"I hereby certify that the land described in this plat, as of the date of this certification, is not subject to any outstanding fees or assessments. Examined and approved _____ day of _____, 20__.

Spokane County Treasurer"

- f. The certification by the Spokane county auditor on each page of the final short plat including the time, date, book and page number of the recording of the final mylar.

- g. Signature of every owner certifying that:

- i. the plat is made with the free consent and in accordance with the desires of the owners of the land;
- ii. the owners are the owners of the property and the only parties having interest in the land and is not encumbered by any delinquent taxes or assessments;
- iii. the owners adopt the plan of lots, blocks and streets shown;
- iv. owner dedicates to the City and the City's permittees the easements shown for utilities and cable television purposes;
- v. owner dedicates to the City the streets, alleys and other public places, including slope and construction easements and waives all

claims for damages against any governmental authority including, without limitation, the City which may be occasioned to the adjacent land by the establishment, construction, drainage and maintenance of any public way so dedicated; and

- vi. owner conveys to the City as general City property the buffer strips adjoining unplatted property.

h. The drawing shall:

- i. be a legibly drawn, printed or reproduced permanent map;
- ii. if more than one sheet is required, each sheet shall show sheet numbers for the total sheets;
- iii. have margins that comply with the standards of the Spokane county auditor;
- iv. show in dashed lines the existing plat being replatted, if applicable;
- v. show monuments in accordance with [SMC 17G.080.020\(H\)\(1\)](#);
- vi. include any other information required by the conditions of approval; and
- vii. include any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas and connections to adjacent state highways.

H. Filing.

Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final short plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the short plat have been submitted to the planning services department.

I. Redivision.

No land within the boundaries of a short subdivision may be further divided in any manner which will create additional lots within a period of five years except by subdivision in accordance with [SMC 17G.080.050](#).

Section 46. That Section 17G.080.050 SMC is amended to read as follows:

17G.080.050 Subdivisions

A. Predevelopment Meeting.

A predevelopment meeting is recommended for any preliminary subdivision proposal. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provision of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.

B. Community Meeting and Public Notice.

Prior to submittal of the application, the applicant shall conduct a community meeting. The applicant shall hold the community meeting no more than one hundred twenty days prior to the submittal of the application. The notice and format of the meeting shall be in accordance with chapter ((17G.060)) 17G.061 SMC.

All public notice of the application shall be given in accordance with the procedures set forth in chapter ((17G.060)) 17G.061 SMC for a Type III application.

C. Preliminary Plat Application and Map Requirements

1. Application Requirements.

Applications for approval of a preliminary plat shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall be same in form and content as a short plat as provided in SMC 17G.080.040(B)(1).

2. Contents of Preliminary Plat Map.

The preliminary plat shall be prepared by a land surveyor and shall be the same in form and content as a short plat as provided in SMC 17G.080.040(B)(2).

D. Review of Preliminary Plat.

The application shall be reviewed in accordance with the procedures set forth in chapter ((17G.060)) 17G.061 SMC for a Type III application.

E. Preliminary Plat Approval Criteria.

Prior to approval of a plat application, the hearing examiner shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in ((chapter 17G.060)) SMC 17G.080.025. The hearing examiner has the authority to approve or disapprove a proposed preliminary plat under the provisions of this chapter, subject to appeal as provided in chapter ((17G.060)) 17G.061 SMC.

F. Middle Housing Requirements.

1. Purpose.

The Comprehensive Plan promotes a mixture of many housing types and socioeconomic diversity in all areas. These requirements ensure a variety of housing types, including Middle Housing, in new development. Middle Housing types are defined in SMC 17A.020.130.

2. Applicability.

The Middle Housing requirements apply to new housing construction on lots that have been created through an approved final plat within five years. The requirements are limited to plats that are:

- a. in areas zoned R1 or R2; and
- b. exceeding two acres in size; and
- c. where more than fifty percent (50%) of proposed dwelling units are any combination of the following housing types:
 - i. detached single-unit residential building; or
 - ii. duplex; or
 - iii. attached housing

3. Requirements.

- a. At least three housing types shall be identified in the plat.
- b. For purposes of this requirement detached single-unit residential buildings shall be considered distinct housing types according to the follow categories:
 - i. A house with a floor area equal to or less than eight hundred (800) square feet; and
 - ii. A house with a floor area equal to or less than one thousand four hundred (1,400) square feet; and
 - iii. A house with a floor area of greater than one thousand four hundred (1,400) square feet.
- c. Any one housing type shall be limited to no more than seventy percent (70%) of units identified in the plat.

G. Phasing

A subdivision may be developed in phases. A master phasing plan should be submitted with the preliminary plat for approval by the hearing examiner. A preliminary plat that has received preliminary approval may be subsequently modified to be developed in phases, subject to approval of the director. The master phasing plan may be approved provided:

- 1. the phasing plan includes all land identified within the boundary of the plat;

2. the sequence of the phased development is identified on the plan;
3. each phase has reasonable public or private infrastructure to support the number of lots contained in that phase;
4. each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire plat;
5. plats subject to the requirements of subsection (F) of this section include at least two (2) housing types in each phase and no more than eighty percent (80%) of units identified consist of a single housing type;
6. any unfinalized portion meets the minimum lot size of the underlying zone for the proposed use; and the director of engineering services approves the necessary documents so that all road improvement requirements are assured for that phase; and
7. blocks are wholly contained within any individual phase.

H. Final Plat Review Procedure

The final plat procedures shall be the same in form as the short plat review procedure as provided in SMC 17G.080.040.

I. Final Plat Map Requirements

The subdivider shall submit to the director a final plat in the same form and with the same content as the preliminary plat, with the following exceptions or additional requirements:

1. A final plat shall contain all the information required of the preliminary plat, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
2. The final plat shall include the signatory statements as prescribed in SMC 17G.080.040(G)(2) including the following:

- a. The certification of the hearing examiner, on behalf of the city council, as follows:

“This plat has been reviewed on this _____ day of _____, 20__ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner’s approval of preliminary plat # -PP/PUD.

Hearing Examiner”

J. Filing

Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the plat have been submitted to the planning services department.

Section 47. That Section 17G.080.060 SMC is amended to read as follows:

17G.080.060 Binding Site Plan

A. Purpose.

The purpose of this section is to allow for the more flexible creation of lots within an overall development site plan.

B. Predevelopment Meeting.

A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.

C. Preliminary Binding Site Plan Application and Map Requirements.

1. A binding site plan may ~~((only))~~ be used for divisions of land in ~~((commercial or industrial))~~ all zones. Applications for approval of a preliminary binding site plan shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall be same in form and contents as a short plat as provided in SMC 17G.080.040(B)(1).

2. Contents of Preliminary Binding Site Plan.

The preliminary binding site plan shall be prepared by a land surveyor and shall be the same in form and content as a short plat as provided in SMC 17G.080.040(B)(2) with the following additions:

- a. Proposed building footprints;
- b. Proposed street accesses;
- c. Proposed parking and internal vehicle circulation;
- d. Proposed pedestrian pathways;
- e. Proposed landscaped areas; and
- f. Proposed stormwater facilities.

D. Public Notice

All public notice of the application shall be given in accordance with the procedures set forth in chapter ((~~17G.060~~)) 17C.061 SMC for a Type II application.

E. Departmental Review of Preliminary Binding Site Plan

The application shall be reviewed in accordance with the procedures set forth in chapter ((~~17G.060~~)) 17G.061 SMC for a Type II application.

F. Preliminary Binding Site Plan Decision Criteria

Prior to approval of the application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the decision criteria set forth in SMC ((~~17G.060.170(C) and (D)(4)~~)) 17G.080.025. The director has the authority to approve or disapprove a proposed preliminary binding site plan under the provisions of this chapter, subject to appeal as provided in chapter ((~~17G.060~~)) 17G.061 SMC.

G. Final Binding Site Plan Review Procedure

The final binding site plan procedures shall be the same in form ((~~and~~)) as the short plat review procedure as provided in SMC 17G.080.040(G).

H. Final Binding Site Plan Requirements.

The subdivider shall submit to the director a final binding site plan in the same form and with the same content as the preliminary binding site plan, with the following exceptions or additional requirements:

1. A final binding site plan shall contain all the information required of the preliminary plan, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
2. The final binding site plan shall include the signatory statements as provided in SMC 17G.080.040(G)(2).

I. Filing

Once the final binding site plan has been reviewed, approved and signed by the applicable departments, the applicant shall file the final binding site plan with the county auditor within ten days of final approval. No permits shall be issued for a proposed lot until the required conformed copies of the binding site plan have been submitted to the ((planning services)) department.

J. Creation of Additional Lots in Final Binding Site Plan

A survey may be filed following the recording of a final binding site plan to create additional lots within the boundaries of the final binding site plan, consistent with the preliminary binding site plan approval, conditions and expiration provisions (SMC 17G.080.020(C)). The survey shall be reviewed and approved by the director pursuant to subsections (F) and (G) of this section. In addition, the survey shall conform to the following:

1. Title shall state: "Amendment to BSP-____-____."
2. The binding site plan file number shall be referenced.
3. A distinct wide boundary line shall delineate the boundary of the lot(s) being created. The boundary of the binding site plan shall be indicated and any lot(s) that have been created by filing of the final binding site plan and/or record of survey.
4. Each lot shall be numbered consecutively, and the size of each lot shall be indicated on the survey; and

5. A revision block listing all previously recorded surveys and the date of recording.

Section 48. That Section 17G.080.065 SMC is amended to read as follows:

17G.080.065 ~~Alternative Residential Subdivisions~~ Unit Lot Subdivisions

A. Purpose.

The purpose of these provisions is to allow for the more flexible creation of lots ~~((for alternative residential development as described in SMC 17C.110.300))~~ of varying sizes and types, including for attached housing, cottage housing, and similar developments with multiple dwelling units on a parent site, while applying only those site development standards applicable to the parent site as a whole, rather than to individual lots resulting from the subdivision.

B. Applicability.

~~((The types of development that may use the alternative residential subdivision are:))~~
A unit lot subdivision creates a relationship between the parent site and each lot created, referred to as a “child” lot.

- ~~1. ((Cottage housing projects approved under SMC 17C.110.350;~~
- ~~2. Housing developed under SMC 17C.110.360 Pocket Residential Development; or~~
- ~~3. A similar existing development that consists of multiple dwelling units on a single parcel or site, provided that such existing structures shall comply with applicable building and fire code.))~~
4. Unit Lot Subdivisions are allowed for all residential development on parent sites of two acres or less. Subdivisions with a commercial or other non-residential use seeking similar flexibility must be approved through another platting action under chapter 17G.080 SMC.
5. A unit lot subdivision may be used in any development with two or more dwelling units meeting the standards of this section.
6. A unit lot subdivision may also be used to subdivide an accessory dwelling unit from the principal structure, subject to the additional standards in subsection F of this section.
7. A unit lot subdivision may be combined with a subdivision or short subdivision so long as the portion of the development utilizing this section meets the requirements of this section.

C. Application Procedure.

~~((Alternative residential))~~ Unit lot subdivisions ~~((of))~~ resulting in nine or fewer lots shall be processed as short plats and all others shall be processed as subdivisions according to the associated permit types in ~~((SMC chapter 17G.060))~~ chapter 17G.061 SMC.

D. General Regulations.

1. ~~((An alternative residential))~~ A unit lot subdivision shall meet development standards applicable to the ~~((underlying site development plan approval, if any, the basic development standards and design standards of SMC 17C.110.350 Cottage Housing, SMC 17C.110.360 Pocket Residential Development, or design standards of SMC 17C.110.400 through 17C.110.465 for attached housing in RMF and RHD zones, and the provisions of this section. As a result of the alternative residential subdivision, development on individual lots may be nonconforming as to some or all of the development standards based on analysis of the individual lot. So long as the parent site meets the criteria of the underlying site development plan or the dwelling units are already in existence, each lot will be deemed to be in conformance. If existing dwelling units do not comply with development standards (i.e.: minimum building setbacks, maximum density, etc.), a lot may be created for each existing dwelling unit. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site))~~ parent lot's zoning, including but not limited to:
 - a. Setbacks;
 - b. Lot size;
 - c. Building frontage; and
 - d. Floor area ratio;
2. All buildings shall meet all applicable provisions of the building and fire code;
3. ~~((Alternative residential))~~ Lots created through a unit lot ~~((subdivisions))~~ subdivision shall be subject to all applicable requirements of Title 17 SMC, except as otherwise modified by this section;
4. Each child lot's area and width for purposes of subdivision may be as small as the footprint of the ~~((individual dwelling unit))~~ building situated upon it, subject to the requirements of the building and fire code;
5. Portions of the parent site not subdivided for ~~((individual))~~ child lots shall be identified as Tracts and owned in common by the owners of the ~~((individual))~~ child lots ~~((, or by))~~ . For example, a homeowners association comprised of the owners of the ~~((individual))~~ child lots located within the parent site. This requirement shall be included in deed restrictions as required in ~~((paragraph 7))~~ subsection E of this section;

6. The parent site and each child lot shall make adequate provisions for ingress, egress, and utility access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan.
7. Separation requirements for utilities must be met.
8. Driveways providing vehicle access to lots shall not serve more than nine (9) units unless approved by the City Engineer.
9. ~~((Maximum building coverage of the aggregate buildings located upon the parent site shall not exceed the maximum building coverage permitted by the underlying zone;~~
10. ~~Except for existing nonconforming development, building setbacks shall be as required for the zone as applied to the underlying parent site as a whole. There shall be no setback required from individual lot lines which are interior to the perimeter of the parent site; provided, however, that any structure located upon a lot created hereunder shall comply with the setbacks applicable to the underlying site development plan;~~
11. ~~Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the county auditor's office. Separation requirements for utilities must be met. Each alternative residential subdivision shall make adequate provisions for ingress, egress and utilities access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan.~~
12. ~~Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:~~
 - a. ~~Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (stating the subject project file number if applicable);~~

- ~~b. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;~~
- ~~c. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;~~
- ~~d. Additional development of the individual lots may be limited as a result of the application of development standards to the parent site.))~~

~~E. ((Conflicts.~~

~~Any conflicts between the provisions of this section and the text of other sections in the Unified Development Code shall be resolved in favor of the text of this section.))~~

F. Recording.

1. The plat recorded with the county auditor's office shall include the following:
 - a. Access easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features.
 - b. A note that approval of the subdivision was granted by the review of the site as a whole (stating the subject project file number if applicable);
 - c. A note that subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;
 - d. A note stating that if a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;
 - e. A note that additional development of the individual lots may be limited as a result of the application of development standards to the parent site.
2. The legal description of each lot shall identify it as part of a unit lot subdivision.

G. Accessory Dwelling Units.

A lot with an accessory dwelling unit may be subdivided under this section with the following additional requirements:

1. All utility lines for the accessory dwelling unit must branch from a common line on a portion of the parent site owned in common. A utility line for the accessory dwelling unit shall not cross another child parcel without approval of the City Engineer.
2. The plat recorded with the county auditor's office shall further specify the following:
 - a. The child lot that is associated with the accessory dwelling unit;
 - b. That the child lot associated with the accessory dwelling unit is subject to any and all additional regulations of an accessory dwelling unit under the Spokane Municipal Code.
3. The legal description of a lot for an accessory dwelling unit shall identify the lot as an accessory dwelling unit within a unit lot subdivision.

Section 49. That Section 17G.080.080 SMC is repealed.

Section 50. Effective Date. This ordinance shall take effect and be in force on [TBD].

EXHIBIT C

City of Spokane Building Opportunity for Housing Phase II

Development Feasibility Review & Analysis Memo

Date September 5, 2023
To City of Spokane Residential Code Update Project Management Team
From David Fiske, Jennifer Schuch and Chris Zahas, Leland Consulting Group
CC Matt Hastie, Kate Rogers and Brandon Crawford, MIG | APG

Purpose

Between May and August 2023, Leland Consulting Group (LCG) worked together with City of Spokane staff, in consultation with MIG | APG, to assess potential changes to the City of Spokane Municipal Code (SMC) as a part of the Spokane Building Opportunity for Housing (BOH) Phase II project. The primary purpose of this memo is to summarize LCG's findings from this assessment, and to provide a development feasibility perspective of draft recommended Code changes to the SMC with the goal of helping to ensure market viability and a reduction of barriers to new housing construction for any permanent Code changes, with a particular focus on the production of middle housing types.

Overview

In May 2023, MIG | APG issued a memorandum recommending permanent changes to the SMC that would incorporate the City's Interim Housing Regulations (SMC 17C.400), also known as Building Opportunity and Choices for All (BOCA), into other Code sections, with most changes proposed to provisions of Chapter 17C.110 Residential Zones. This memo focuses on the recommendations made in that previous memo, as well as additional recommendations proposed by City staff and MIG | APG that would further update the SMC beyond what currently exists in BOCA, with a particular focus on how they may impact development feasibility. In addition, this memo summarizes key insights gained from stakeholder interviews conducted by City staff and LCG with members of the Spokane residential development community about their experience working with the interim BOCA standards, and potential barriers or opportunities related to housing production.

The following memo is organized into three parts:

- I. Development feasibility review of draft code changes
- II. Summary of findings from stakeholder interviews
- III. Further consideration in regulating the size of single-unit dwellings

I. Development feasibility review of draft code changes

Most of the recommended changes to Spokane's residential zones will have positive outcomes on development feasibility. The permanent implementation of the BOCA interim regulations, along with the additional changes recommended to site controls in residential zones, will lead to the removal of many existing barriers to middle housing types throughout the City of Spokane. However, certain recommendations will have particular impacts on development feasibility. The following topics are highlighted for consideration:

- Removal of density restrictions
- Maximum building coverage
- Maximum building height
- Outdoor area requirements
- Lot width and access for attached housing
- Effectiveness of density transfer
- Incentives for affordable housing

Assumptions

The following feasibility findings are based on a high-level analysis of the draft recommended development standards in the Community Review Draft of the proposed SMC amendments. These standards apply to residential zones RA, RSF, RTF, RMF and RHD zones. For this analysis, RA was excluded, as it accounts for a very small percentage of residential land within the city.

In addition to these standards, the existing parking minimums of 1 parking space per unit (assuming units are not larger than 3 bedrooms), as stated in table 17C.230-2 of the SMC, are used, though an assumption is also made for lots that qualify for Spokane's recent pilot program to remove parking requirements within ½ mile of transit. Parking is assumed to be surface, as structured or underground parking is typically cost prohibitive for middle housing types. Additionally, an 800 sq. ft. average unit size is assumed for all residential development based on an assessment of recent development in Spokane.

Due to the nature of citywide analyses of development standards, not all lot or building design considerations can be taken into account, and therefore, these findings provide a generalized assessment of outcomes for the recommended code. This analysis focuses on feasibility for new construction under the code, however, the preservation of existing structures along with the addition of new structures or housing units is also viable under these draft standards. Additionally, this assessment did not include any pro forma based financial analysis, so though the development outcomes and viable densities summarized below are achievable in terms of site layout, they do not necessarily represent what the market will provide in terms of new housing construction. The following addresses what *could* be built, not what *will*.

Removal of density restrictions

Consideration: The City is considering the removal of maximum density restrictions on all residential lots 2 acres or less, allowing building, site controls and other standards to control residential density. What potential unit counts could result?

Findings: From a general feasibility standpoint, **the removal of strict density regulations will increase flexibility for a developer**, and thus **increases the ways in which a housing project may become feasible**. Allowing a residential developer to increase the number of units, and to size the units according to their perception of the market, can provide the additional revenue needed to make a project financially viable. It is often the case that even adding one additional unit to a project can make a project feasible that otherwise wouldn't be.

With the removal of maximum density restrictions, **achievable densities will depend largely on the specific lot and form-based controls applied in residential zones, as well as the parking standards** applicable to a particular lot. Assuming the development standards cited above, **a duplex is the only feasible middle housing product on a minimum lot size of 1,800 sq. ft.** for RSF, RTF, RMF and RHD zones, but only when utilizing the **common outdoor area substitute** for private area of 200 sq. ft., as opposed to the 250 sq. ft. per unit required for private area.

If parking requirements are removed, a triplex becomes viable on a minimum lot size within these zones, even with the 250 sq. ft. open area per unit requirement.

When applying the same draft development standards to a more **standard Spokane lot size of 6,000 sq. ft.** (50 ft. x 120 ft.), anything up to **a sixplex becomes viable**, even when accounting for 1 parking space per unit, and the 250 sq. ft. open area requirement, though **parking access and location become a potential limiting factor** in this scenario (see below for more discussion on this topic). If parking requirements are removed, and the common area requirement is utilized, **it may be possible to accommodate up to eight units on one lot**. In these cases, it is assumed that the building would be built at three-stories, and the maximum building footprint of 2,450 sq. ft. is fully utilized. If the maximum allowable **building footprint were increased to 3,700 sq. ft., it is possible up to 12 units could be accommodated** with no allocation of parking.

A summary of potential housing densities is in the table below:

	Residential Zones			
Code Assumptions	RSF	RTF	RMF	RHD
1,800 sq. ft. minimum lot, 800 sq. ft. average unit size, 250 sq. ft. outdoor area per unit (48 sq. ft. for RHD), 1 parking space per unit				
Number of units	1	1	1	2
1,800 sq. ft. minimum lot, 800 sq. ft. average unit size, 200 sq. ft. outdoor area per unit (48 sq. ft. for RHD), 1 parking space per unit				
Number of units	2	2	2	2
1,800 sq. ft. minimum lot, 800 sq. ft. average unit size, 250 sq. ft. outdoor area per unit (48 sq. ft. for RHD), 0 parking spaces per unit				
Number of units	3	3	3	5
6,000 sq. ft. lot, 800 sq. ft. average unit size, 250 sq. ft. outdoor area per unit (48 sq. ft. for RHD), 1 parking space per unit				
Number of units	6	6	6	8
6,000 sq. ft. lot, 800 sq. ft. average unit size, 200 sq. ft. outdoor area per unit (48 sq. ft. for RHD), 1 parking space per unit				
Number of units	7	7	7	8
6,000 sq. ft. lot, 800 sq. ft. average unit size, 250 sq. ft. outdoor area per unit (48 sq. ft. for RHD), 0 parking spaces per unit				
Number of units	8	8	10*	16*
6,000 sq. ft. lot, 800 sq. ft. average unit size, common outdoor area optimized**, 0 parking spaces per unit, increase maximum building footprint to 3,700 sq. ft. in RSF and RTF zones				
Number of units	12	12	12	16
1 acre lot (43,560 sq. ft.), 800 sq. ft. average unit size, common outdoor area optimized**, 0 parking spaces per unit				
Number of units	N/A	N/A	96	122

*due to no restrictions on maximum building footprint

**combined 200 sq. ft. (first six units) and 150 sq. ft. (all units after six) for RMF

Maximum building coverage

Consideration: The City is considering recommending maximum building coverage of 65% in the RSF zone and 80% in the RTF zone for single-unit detached and middle housing. How might this affect development feasibility?

Findings: In the above analysis on potential densities, **building coverage is not a barrier to development**. Rather, on a minimum sized lot of 1,800 sq. ft., the open area and parking requirements limit development to three units in all zones but RHD. Simply put, **an 1,800 sq. ft. lot is likely not big enough to accommodate more than three units** without significantly decreasing the requirements for open area and parking.

On a more standard 6,000 sq. ft. lot, these factors are less limiting, with six 800 sq. ft. units feasible even with base parking and open area requirements. If parking requirements are removed, and open area optimized, eight units are feasible, with building coverage accounting for only 41% of the overall lot size. In this case, **the limiting factor is the maximum allowable building footprint of 2,450 sq. ft.**, as opposed to building coverage.

If attempting to maximize the building footprint for density, **a footprint of roughly 3,700 sq. ft., which is only 62% lot coverage**, is possible before bumping up against open area requirements and the total lot area. This footprint may make it feasible to build up to 12 units on a standard lot if there is no off-street parking. However, if a builder decided to build multiple structures on the same lot (or add an additional structure to a lot with an existing building), the maximum building coverage of 65% could be a limiting factor, in which case it could encourage the lot to be split.

Maximum building height

Consideration: The City is considering recommending maximum height requirements of 40 ft. in all residential zones excluding RA. How might this affect development feasibility?

Findings: For RSF and RTF zones, **a 40 ft. base height limit seems reasonable for accommodating middle housing types that may go to three-stories**. For example, a three-story townhome (garage or surface parked), or a three-story 8-to-12-plex, would require such heights.

In the RMF zone, which under current code has a stated intent of, “allowed housing [that] is characterized by one to four story structures...” (SMC 17C.110.030), **a 40 ft. height limit would prevent a four-story structure from being built by right**. In the RHD zone, which is meant to accommodate medium and high-rise apartments, 40 ft. would limit development considerably. With this base height, the code would disallow certain types of apartments that are typical for the region, including 5-over-1 or 5-over-2 podium-style mixed-use development, as well as less expensive four-story walk-up apartments, or single-staircase/point access block housing.

While considerable density can still be achieved with three-story development that will accommodate many middle housing types, **a 40 ft. height limit objectively reduces the options that developers have at their disposal for more intensive multi-unit development, and therefore may reduce the overall housing production in the city.**

Outdoor area requirements

Consideration: The City is considering recommending outdoor area requirements of 250 sq. ft. per unit, with reduced minimums if common outdoor area is provided. How may this affect development feasibility?

Findings: In the above analysis on potential densities, **outdoor area requirements are one of the primary limiting factors (along with parking) to density**, and therefore potential feasibility of a housing project. On a minimum lot size of 1,800 sq. ft., open area minimums of 250 sq. ft. per unit reduces the potential for anything more than a duplex. The reduction to 200 sq. ft. per unit if provided as common outdoor area does not have a major effect on density. **Only when removing parking minimums does it become possible to achieve more than two units on a minimum lot.**

On a standard lot of 6,000 sq. ft., the open area requirements don't appear to limit development in a major way, and the option to create a common outdoor area allows further flexibility to developers, which may positively impact feasibility.

Lot width, access and parking for attached housing

Consideration: The BOCA regulations encourage development that doesn't require curb cuts by reducing minimum lot widths to 16 ft. for lots with alley access/rear-loaded parking and no street curb cut, and a lot width standard of 36 ft. for front-loaded parking. The City is considering reducing the lot width to 15 ft. for lots with no curb cuts. How do these regulations affect development feasibility for attached housing?

Findings: City infill lots in Spokane commonly have alley access on the rear of the lot, whereas newer subdivisions tend not to include alley access or rear-loaded designs. The disparity in minimum lot widths in this case works well for infill developers, as access for rear-loaded parking already exists (meaning they aren't required to build it themselves), while the smaller lot widths promote denser, more vertical styles of townhome or rowhouse development. **This benefits the infill developer in terms of feasibility, and where lots with alley access exist, the city is likely to see an uptake in this style of development.**

On lots that do not have alley access, whether new greenfield development or in parts of the city that weren't built with alleys, rear-loaded access is often not feasible. These projects tend to be further from the center of the city, and therefore more reliant on a car for access, or the lot depth does not allow for rear access, and a front-loaded design is the only solution in the market. While the City's encouragement of utilizing existing alleys can be a boon for feasibility, **the effective discouragement of front-loaded design may dampen the market.** A front-loaded townhome (e.g., a three-story townhome with ground floor garage) may be a desirable outcome in terms of housing production that would not be feasible with a 36 ft. minimum lot width.

If the City would prefer to discourage curb-cuts, they may **consider a lot width reduction for front-loaded designs if the attached housing includes paired driveways.** The City may also consider further developer outreach, exploring additional attached housing types that are common elsewhere in the region, though not necessarily in Spokane, and assisting in developer education around rear-loaded townhomes/rowhouses that are relatively common in both the Seattle and Portland Metros. **The development of stock designs with rear-loaded access that work for common lot dimensions in the city may lead to more of these types of developments.**

Examples of new build, rear-loaded townhomes throughout the Pacific Northwest



Sixth Ave

City: Tacoma	State: WA
Units: 36	Year Built: 2021
Acres: 0.54	Du/acre: 26
Construction: Wood Frame	Stories: 3
Parking: Garage (rear)	



Pinnacle Townhomes

City: Lynnwood	State: WA
Units: 30	Year Built: 2015
Acres: 0.73	Du/acre: 41
Construction: Wood Frame	Stories: 3
Parking: Garage (rear)	



87-113 SW Lancaster

City: Troutdale	State: OR
Units: 4	Year Built: 2023
Acres: 0.2	Du/acre: 20
Construction: Wood Frame	Stories: 2
Parking: Garage (rear)	

In cases where a lot does not have existing alley access, nor the required depth to provide new rear-access, it may be infeasible to achieve the desired densities with recommended development standards. Ultimately, **parking is the largest contributing factor to development feasibility, and in many cases lot dimensions and size may not be conducive to middle housing production on lots without existing alley access or that aren't a larger corner lot.** The City's proposal to eliminate parking requirements within ½ mile of transit stops will help encourage desired housing types and production when alleyways aren't available. While market demand may still dictate the provision of off-street parking in some projects, the removal of parking requirements would certainly improve development opportunity and feasibility, and may lead to certain housing types the city has not yet seen.

Examples of new build, middle housing with no parking throughout the Pacific Northwest



6211 SE 83rd Avenue

City: Portland	State: OR
Units: 6	Year Built: 2023
Acres: 0.09	Du/acre: 67
Construction: Wood Frame	Stories: 2
Parking: None	



The Sellwood

City: Portland	State: OR
Units: 11	Year Built: 2015
Acres: 0.11	Du/acre: 100
Construction: Wood Frame	Stories: 2
Parking: None	



Warner Street Apartments

City: Tacoma	State: WA
Units: 8	Year Built: 2022
Acres: 0.15	Du/acre: 53
Construction: Wood Frame	Stories: 3
Parking: None	

Effectiveness of density transfer

Consideration: With the removal of maximum density requirements for sites 2 acres or less, a density transfer program becomes ineffective. What alternatives may the City consider that achieve similar results?

Findings: Though less common than density transfer, the City could **consider implementing a program that allows for the transfer of building or site allowances**, such as height or building coverage/footprint, that could achieve similar results. However, these types of **transfer programs only work if the market is wanting to build more than the base zoning allows, which is not necessarily the case in Spokane**, therefore it is likely this type of transfer program would go largely unused, and similar outcomes may be achieved with simpler bonus or incentive programs.

Incentives for affordable housing

Consideration: With the removal of maximum density requirements for sites 2 acres or less, a density bonus is no longer a viable option for targeted incentives for middle housing in certain locations (e.g., near transit) or for affordable housing. What types of bonuses or incentives could be utilized to encourage similar outcomes?

Findings: Similar to the above, the City could consider maintaining its base building and site controls, and **offering bonuses to height or building coverage/footprint, as well as reductions in parking and/or open area requirements**, to encourage these specific types of development. As noted above, the 40 ft. height maximum in all residential zones, especially RMF and RHD, may be suppressing more intense housing development. By allowing a height bonus in these zones, perhaps up to 75 ft., the City could promote more density while also achieving goals around affordable housing production.

In addition to a bonus system, the City could consider expanding its General Facilities Connection Waiver (GFCW) program, MFTE or other tax exemptions, and an expedited permitting process.

II. Summary of findings from stakeholder interviews

General feedback received through the interview process pointed to BOCA being a success, having removed previously existing barriers to certain residential development types, and improving upon the existing SMC. Though the interim basis of BOCA was a concern for some developers – some citing the risk of the interim standards being removed before permitting could be completed, particularly for larger multifamily development that has a longer duration of design and approvals – the increased flexibility and clearer design standards under BOCA were generally seen as a boon for housing production. The willingness of the City to be proactive in its collaboration with the development community in drafting more permanent standards was also well received.

Some of the interim standards were flagged during the interviews as impeding development feasibility – particularly related to outdoor area requirements, building height requirements, garage width requirements effectively preventing front-loaded duplexes on certain lot configurations, and lot coverage and frontage standards preventing townhomes from being built. In addition, many of those interviewed mentioned parts of the permit review process hindering development.

A more in-depth summary of these issues is below:

Outdoor area requirements

A number of residential developers noted how the **outdoor area requirements make many projects infeasible on smaller lots in Spokane**. Multiple developers mentioned how open space requirements have forced them to pull the plug on a project before it began because they couldn't make the math work given how much of a lot needed to be reserved for outdoor area. **For small housing developers, the difference between two and three units, or three and four units, can have a major impact on the financial feasibility of a project**, and the requirement for open space meant they could not fit an additional unit on the lot. Some also noted that the 50% landscaped frontage requirements on standard lots was hard to make work.

Though these standards do affect development feasibility in some cases, it should be noted that they assist in achieving other city and community goals.

Building height requirements

Most interviewed stated they had not had many issues with the height requirements on their projects, however, one of the developers more focused on townhome development noted that while 35 ft. is generally fine in the residential zones, a 45 ft. height maximum would allow for easier townhome production, particularly considering the vertical nature of some projects necessitated by small lots.

Garage width requirements

One residential developer cited how the garage width requirements were forcing them to create unusual designs for their duplex projects, in which the requirement of a 50% street face resulting in a narrow garage, and a long entry hallway of unnecessary space. Particularly on narrow lots – including the 50 ft. lot width that is common in Spokane – this resulted in a 10 ft. wide garage that only allows for an 8 ft. garage door. They felt this was not wide enough for many households to get out of their car.

In the opinion of this builder, decreasing the street face percentage to 40% would allow for wider garages, and would allow for easier and more desirable duplex designs.

Lot coverage and frontage standards

One developer that was hoping to see more townhomes built in Spokane cited how the lot coverage and frontage standards in some residential zones made townhome/rowhouse development infeasible. In this developer's opinion, allowing for 100% lot coverage so townhomes could be built on smaller lots would result in many more townhomes being built in the city.

Permit review process

Aside from the standards mentioned above, most developers felt that aside from the code, the permit review process could be improved. With the stated City goal of getting more housing built, many felt there was a disconnect between the long-range policies of the City and implementation during the permitting and review process. Particularly with the ease of greenfield development outside of the City of Spokane, and the demand for housing throughout the region, many felt that the City should be going to greater lengths to streamline the permitting process for residential infill development.

Of particular note is the existing requirement for all three-story buildings to go through the commercial review process, due to Building Code requirements. Though three-stories are not necessary for all middle housing types, for certain types including townhomes and most sixplex or larger projects, three-stories can make a project more feasible on a given lot. Going through the commercial review process adds time and cost to a project that a typical, small-scale residential developer is unable, or unwilling, to accept.

A concern noted by more than one residential developer was how this process may be preventing many developers from building in Spokane, and significantly decreasing the production of new homes in a city that increasingly needs additional workforce housing to meet not only its housing, but also economic goals.

EXHIBIT D



NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(s): Building Opportunity for Housing, 2023-S-6346

PROPONENT: City of Spokane

DESCRIPTION OF PROPOSAL:

The City Council previously adopted Ordinance No. C36232, an interim zoning ordinance that was adopted to implement the housing options listed in RCW 36.70A.600. Since then, the State legislature has adopted HB1110, Chapter 332, Laws of 2023. This new law requires cities to update their development regulations to allow the housing options implemented by the City in interim Ordinance No. C36232. Since adopting Ordinance No. C36232, the City has updated Chapter 3 (Land Use) of the City's Comprehensive Plan to align policy language in the Comprehensive Plan with these developments and to further facilitate implementation of the middle housing options that are now required under State law.

The current proposal will repeal the interim regulations and replace them with permanent updates to the City's housing regulations that (i) implement the housing options listed in RCW 36.70A.600(1) and (ii) also implement the requirements of section 3 of HB 1110. Because the proposal implements the requirements of HB 1110, the City's adoption of these regulations may not be subject to administrative or judicial appeals under Chapter 43.21C RCW.

These updates are fully consistent with the City's Comprehensive Plan, as amended, and are consistent with the goals of use of existing infrastructure, socioeconomic integration, mixed-income housing, and distribution of housing options throughout all of the City's residential areas.

The updated regulations will also help the City achieve the residential densities envisioned in the City's Comprehensive Plan. Many areas of the city have developed well below the densities envisioned and planned for in the City's Comprehensive Plan. When some areas that platted and developed in the last 20 years were analyzed by staff, the actual density of development fell below the minimum density anticipated in the original Comprehensive Plan. Based on this information, it is clear that the City's existing housing regulations have not facilitated the densities envisioned by the Comprehensive Plan and needed in order to accommodate the City's growth. As such, the City has determined that the proposed updates to the City's housing regulations will not result in densities that exceed the assumed densities within the Comprehensive Plan and fall under the existing Environmental Impact Statement (EIS).

This proposal will amend Spokane Municipal Code (SMC): Chapters 17A.020, 17A.040, 17C.120, 17C.122, 17C.200, 17C.230, 17C.300, 17D.060, 17G.020, 17G.025, 17G.061, and 17G.080. The proposal will also repeal 17C.110 and replace with a new chapter 17C.111 and repeal chapter 17G.060 and replace with chapter 17G.061. The proposed updates rename Residential zones, expand permitted housing options, adjust dimensional and design standards for single-unit and middle housing development, and modify related process and procedures. The exact amendments to the code will be available online at the following address: <https://my.spokanecity.org/projects/shaping-spokane-housing/building-opportunity-for-housing/>



The appeal must be on forms provided by the Responsible Official and make specific factual objections. Appeals must be accompanied by the appeal fee. Contact the Responsible Official for assistance with the specifics of a SEPA appeal.

EXHIBIT E

From: [Max Benson](#)
To: [Downey, KayCee](#)
Subject: Building Opportunities For Housing - Section 17C.110.225 and modulation
Date: Friday, September 15, 2023 11:03:08 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image007.png](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Kacie, Two things:

#1) I wanted to ask about Section 17C.110.225

I noticed that the draft includes reference to a 50 year affordability commitment. I know that there has been leadership change in the City of Spokane HOME program administration, but I believe that they are still requiring a 40 year use restriction, which is consistent with the State Dept of Commerce. Is there some backstory on the 50 year term?

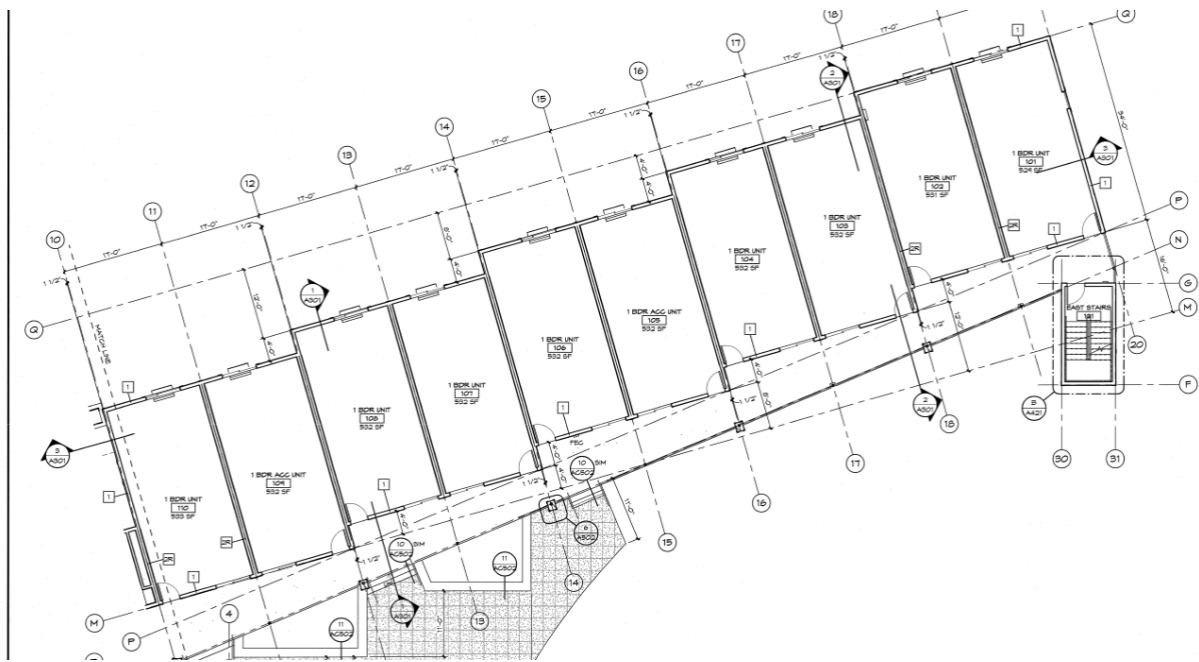
“The affordable units must be maintained as affordable for a term of at least 50 years, and the property must satisfy that commitment and all required affordability and income eligibility conditions in accordance with RCW 84.14. The applicant must record a covenant or deed restriction that ensures the continuing rental of units subject to these affordability requirements consistent with the conditions in RCW 84.14 for a period of no less than 50 years” . . .

Pending your response, I have a few suggestions for this section that might make implementation and administration a bit easier.

#2) Regarding modulation, I think Section 17C.110.325 Building Articulation is a little overly restrictive.

Buildings must be modulated along the street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. See Figure 17C.110.325-A. (R)

Here is an image of 315 W. Mission, <https://maps.app.goo.gl/PpMNAQLYiQCBtivN7> for reference. I realize it is a little larger scale than what is proposed in the regulation, but I thought it was a good concrete example of a highly modulated façade which wouldn't meet the code as written. The units along Mission are 'stacked' and the building is comprised of modest one-bedroom apartments. There is modulation every other unit. If we were to plan a similar building we would need to limit the apartments to a width of less than 15' each, as measured from the exterior which is not feasible. The code as written would require modulation for every individual unit. I would suggest modifying it to every 40' at a minimum or expressly saying or every other unit. Our very modest units were roughly 17' wide, see below as a point of reference see below.



Max Benson

Community Frameworks | Real Estate Development Director

500 Pacific Avenue, Suite 360

Bremerton, WA 98337

Direct Line: 360-842-8050

maxb@communityframeworks.org

Website | [!\[\]\(de95854c7ee024cfadc48187bbb781b2_img.jpg\)](#) [!\[\]\(cef08d8c15d8a8acd5e25ab0d65432c3_img.jpg\)](#) [!\[\]\(c244836fd67166dc60ebf5279a0f8377_img.jpg\)](#)

Housing Solutions For The Northwest

From: [Max Benson](#)
To: [Downey, KayCee](#)
Cc: [Deb Elzinga](#)
Subject: RE: Building Opportunities For Housing - Section 17C.110.225 and modulation
Date: Monday, September 18, 2023 11:31:34 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Thanks Kaycee, Sorry, I had hoped to submit my comments later after getting the feedback on the origin of the existing language.

Here is the remainder of my comment:

There are a variety of programs and funding sources in Washington state that can help provide for the production of affordable housing. Most of these have a 40 year use restriction including RCW43.185A which is the governing law regarding the state Housing Trust Fund

<https://app.leg.wa.gov/RCW/default.aspx?cite=43.185A.060>

In my experience developing affordable housing, we run into situations where we just have an excessive number of different and overlapping affordability restrictions on properties. To minimize paperwork, confusion, staff time, cost and so forth, I recommend that other restrictions held by the City of Spokane, Spokane County, Washington State, or Washington State Housing Finance Commission to be acceptable in lieu of a special restriction for this specific legislation.

So as it pertains to the affordability section, my suggested language is:

"The affordable units must be maintained as affordable for a term of at least ~~50~~ 40 years, and the property must satisfy that commitment and all required affordability and income eligibility conditions in accordance with either: RCW 84.14; a federal or state housing program administered by the department of commerce; A federal housing program administered by a city or county government; An affordable housing levy authorized under RCW 84.52.105; The surcharges authorized by RCW 36.22.250 and any of the surcharges authorized in chapter 43.185C RCW. The applicant must record a covenant, or deed restriction that ensures the continuing rental of units subject to these affordability requirements consistent with the conditions either in RCW 84.14; ; a federal or state housing program administered by the department of commerce; A federal housing program administered by a city or county government; An affordable housing levy authorized under RCW 84.52.105; The surcharges authorized by RCW 36.22.250 and any of the surcharges authorized in chapter 43.185C RCW for a period of no less than ~~50~~ 40 years

Max Benson

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maxb@communityframeworks.org

Website | [!\[\]\(2bae76de5ebbd5c4d7d47162f1673734_img.jpg\)](#) [!\[\]\(c8d5e2ee847d658b2a7eb88bf9ce84ac_img.jpg\)](#) [!\[\]\(e8c3b4b3458ce63d765e2b60d287abf5_img.jpg\)](#)

Housing Solutions For The Northwest

From: Downey, KayCee <kdowney@spokanecity.org>
Sent: Monday, September 18, 2023 10:46 AM
To: Max Benson <maxb@communityframeworks.org>
Subject: RE: Building Opportunities For Housing - Section 17C.110.225 and modulation

Good morning Max,

Thank you for reaching out. Your comments have been recorded and will be presented to both Plan Commission and City Council to assist them in making their final decision.

As for your question about the 50 year affordability commitment: HB 1110, which was the Middle Housing legislation passed by the state this year, uses the 50 year language. There has been discussion about reducing the requirement within the draft code to 40 years to align with more of the affordability programs that are in place. Please feel free to provide additional comments about that language.

Thank you again and please reach out if you have any other questions.



KayCee Downey, AICP (she/her) | City of Spokane | Planner II | Planning & Economic Development
509.625.6194 | dept. 509.625.6500 | kdowney@spokanecity.org | spokanecity.org

This email is subject to Washington State Public Records Act, Chapter 42.56 RCW, and may therefore be subject to public disclosure.

From: Max Benson <maxb@communityframeworks.org>
Sent: Friday, September 15, 2023 11:03 AM
To: Downey, KayCee <kdowney@spokanecity.org>
Subject: Building Opportunities For Housing - Section 17C.110.225 and modulation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Kacie, Two things:

#1) I wanted to ask about Section 17C.110.225

I noticed that the draft includes reference to a 50 year affordability commitment. I know that there has been leadership change in the City of Spokane HOME program administration, but I believe that they are still requiring a 40 year use restriction, which is consistent with the State Dept of Commerce. Is there some backstory on the 50 year term?

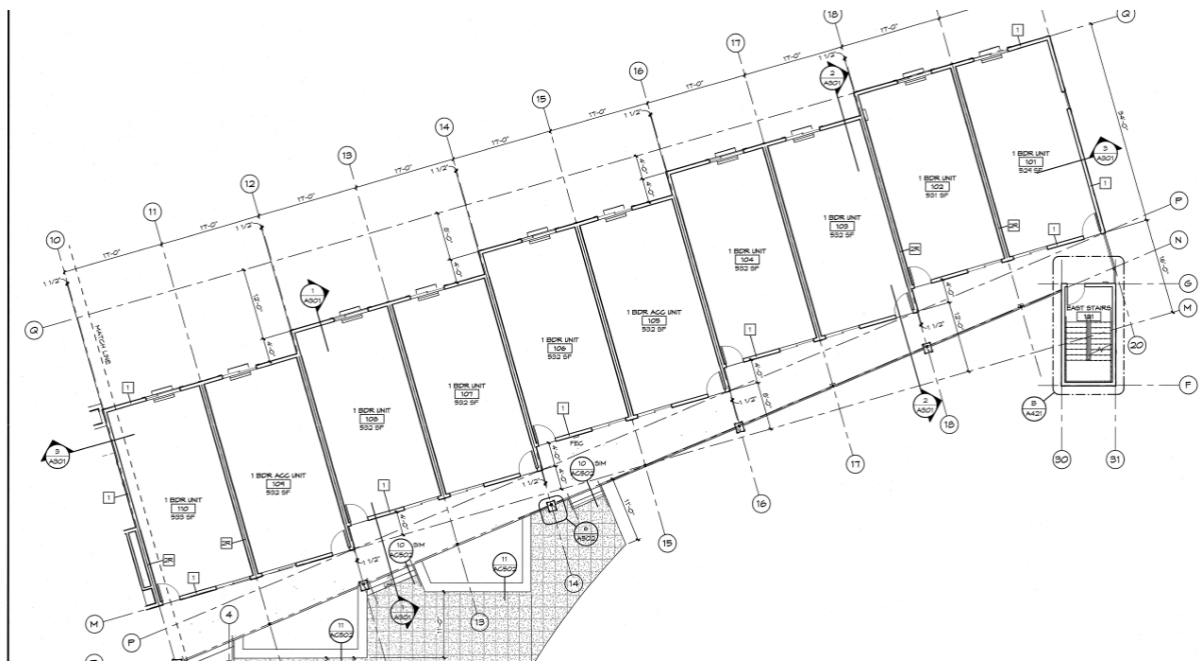
"The affordable units must be maintained as affordable for a term of at least 50 years, and the property must satisfy that commitment and all required affordability and income eligibility conditions in accordance with RCW 84.14. The applicant must record a covenant or deed restriction that ensures the continuing rental of units subject to these affordability requirements consistent with the conditions in RCW 84.14 for a period of no less than 50 years" . . .

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Housing Solutions For The Northwest

From: [Frank](#)
To: [Downey, KayCee](#)
Subject: Building opportunity for Housing process
Date: Tuesday, October 3, 2023 3:46:03 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Bethany Presbyterian Church

PO Box 31375

Spokane, WA 99223

Dear Ms. Downee,

The Bethany congregation is grateful for the work that has been put into changing the planning rules to make affordable housing more available and easier to develop in Spokane. We have been following the process and are glad that the options for religious organizations are being expanded. We are hoping that this will include and enable our proposed affordable housing plan for low income families, including refugees, and our new church building project at 2607 S. Ray Street to proceed at the beginning of 2024.

Our non-profit partner for this project is Proclaim Liberty, a 501(c)(3) organization that was created by the Presbyterian Church in Spokane. They have built other low income housing in the Perry Street area.

Sincerely,

Kristen Cejka

Bethany Elder & Treasurer

From: [Charlene Faoro](#)
To: [Planning Services Development Code](#)
Subject: BOH comment
Date: Sunday, October 1, 2023 5:44:06 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Regarding HB1110

I have a concern for your resolution of BOH in that it does not include a waiver for areas in the city that lack public infrastructure.

Please consider including a waiver in the resolution for our city for areas that currently have very inadequate infrastructure, fire dept., public transportation, schools, police, libraries ,etc.

I request you do not add more housing to an area that does not support current residents.

Sincerely,
Charlene Faoro

From: [Dennis Flynn](#)
To: [Downey, KayCee](#)
Subject: Community Feedback on Proposed Housing Code Changes
Date: Wednesday, September 6, 2023 10:28:57 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Why do we think more government intervention is the "solution", when it is government intervention that created the "problem" in the first place? That's rhetorical, obviously, because what I've found in communication with City Council, State legislators, and federal legislators is that they all have hubris enough to think they "know better", which is preposterous when you look at the results. Instead they need to learn they are "no better" than the rest of us at figuring out solutions, and their job should focus on eliminating government interference, which always results in picking winners and losers, and most commonly exacerbates the "problem" by implementing their inefficient "solutions".

Obvious case in point: the Growth Management Act. The GMA crippled local communities' ability to decide where to allow expanding housing development. This perversion of the natural order restricted the supply. Basic ECON101 information us that restricted supply leads to increased prices. You see, there are natural laws at play here, and those in power might think they "know better", but anyone with two brain cells to rub together can see the disastrous results in housing prices that are unnaturally high, leading to unaffordability, leading to the rich buying housing and then renting it out, leading to increasing rents as the population of actual "owners" declines, leading to increasing the "poor" who no longer even get the benefit of mild housing equity increases, because they can no longer afford to buy. But I guess we're just not supposed to see the obvious and instead we're told we will "own nothing and be happy". Yeah, right...

I contacted my state legislators, asking them to make it an OPTION for a local municipality to modify zoning to allow 2/4/6-plexes. But no, no option for us plebes, because I guess they "know better" in Olympia, so they MANDATED all of Washington State to allow multi-family dwelling units in RSF zones. But I guess we don't need to worry about it, because now we're going to change the names of the zones so that all of this can be swept under the rug and plausible deniability by our Council will be the soup d'jeur.

And isn't it interesting that at the same time we're having these zoning changes stuffed down our throats by a Council who well knows they will be term-limited out before their constituency realizes what we've been force-fed...that the Council has also eliminated all off-street parking requirements for basically the entire city? Oh, but don't worry, because most of the City is already developed so there already is off-street parking. Yeah, until everything becomes 4-plexes with Accessory Dwelling Units put in where the driveway used to be!

So, instead of actually fixing the root problem, which again is government corruption of the free-market system into a crony-capitalism of government diktat, our "leaders" think MORE government is the answer!? How does that saying go: doing the same thing over and over again while expecting a different result is the definition of insanity?

Get [Outlook for Android](#)

From: [Steven Hartling](#)
To: [Planning Services Development Code](#)
Subject: Housing Action Plan
Date: Tuesday, December 6, 2022 1:48:41 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi my name is Steven Hartling. I think the Housing Action Plan is great. I appreciate the emails with updates. The city could sure use more housing and I really like what I have seen over the last couple years.

I am concerned about my neighborhood activity recently. I live on the lower south hill and my home is in the historic street car neighborhood. I think this district is a bad idea and it will make improvements and additional units more expensive and take longer to build.

I own historic homes here like many of my neighbors, but lately I feel like the only homeowner against the historic district. I think the recent opening up in building regulation is wonderful. The city must grow, and the interim rules are a great idea. Yet at the same time as the city cuts regulation, this potential historic neighborhood hopes to add on a lot of new regulation. Seems wrong to me.

I hope this proposed district does not become law soon. The district rules and city seem to be moving in opposite directions. In emergency housing times it is not appropriate for neighborhoods to add their own rules. Besides, the neighbors that voted for it are going to preserve their own homes without new rules.

What if this passes and then another neighborhood copies the idea? And then another and another and so on. Just my feed back. Thanks for all the hard work getting this city building again.

Steven Hartling
509-599-5689

From: [David Hay](#)
To: [Planning Services Development Code](#)
Subject: Question about BOH background
Date: Friday, August 25, 2023 3:11:29 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I was watching the two recent Plan Commission meetings on Youtube and am interested in getting more info to put a proposal for a maximum 20' setback in context. I understand Spokane is trying to build denser housing, but this would seem to force houses quite close to the street on larger lots. Am I incorrect to assume that towards the city limits there are still larger residential lots of, say, a half acre or more available?

Is there some built-in presumption about the size of lot this would apply to? The discussion seemed to be mainly of duplexes and townhomes. Is there any information about the min/max/average lot size in the city? And does the plan commission have any influence over lot size?

Hopefully the gist of my question makes sense. This may not be a realistic example given the building that has already occurred here, but if I have a 2 acre lot, forcing the home to be 20 ft from the road seems not quite right.

Thanks,
David

From: [David Jones](#)
To: [Downey, KayCee](#)
Subject: from David Jones
Date: Tuesday, September 5, 2023 3:00:06 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

KayCee

Hello. I received an email from the city asking for any feedback regarding the new BOCA zoning regulations. I thought I would submit one thing.

The new zoning rules are supposed to make sure the proposed new housing is compatible with the existing neighborhoods. To quote from the email I just got:

The intent of the collective text amendments is to increase housing choice and feasibility throughout Spokane while ensuring compatibility within existing neighborhoods and the community's vision.

I don't know who gets to decide what is compatible and what is not. Behind my house, a developer wants to build an apartment complex that is definitely not compatible with the existing single-family neighborhood. The proposed project is at 7601 N Five Mile Rd. Yet, the proposal was approved by the city anyway. Is there a definition of "compatible"? What makes something not compatible or is it all subjective? I think it would be a good idea to spell out what kind of proposed new projects must do to be compatible with existing neighborhoods. For me and my neighbors, it will be a tragedy to see the proposed apartments built. It seems like this type of project shouldn't be allowed just on the compatibility test alone.

David

--



DAVID JONES

Realtor® at John L. Scott

509.990.8552

david.jonescb@gmail.com

davidjones.johnlscott.com

[**What's my home worth?**](#)

From: [Claudia Lobb](#)
To: [Planning Services Development Code](#)
Subject: Public Comment on Update of city's Comprehensive Plan/municipal code
Date: Tuesday, October 3, 2023 4:32:19 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Citizen commentary on use of BOCA in Spokane:

As residents of Spokane for over 50 years, we adamantly urge the city of Spokane to include a waiver restricting the use of BOCA in areas of Spokane that lack adequate infrastructure.

As twenty-three (23) year residents of Grandview-Thorpe neighborhood, of the greater Latah Valley region, we live every day with risk to our safety. That risk is from "failing" transportation ingress and egress from our streets, lack of adequate police protection, no fully equipped and staffed fire station, to no schools requiring our children to be bused miles from their neighborhood through traffic corridors also deemed "failing" by WDOT.

In 2003, the city of Spokane was to have completed a fully equipped and staffed fire station for the Latah Valley but it did not happen. Instead, developers were allowed to build more neighborhoods that now have "below standard" fire protection. In the new Comprehensive Plan (2024 - 2029) there is still NO funding for a fully equipped fire station for Latah Valley. This last summer of fires brought the vulnerability of Latah Valley to the forefront and the front page. During a Level 3 evacuation, residents were UNABLE to evacuate and were trapped in their cars. Fortunately, the wind did not shift and those trying to evacuate were not burned alive like the Maui residents. The biggest risk to all Latah Valley residents would be to allow more development without the existing infrastructure deficits being corrected. We urge you to include a waiver to restrict the use of BOCA in areas of Spokane that lack adequate infrastructure.

Fire Captain Daniel Lobb, Retired S.F.D.

Claudia Lobb, M.Ed., Retired Spokane Public Schools

Public comment for BOH

I am concerned that the changes you are making to the comp plan and municipal code do not include a waiver of BOCA for areas in the city of Spokane that lack adequate public services. Many outlying areas of Spokane are lacking infrastructure to support current residents and adding more homes would pressure a system that cannot meet this operational increase.

Thank you,

Molly Marshall

Spokane, WA 99224

From: [Kmartin6](#)
To: [Downey, KayCee](#)
Subject: Building Code Amendments
Date: Saturday, September 30, 2023 11:45:23 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

While I agree we need more housing for renters and home buyers, I do not agree with blanket changes in zoning and increasing the number of units per lot in any residential neighborhood. I have seen this done in the Los Angeles Neighborhoods, and they are never the same again. First, many individuals bought into these areas for the single family homes and the quiet neighborhoods. After these changes in LA any house could be converted to have 4+ rental units. Now, I believe it's even more. This leads to major issues when a structure is built on the edge of a property and now looks into the neighbors home and invades privacy. Most home builders think about privacy when building in the suburbs, such as minimizing windows looking into neighbors windows. With these added structures that can be built, that is not a consideration.

Also parking becomes an issue. If you have 4-6 rental units in one lot or single family home, that could result in potentially 8 cars or more, for that one lot, which will park where? In many cases garages are turned into an added unit. Up in Indian Trail, many streets do not even have stop signs, and it's expected everyone knows the right of way rules, which they do NOT. If you continue to increase density you NEED to consider safety. Having stop signs is critical at this stage you are already at in density in 90+% of our city neighborhoods. Additionally we don't have side walks. That means we walk on the street and when we have cars on the streets it becomes unsafe for pedestrians and children. Snowplowing should also be a major consideration as this would make it even more difficult.

Spokane is NOT LA. Please reconsider these zoning changes. We have a lot of open land still..we are not in a situation where we need to destroy our neighborhoods and turn them into high density areas without first considering the impact this will have. Already Indian Trail and Frances are overwhelmed during rush hours, and yet, we continue to build without considering how to reroute that traffic or expand those roads.

In N. Indian Trail area off Skyline and Wieber, all that traffic..all the new houses, that were rezoned and rezoned, have to go through our neighborhoods to get to the county land. The fire trucks, the school buses all need to go down Barnes hill and into our neighborhood when an easy access street could have been made near the middle school. Instead we all have to have 500-1000 more cars traveling in front of our houses on Fleetwood and Seminole, yet still no road improvements or new roads to reroute the large trucks and cars. This is just an example of how we put the cart before the horse. Please consider fixing our roads and getting those up to par before we continue to rezone and add more density to areas that are already overwhelmed with traffic and large trucks on a daily basis.

We have plenty of open space around Spokane, a master planned community that meets the needs of our growing city and is planned with better roads and freeway access is what is needed. Not more units in existing single family homes/neighborhoods.

Thank you,
Karen Martin
N Seminole Dr
Spokane

Sent from my iPad

From: [barbara morrissey](#)
To: [Planning Services Development Code](#)
Subject: my housing journey
Date: Saturday, September 23, 2023 12:55:18 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

first independent living during college and work was in one or two bedroom apartments with one to three room mates. This is what I could afford.
Second "house" was sharing a duplex unit with three other room mates. First time I ever had my own bedroom!!
Got a dog, moved out to a converted chicken coop on the outskirts of Denver. Good place for parks and dog walks
New jobs, rented apartments in private home basments, once in a cabin, once in a mobile home
Another job, moved into a triplex in Browne's addition, then my own house(rental) in East Central. Still had pets.
In Seattle I found rentals that would accept pets mainly in low income neighborhoods.
Still a renter when I taught at a college in California. Stiil had pets.
Moved back to Spokane in the 80's. Finally bought my first house in Peaceful Valley for 25K., where I still live after 40 years. Retired. Had a stroke. Currently living with a relative who is on a TOD deed . Lot size is 50X100.
House built in 1906.

I think many "homeless" have problems getting along with others, for any number of reasons, which might rule out sharing a house or apartment with room mates. Only knew one person who lived in his car for awhile when he had a job, but could not afford to live in Seattle. People who have campers have a problem finding a place to park in Spokane. Happy to see that Mobile Homes are allowed in some areas.

Barbara Morrissey
age 82
taslin10@earthlink.net

From: [Aidan Nascimento](#)
To: [Planning Services Development Code](#)
Subject: Zoning changes
Date: Wednesday, August 9, 2023 3:56:36 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello,

I want to provide some feedback on the proposed changes, and offer suggestions.

To start, I am heavily in favor of the proposed rezonings, I really like allowing for higher densities everywhere in the city, and especially around Gonzaga University, I only wish the upzoning was greater: higher height limit, greater density, greater FAR, and no setbacks.

The upzoning of single family parcels of land is also a great change, but I had some suggestions to make a sixplex more of a viable project.

First concern and my biggest concern is that FAR would be increased to match the proposed density, or the limit on FAR removed entirely. I don't understand why FAR limits exist in the first place, so if you know why, I would like to know. I ask why should we limit how much land could or should be developed. A single family house already destroys the natural environment and replaces it with an artificial, invasive one, so allowing more to be built wouldn't change that much. Other than environmental, it would probably help both developers and increase the living area of the residents. A 5k sq ft lot under a 0.5 FAR would only allow 2.5k for living, barely enough for three small homes, much less 6. The height limit being at three stories already limits the amount of space that can be built, meaning that with no setbacks or any other restrictions, the max FAR would be 3 anyways. The FAR limit only serves to limit the living space of the residents, and does nothing to increase their standard of living, or the viability of projects. By removing the FAR limit, it gives developers the option to build as much as they want, within the land and height limit, and would give people more space.

I also want to suggest the removal of the coverage limit, for many of the same reasons as described above. It does nothing for the resident, restricts the developer, and there are already limits on how much a developer can build. This just adds more restrictions, and has no benefit that I can see. If there is one, I would love to hear it.

Next, I want to talk about setbacks. In order to make projects easier they should be reduced or removed. Perhaps a developer wants to make a building with a courtyard, surrounded by 4 units. Having as much space as possible in the back and sides would go a long way to make these cool types of housing possible. No developer has to build all the way to the property line, but it gives them the option to if they want. If the concern is fire, maybe any wall within that setback is mandated to be made from some fireproof or resistant material, such as cement, stone, or metal. I don't see how keeping back and side setbacks would increase the living standard of the residents in some way that the developer wouldn't already consider and want to provide.

The front setback is also extremely important for walkability. Walking is nicer, more interesting, more fun when the building is right next to you. When the windows, doors, architecture is right next to you, the walk becomes easier, and becomes more likely. It also has a secondary psychological effect on drivers. A street with large setbacks on either side

influences drivers to think they can go faster. Although that setback might make it safer, it also makes the street more dangerous for walkers, and people who ride bicycles. A smaller setback encloses the street, meaning drivers won't want to drive as fast, and in residential neighborhoods, this will save lives. Remember, developers wouldn't be forced to build all the way to the front of the property, but they should be able to if they want.

As for the greenspace, it doesn't get used to its full capacity when it's a narrow strip of grass. Turning it into inside space would make homes bigger, and increase standard of living. If you want, you can mandate garden space,(ex: 2sq ft of personal garden space per unit) but mandating greenspace through setbacks is not a good idea. Having a yard is nice, but parks can and should serve that purpose much more efficiently. Not having setbacks have worked in cities for hundreds of years and have created awesome, vibrant, walkable cities, and I would very much like for that to be Spokane someday.

Lastly, a comment about parking garages.I think that if a residence is along an alley, the garage should absolutely be required to open into the alley. Garages reduce walkability by creating sidewalk cutouts, reducing the greenspace between the sidewalk and the street and (even if only occasionally) mean that cars need to pass through the sidewalk. If a property has alley access, the garage MUST open into the alley.

Also I heard that you were making it easier to build small commercial buildings in residential areas, and I really like that idea. Corner stores and neighborhood restaurants will make walkability way better, and provide a huge amount of character. Please go far with that.

The proposed rezoning is really cool, I'm very excited to see how it turns out. But I think these problems would put a pretty big dampener on what could be city-defining. It might be difficult to change the zoning code later, and so I want things to be as perfect as they can the first time.

Thank you for taking my considerations,

Aidan Nascimento

From: [Gardner, Spencer](#)
To: [Downey, KayCee](#); [Thompson, Tim](#)
Subject: Fw: HB1110 Comment
Date: Monday, September 18, 2023 9:10:15 AM

See email below. Ms Neff has requested that we replace her previous comments with this new version.

Spencer Gardner | Director | Planning Services
Office 509-625-6097 | Mobile 509-723-7554 | my.spokanecity.org

From: Ramos, Virginia <vramos@spokanecity.org>
Sent: Monday, September 18, 2023 8:58 AM
To: Kinnear, Lori <lkinnear@spokanecity.org>; Gardner, Spencer <sgardner@spokanecity.org>
Subject: FW: HB1110 Comment

Hello,

Please see below for the statement Julie Neff would like to be placed on the record in lieu of her previous statement.

Ginny

Virginia “Ginny” Ramos, She/Her
Legislative Assistant to Council President Lori Kinnear
808 W. Spokane Falls Boulevard, Spokane WA 99201-3335
Office (509) 625-6714 | Cell (509) 564-1914

From: Julie Neff <julieneff9@gmail.com>
Sent: Sunday, September 17, 2023 6:04 PM
To: Ramos, Virginia <vramos@spokanecity.org>
Subject: Re: HB1110 Comment

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Thank you Ginny, and please thank CP Kinnear for me as well. Please see the message below to replace the e-mail I sent on Sept. 10.

Council President Kinnear,

Once again, I wish I didn't feel the need to write this. But, to follow on my March 24, 2023 e-mail, the "BOCA" project under construction is worse than I imagined it would be. Please take a few minutes to read this webpage [Urban Infill | Erik Dordal](#) describing Urban Empire Home's new "investment plex" concept that takes advantage of BOCA and single family neighborhoods as opportunities for investors to charge higher rents. The decreased livability of the adjacent single

family homes, or the eventual neighborhood decline that may result, does not appear to be of concern. Please, take a few minutes to drive by 3018 S. Manito Blvd. and take a look at it from all 4 sides. The outdoor living areas on the building's side property lines look rudely into the neighbor's windows to the south, and the neighbor's back entry to the north. First and second story windows stare directly into the neighboring properties' outdoor living spaces. The setback from the street diminishes the presence and views from the neighboring home on the corner. The extreme lot coverage and 3' side setbacks make me wonder about so many things - including what happens to snow? Will accumulations on the side yards melt into neighbors' basements? Across the street, look at the physical damage to the trees and boulevard. I do appreciate that the city required the building's automobile approach to come from the back alley, because this could have been even worse.

After spending years working for the City of Spokane with you and others interested in protecting neighborhood quality and looking for opportunities to revitalize neighborhoods that had been damaged by poor land use decisions and absentee landlords, I'm horrified to see my own formerly stable neighborhood damaged with the passage of a pilot code that needs a lot more work.

Admittedly, I am not entirely familiar with what is required or allowed with the passage of HB1110. But, I hope the city can take this as an opportunity to improve, not degrade, established neighborhoods. Infill is not the same as an entirely new housing development, and the same rules don't apply. Unlike a new housing development controlled by one developer, Spokane's historic neighborhoods are occupied by residents who paid a premium and then spent years fixing up and maintaining vintage homes. Most are invested in the quality of our community. So, please help ensure that infill respects residents and established neighborhood features such as street setbacks, height, scale, architectural character, and backyard privacy. Please do not allow excesses such as additional roof heights, reduced setbacks, and increased lot coverage. Many developers will take advantage of every inch and loophole allowed and the combined result is a building that doesn't fit. I keep thinking about the book "Housing as if People Mattered" published in 1988 on the topic of medium-density housing. The authors stress the importance of housing that allows dignity. Even a building's tenants will try to disassociate themselves from a structure that sticks out like a sore thumb or doesn't allow for basic privacy. Imagine how disheartening it is for the neighbors.

Spokane's historic neighborhoods and quality housing stock are part of the reason people move here. Please implement mandates that help ensure that infill housing will be designed to improve neighborhood quality, not just benefit from it. Unless Spokane residents have some assurance that their housing investment and quality of life will not be degraded by the next developer next door, I don't doubt that many who want it, and can afford it will move to the outskirts.

At this point, is there anything Council can do to help mitigate at least part of the damage that has been done with the release of the pilot code that resulted in this oversized building (or investment plex)? Compensation for adjacent residences so they can pay for much needed landscape screening and window treatments? Street trees in the front (to replace the many mature ponderosas that were just removed)? Repairing the damage to the boulevard curb, grass and trees?

Thank you for your consideration,

Julie Neff
3006 S. Manito Blvd.

From: [Richard Repp](#)
To: [Planning Services Development Code](#)
Subject: RE: Public Comment
Date: Saturday, September 30, 2023 6:53:09 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

A BOCA waiver is needed unless and until the long-overdue infrastructure is in place. Thank you!

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Richard Repp <RRepp@hawleytroxell.com>
Date: 9/30/23 7:49 PM (GMT-06:00)
To: developmentcode@spokanecity.org
Subject: Public Comment

Allowing housing in Latah Valley before adequate infrastructure is in place is short-sighted and dangerous. Please ensure infrastructure is funded and in place before making a bad situation worse!

Thank you.

Sent from my Verizon, Samsung Galaxy smartphone

From: [Carlo Ruth Architect](#)
To: [Downey, KayCee](#)
Subject: Public Comment for Proposed Housing Code
Date: Thursday, September 28, 2023 3:51:23 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

KayCee, just my quick two cents—

-This is great, really. Density is good.

-So many people are scared of density, though, unfortunately —hopefully policy changes are coupled w/ public education—a picture speaks a thousand words. Emphasize smaller lots is more social, and less time and money spent on lawn care, also good for the planet (if anyone cares ha).

-If there is any way for the policy to favor further development of alleys, that would be great as well. (This might not be relevant, I get it.)

-Biggest thing is, can the policy be written to favor multifamily development downtown, as opposed to where I do see so much recent multifamily development, far from downtown. That would be my #1 recommendation.

Thanks!

-Carlo Ruth

From: [Melissa Schade](#)
To: [Downey, KayCee](#)
Cc: [Thompson, Tim](#); [Deborah Irving](#)
Subject: Comment for Consideration | Middle Housing Discussion
Date: Thursday, September 28, 2023 7:31:31 AM
Attachments: [Screenshot 2023-09-28 at 7.05.11 AM.png](#)
[Screenshot 2023-09-28 at 7.11.41 AM.png](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello KayCee and Tim,

Please find the following comments and concerns with the forthcoming codes and plans for creating middle housing for city council to consider:

Parking Minimums on New Development:

Recommendation: At least one off street spot per home must be provided

No parking at a home or property is a spiraling effect that may save developers, but becomes costly to a city and its safety and enforcement departments.

No parking in building codes does not create more public transportation use - this needs to be a separate, social effort.

Even if we move to a heavier public transportation model over time, Spokane has a long way to go. We have no major train or rail system, and no parking in developments could also lead to challenges for buses to navigate narrowing streets.

If you push more cars on the streets, you also limit the ability to instute bike lanes without forcing streets to become one way or the like.

No parking can create a spiral effect for other departments, including parking enforcement and calls into crime check or the understaffed police departments, due to an increase in car prowling as cars become 'sitting ducks" on the street. Off street parking is far more secure, even if not in a garage.

Just one article for consideration:

<https://popcenter.asu.edu/content/thefts-and-cars-residential-streets-driveways-0>

<https://portal.cops.usdoj.gov/resourcecenter/ric/Publications/cops-pl17-pub.pdf>

On the street. National Crime Survey data indicate that most car thefts (37 percent) occurs on the street outside the victim's home.² A study conducted in the United Kingdom revealed that a car parked on the street is much more likely to be targeted by criminals than a car parked in a driveway, as can be seen in Table 1.³ Hampshire (United Kingdom) police discovered that nearly one-half of all car crimes in Portsmouth occurred on only about 10 percent of the city's streets and that the pattern was even further concentrated within those streets.⁴

Table 1. Risk of Car Theft by Parking Location in England and Wales (1982-1994)

Location	Thefts per 100,000 cars per 24 hours
Home garage	2
Home carport/drive	40
Home street	117

Building codes and planning codes should consider true resources at this time and be adjusted

as resources evolve. Developing a no parking policy benefits only developers, not future tenants, neighbors or city departments, as shown in example of increase in stakeholders when cars are forced to the streets:

For Driveways

- homeowners or tenants
- home insurance companies.

For Streets

- town supervisors
- building surveyors
- traffic engineers
- urban planners
- local community groups.

For Both Locations

- auto insurance companies
- car owners.

Recommendation: At least one off street spot per home must be provided to reduce spiraling impact on city departments and current and future residents

Minimum Lot size for a single family dwelling:

Recommendation: Minimum single family lot size for any current plat can be divided only into lots that are sized at 50% of the average of current neighboring lots.

Good neighbor efforts such as building design and height have already been implemented by the city planning departments, however minimum lot size has failed to be addressed.

12 tiny homes on 750 sq ft lots between two homes with 5-7,000 sq ft lots do not create neighborhood fluidity or design, but this is easily addressed while still supporting middle housing efforts. Plus, as a city, we should be considering what we're committing to greenspace for each home, for the residents that live within and the message we send when no outdoor space is available to these tenants.

Example: Four lots - 5,000 sq ft, 7500 sq ft, 3500 sq ft and 5,000 sq ft. - average is 5,250. Minimum lot size is 2,625 sq ft., rounded to the nearest 500.

- This accommodates multiple homes on an average lot of .23 acres (10,000 sq ft) lot while maintaining neighborhood design fluidity and providing density.

Examining Scout, between Manito, East and West Central, the average lot size is .15 acres, or 6,534 sq ft. This creates a healthy, but divided lot size of 3,267 ft.

This policy does not adhere to townhomes or duplex policy, but specifically addresses the capabilities within the current building code for 12 tiny individual homes to be placed in a residential neighborhood, degrading the fluidity of housing and negatively impacting property

values and thus tax revenue for the City of Spokane and Spokane County.

Recommendation: Minimum single family home lot size for any current plat can be divided only into lots that are sized at 50% of the average of current neighboring lots.

Any questions, please let me know!

Melissa

From: [Bonnie Schamber](#)
To: [Downey, KayCee](#)
Subject: New housing construction
Date: Wednesday, September 6, 2023 5:59:42 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good morning,

I've noticed a lot of new apartments being construction but if the monthly rental is too high what good is it for low income families?

I live on Nevada and it has become a hwy with racing, loud vehicles. New construction apartments just north on Magnesium are going in unbelievably close to the road on Nevada. Why is this allowed? It's hazardous in many ways besides noisy, polluted exhaust air and subject to cars driving into them. I know because vehicles have driven thru our fencing several times.

There must be regulations on how close people have to live to these hazardous conditions.

Thank you for your time and consideration,
Bonnie Schamber

From: [Munir Shah](#)
To: [Planning Services Development Code](#)
Subject: BOCA use comment
Date: Friday, September 29, 2023 7:08:28 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I live in Eagle Ridge in Spokane Washington and would like to request a waiver for Eagle Ridge to not participate in BOCA until infrastructure is added to this area. If folks keep developing in Eagle Ridge without adding infrastructure it is going to be a bigger and bigger mess for the residents of this area. Please consider granting a waiver for Eagle ridge to not participate in BOCA until the infrastructure problem is addressed adequately.

Thank you,

Munir Shah MA., ABD., LMHC.

From: [Vadim Smelik](#)
To: [Downey, KayCee](#)
Cc: [Brast, Ali](#); [Owen, Melissa](#); [Gardner, Spencer](#); [Planning Services Development Code](#)
Subject: BOCA Duplex Final Product - 2502 N Magnolia
Date: Thursday, September 14, 2023 12:56:39 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

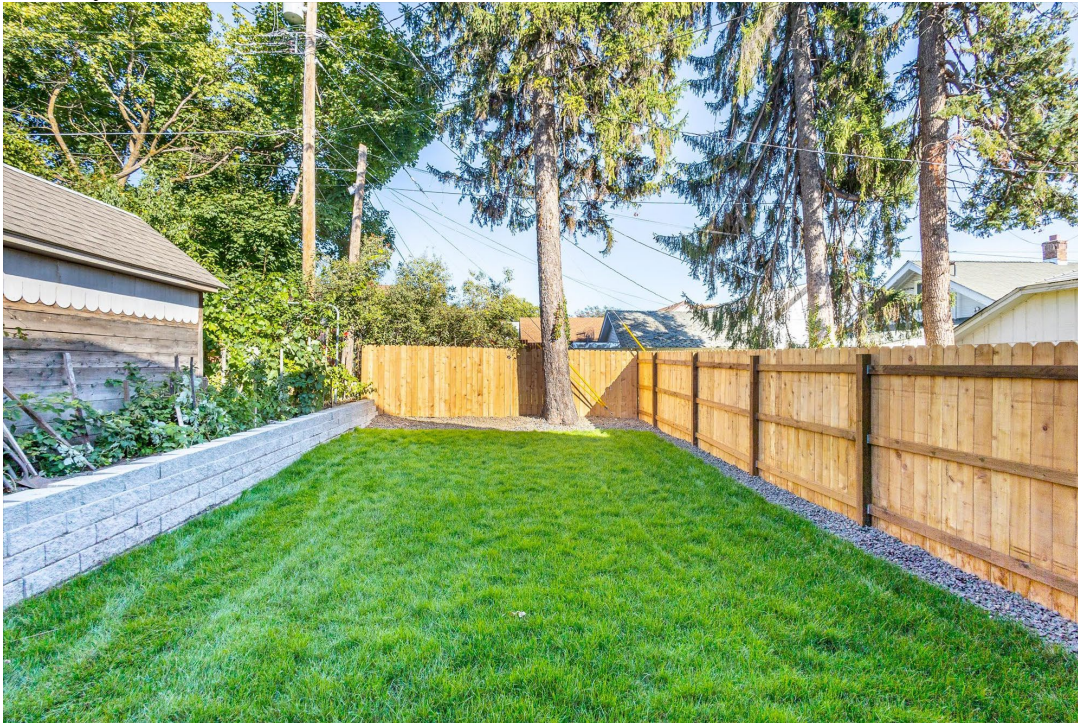
Good afternoon,
from my understanding I believe this duplex was the first one approved under boca(but probably not the first one finished).

Wanted to thank you guys and your hard work in making this happen. Look forward to whatever else you guys can bring that would benefit this city.

Below are the photos of the finished product. We are pretty happy with how it turned out.

If you would like to use any of the photos, please reach out to Grand Showing for licensing info.

Thank you









--

Vadim Smelik

509-981-7292

Vadim@kodiakgeneral.com

Project Manager

Kodiak General Contracting

From: [Sharon Smith](#)
To: [Downey, KayCee](#)
Subject: Zoning
Date: Monday, October 2, 2023 12:58:16 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Dear Ms. Downey,

At Bethany Presbyterian, we have been anxiously awaiting the results of the Zoning regulations as they are evaluated and modified. As a religious entity, we are very interested in using our property to help support the need for housing in our city. We believe that our sanctuary could be a part of a living community, including said housing. It is with great appreciation that we reflect on all of our dealings with the Zoning board, as well as City Council members about our ideas. It seems that our dream in collaboration with Proclaim Liberty (another Presbyterian non-profit entity that has built properties in the Perry District) will be able to create viable apartments in the Lincoln Heights area.

We are very excited to hear the results of the months of planning. Thank you for your interest in these projects throughout the city.

Sincerely yours,

Sharon Smith

Sharon Rodkey Smith
1403 W. Courtland Ave
Spokane, WA 99205
C - 509-714-0555

From: [Liam Taylor](#)
To: [Downey, KayCee](#)
Subject: Comments, Building Opportunity for Housing
Date: Wednesday, October 4, 2023 12:13:36 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello KayCee,

Hope you're doing well - sorry to send a comment so late.

It's great to see the City of Spokane progress their development code to allow more building opportunities for housing, exactly as the name suggests. My only hope is that the City continues to advance in this direction, and that this is just the tip of the iceberg in eliminating exclusionary zoning.

Why not go all out? It appears Floor Area Ratio (FAR) requirements were eliminated, why not eliminate all building setback standards? They're not really necessary for residential uses. Also, building heights. It's a little disappointing to still see 35' as the cap. If the City is so focused on infill development, they should recognize the limited infill opportunities, and allow developers to build higher to accommodate more fill.

Anyways, I'm probably too late to the party. Looking forward to seeing how this turns out, and if you or any other members of the planning staff want to chat about exclusionary zoning and why I think it's bad, let me know. I'd love it some day if the City legalized small commercial businesses everywhere, which would incentives walkability, among other things. I'm going on a bit of a rant now, but I would HIGHLY recommend the book "Arbitrary Lines" by M. Nolan Gray, which discusses the history of zoning and how it broke America, and how we can fix it. Let me know if you have any questions.

Sincerely,

Liam

From: [Jene Ray](#)
To: [Downey, KayCee](#)
Subject: My endorsement
Date: Tuesday, September 5, 2023 3:14:50 PM
Attachments: [image001.png](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

As Director of The ZONE supporting thriving households in Northeast Spokane, I endorse making permanent the interim regulations below:

The Interim Regulations make the following temporary changes to Title 17: • Allow between 1 and 4 units on all residential lots citywide. • Allow attached homes (i.e., "townhouses") on all residential lots and remove the maximum attached unit limits in all zoning districts for attached homes. • Modify lot development standards that control the size, placement, and physical design of attached houses, detached single-family homes, duplexes, triplexes, and fourplexes. This helps remove barriers to construction for all low-scale housing types. Community Review Draft Code Amendments 8/14/2023 MIG | APG Spokane Building Opportunities for Housing Phase II 2 • Apply uniform design standards based on existing multifamily standards, with modifications appropriate to low-scale residential projects. The proposed amendments make permanent Code changes based on the Interim Regulations and take further steps to support housing production and expand housing options.

Warmly -Jene

Jene Ray
Director | The ZONE at NECC
Associate Director | Northeast Community Center

Primary: 509.209.7227 Desk: 509.487.1603, x224

Email: JRay@NECommunityCenter.com

4001 N Cook Street, Spokane, WA 99207

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TheZoneSpokane.org | [Facebook](#) | [Linkedin](#)

Kaycee Downee
Planning Department
City of Spokane

RE: Building Opportunity for Housing process

Dear Ms. Downee,

We are grateful for the work you all have put into changing the planning rules to make affordable housing more available and easier to develop in Spokane. As members of Bethany Presbyterian Church we have been meeting with City Councilpersons, planning staff attending meetings and following this process. I am that the options for religious organizations are being expanded. We hope that this includes and enables our proposed affordable housing for refugees and our new church building project at 2607 S. Ray Street to proceed with an application in January based upon these new regulations.

Our non profit partner for this is Proclaim Liberty, a 501© organization that was created by Presbyterians. We hope that our project being done jointly with them will qualify for these changes be approved within the 1st several months of 2024.

Sincerely,

Brian Thompson-Royer
Chair person
Bethany Presbyterian Church Rebuilding Team

Delivered by email to kdowney@spokanecity.org

From: [Carol Tomsic](#)
To: [Downey, KayCee](#)
Cc: [Freibott, Kevin](#)
Subject: Building Opportunities for Housing SMC Comment
Date: Tuesday, October 3, 2023 9:53:50 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Thank you for working on the text amendments!

I have a few comments and questions.

Section 17C.110.010 -page 11

Thank you for keeping the Use Standards to create and maintain residential neighborhoods and not to sacrifice overall residential neighborhood form and function.

Thank you keeping the Developing Standards and stating "ensuring new development complements existing development."

Section 17C.110.110 Limited Use Standards -page 20

B. Office - please clarify Office requires a Conditional Use permit in RMF and RHD?

Section 17C.110.225 Development Near Major Transit Stop or Center & Corridor Zone, or with Qualifying Affordable Units -page 46

Thank you for stating 25 percent of units are low-income housing and must remain for a term of at least 50 years.

Section 17C.110.230.215 Height -page 52

I did not see any notation on building heights having to complement existing development, just 150 feet from residential unit? A building height significantly affects and impacts adjacent neighbors. Is it possible to add more restrictions?

Can any neighborhoods request to be a 'special heights district'?

Section 17C.110.315 Entrances -page 65

Thank you for stating the purpose (and importance) of an entrance, "to encourage pedestrian activity and enliven the street."

Section 17C.230.130 Parking Exceptions

It says, The proposed changes to this section (subsection G) and in Table 17C.230-2 are intended to make those interim regulations permanent.

I would really like to see a requirement of reduced parking in residential development 1/2 mile of major transit stops. The above statements does not allow for any changes in the interim regulations.

Chapter 17G.020 Comprehensive Plan Amendment Procedure -page 90

I may of missed it, but I want to make sure neighborhood councils are still required to be notified of any amendments in their neighborhood.

Section 17G.061.010 Summary of Land Use Application Procedures - page 100

I didn't see any mention of neighborhood councils being notified on 'notice of application' graph. I am requesting neighborhood councils still be notified of proposed land use changes.

Section 17G.061.315 Rezone Decision Criteria -page 129

Is this rezoning separate from the comprehensive plan amendment process? Is this decided by the planning director?

Section 17G.061.315 Rezone Decision Criteria -page 131

I am a bit worried by the criteria for an office designation. Our neighborhood has historic residential buffers near a center and corridor. How are residential neighborhoods protected by this rezone criteria?

Thank you!
Carol Tomsic

From: [Harold Vanderpool](#)
To: [Downey, KayCee](#)
Subject: public comment on proposed text amendments as part of Phase 2 of Building Opportunity for Housing
Date: Sunday, October 1, 2023 10:00:26 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello KayCee

Here are some of my comments focused on R1 and R2 changes in the draft revised regulations:

1. Generally the concepts and changes of these regulations are thoughtful and appropriate. The project team has been doing a great job soliciting and taking input to generate sensible changes to the current regulations. The following comments provide some recommendations for a small but important number of those proposed changes.
2. RMF and RHD changes. Since the focus of this round of changes has been primarily on the R1 and R2 zones, and the planning team is recommending deferring discussion of RMF and RHD changes citing an intention to review those zones in detail in the near future, I recommend that all changes other than reorganization of the regulations for RMF and RHD be removed and tabled until a full discussion of those zone regulations is available for public comment. If unwilling to do that, then recommend that the timetable be extended and discussion opened to review those zone regulation changes in detail. I have a large number of comments on the RMF (transition zone between R1/R2 and RHD) that are not included in this comment email.
3. Table 17C.110.205-2
 1. Maximum building height - I agree with the elimination of separate wall and roof height, but allowing the extra 5' allows 4 stories instead of 3 in R1 and R2. Allowing a 4th story adjacent to existing 2 or 3 story would be ok. But 4 stories next to a single level house is a very abrupt change.
 2. ADU - Front setback missing - refer to primary? Seems like an ADU could go fine in a lot with primary structure currently set all the way to the back of the lot
4. 17C.110.215 - Density
 1. Section D - Minimum Density - In the R2 zone on a .25 acre lot, a duplex or old larger home previously converted into apartments would be precluded from reverting to a single family unit even if that was consistent with the adjacent properties. It likely isn't economically feasible, but do we want to prevent someone from buying a historic property and restoring it to its original condition? I agree that we want to regulate someone from purchasing a large block of lots and building a single family on several acres as that would be inconsistent with the zone, but allowing a return to the original character of the neighborhood seems like it should not be prevented. Is removal of ADU also potentially prohibited by this?
5. 17C.110.230 - Height
 1. Section B - Height Standards - Seems like the C.3 basement parking 3' exclusion might conflict with B.3 Average Grade which calls out for using the lowest point between building and 6' away.
 2. Section C.1 - Typo as there is no 35' height limit under proposed regs
 3. Section C.2 - While not including most of my comments on RMF (per direction

by planning team), I have to comment on the egregious loophole in this section which allows for an additional 15' height in RMF and RHD zones when adding a pitched roof. It is very easy to build at minimum pitch at a 'cost' of only 5' of height for which one gets a total of 15' extra height allowed...enough for another floor. Pitched roof allowances should allow the pitched roof above the max height not to exceed 15'

4. Section C.3 - Basement parking seems to require a sloped entry of less than 50% of the wall length (based on B.5). Probably warrants a diagram to avoid confusion.
5. Section E - typo? with limit of ADU at 23' instead of 25' in Table 110.205-2
6. I cannot find a definition for the front of a lot other than the inferred requirement that it face a street. For properties that do not face a street, the front is not well defined. Furthermore, the good regulations that require architectural features on fronts of buildings are not applicable when a lot line other than the front faces the established (possibly for many decades if not a century) front of a landlocked property (one without street frontage) but this case is defined under Lot in the Glossary. So it seems to warrant some recognition to receive the same benefit of the development regulations on neighboring properties they face.
7. 17C.110.325
 1. Section C.1 - The modulation of long facades requiring breaking up of the plane every 30' is good. But an overall max limit should be set. 160' for example as in some existing buildings is too much for any residential zone.
 2. Section C.5 - This section is the only "should" requirement in Section C. The building Massing and proportionality that it discusses are some of the most important aspects when evaluating impact on neighboring properties and overall "compatibility" and just how "complementary" a new construction is. This needs to be a required regulation. Additionally, "established and historic neighborhoods" warrants a definition.
8. 17C.110.335 - Parking Facilities
 1. Section B.1 has a drawing that conflicts with the 4' setback requirement of the immediately following B.2
9. Table 17C.230-2 - Minimum Parking for Residential Household has typo in that footnote 3 should be before the semicolon as it applies to the 'after 3 bedrooms' bit
10. 17C.300.130 - ADUs
 1. Section B.2 - Height - A wall height exception is granted when wall height is no longer part of the regulations. Should be a height exception
 2. Section B.3 - Bulk Limitation - Are the percent of total square foot restrictions inconsistent with the other new lot intensity/coverage approaches?
 3. Section B.4.c - Refers to 'floor area' and I believe the intent is 'footprint' of building.
 4. Sections C and D - Does C supercede D? For example if a water line of primary structure is not a full code required depth, may the ADU still connect to that utility as required by C?

I do hope those comments are clear. If not, please don't hesitate to reach out.

Additionally, if the suggested delay on RMF and RHD changes is not likely to happen, please let me know so I can provide RMF and RHD comments as well.

Thanks,

Harold Vanderpool

From: [Jene Ray](#)
To: [Downey, KayCee](#)
Subject: RE: Please increase ADU allowable size
Date: Wednesday, September 6, 2023 10:36:45 AM
Attachments: [image001.png](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Oh super cool! 975 sq ft or 75% of the existing house is even *better*.

Please amend the ZONE Resident Steering Committee input to be:

Our top priority from our 2023 strategic planning is Affordable Housing for Larger Families

Warmly -Jene

Jene Ray
Director | The ZONE at NECC
Associate Director | Northeast Community Center
Primary: 509.209.7227 Desk: 509.487.1603, x224
Email: JRay@NECommunityCenter.com
4001 N Cook Street, Spokane, WA 99207

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From: Downey, KayCee <kdowney@spokanecity.org>
Sent: Wednesday, September 6, 2023 7:31 AM
To: Jene Ray <jray@necommunitycenter.com>
Subject: RE: Please increase ADU allowable size

Good morning Jene,

Thank you for your comment. I just wanted to let you know about the ADU code regulations that were approved last year that increased the size of an ADU from 600 s.f. to 975 s.f. or 75% of the existing house, whichever is larger.

The changes were part of [Phase 1 of Housing Action Plan Code Changes](#).



KayCee Downey, AICP (she/her) | City of Spokane | Planner II | Planning & Economic Development

This email is subject to Washington State Public Records Act, Chapter 42.56 RCW, and may therefore be subject to public disclosure.

From: Jene Ray <jray@necommunitycenter.com>
Sent: Tuesday, September 5, 2023 3:12 PM
To: Downey, KayCee <kdowney@spokanecity.org>
Subject: Please increase ADU allowable size

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Dear KayCee,

The ZONE Resident Steering Committee supports increasing ADU size from 600 to 800 sq feet, and allowing other roof lines in order to provide more affordable housing options for families.

Thank you.

Warmly -Jene


Jene Ray
Director | The ZONE at NECC
Associate Director | Northeast Community Center
Primary: 509.209.7227 Desk: 509.487.1603, x224
Email: JRay@NECommunityCenter.com
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COMMUNITY
CENTER** **ZONE**
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EXHIBIT F



Spokane Tribe of Indians
Tribal Historic Preservation Office
PO Box 100 Wellpinit WA 99040

August 24, 2023

To: Ryan Benzie, Planning

RE: City of Spokane, Proposed Amendment of Residential Zones and Procedures in SMC sections- Citywide

Mr. Benzie,

Thank you for contacting the Tribe's Historic Preservation Office, we appreciate the opportunity to provide a cultural consult for your project. The intent of this process is to preserve and protect all cultural resources whenever protection is feasible.

As you already know, these areas maybe sacred, religious and cultural significance to the Spokane Tribe these sites are very limited and irreplaceable.

RE: Case by case review on each project and may require cultural surveys and monitoring on these projects

We are looking forward to working with you and your staff towards these projects

Again, thank you for this opportunity to comment and consider this a positive action that will assist in protecting our shared heritage.

If questions arise, please contact me at (509) 258 4222.

Sincerely,

Randy Abrahamson
Tribal Historic Preservation Officer (T.H.P.O.)



Spokane Tribe of Indians
Tribal Historic Preservation Office
Po Box 100 Wellpinit WA 99040

September 19, 2023

To: Kaycee Downey, Planner

RE: City of Spokane – Building Opportunity for Housing Code Update

Ms. Downey,

Thank you for contacting the Tribe's Historic Preservation Office, we appreciate the opportunity to provide a cultural consult for your project. The intent of this process is to preserve and protect all cultural resources whenever protection is feasible.

The Spokane Tribe of Indians does express interest in projects that impacts cultural resources and Traditional Cultural properties (TCP).

While surface evidence or artifacts and human remains may be sparse after years of non-Indian occupation and development, evidence below the surface may still be in place and artifact and human remains may be entering the site through hydrological processes, and other means.

RE: These projects will have to be inventoried on case-by-case basis

As always if any artifacts or human remains are found during construction, this office should be notified and the work in the immediate area cease.

Should additional information become available, or scope of work change our assessment may be revised. Our tribe considers this a positive action that will assist us in protecting our shared heritage.

If question arise, contact my office at (509) 258 – 4222.

Sincerely,

Randy Abrahamson
Tribal Historic Preservation Officer.

From: [Eliason, Joelle](#)
To: [Downey, KayCee](#)
Cc: [Nilsson, Mike](#); [Johnson, Erik D.](#); [Kells, Patty](#)
Subject: SEPA Proposed amendment of Residential Zones and procedures
Date: Thursday, August 31, 2023 4:59:13 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

KayCee,

DSC Engineering has the following comments regarding the subject SEPA:

1. Regarding Section B.3.c.(1): Stormwater is subject to the requirements of Chapter 17D.060 Stormwater Facilities SMC.

Thank you,



Joelle Elias | City of Spokane | Engineering Technician IV Development Services Center

509.625-6385 | 808 W Spokane Falls Blvd, Spokane, WA 99201 | jeliason@spokanecity.org | my.spokanecity.org



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From: [Gardner, Spencer](#)
To: [Owen, Melissa](#); [Downey, KayCee](#); [Thompson, Tim](#)
Cc: [Palmquist, Tami](#)
Subject: Re: 3" side street lot line setbacks on narrow lots
Date: Tuesday, September 5, 2023 5:47:24 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Thanks, Melissa. If you and Tami are OK with it, we'll consider this as part of agency comment on our BOH work since that is what precipitated the conversation for us. I'll have Tim and KayCee take a look at the relevant code section and see if there's something we can adjust to make this clearer.

Thanks,

Spencer Gardner | Director | Planning Services
Office 509-625-6097 | Mobile 509-723-7554 | my.spokanecity.org

From: Owen, Melissa <mowen@spokanecity.org>
Sent: Tuesday, September 5, 2023 3:53 PM
To: Gardner, Spencer <sgardner@spokanecity.org>
Cc: Palmquist, Tami <tpalmquist@spokanecity.org>
Subject: 3' side street lot line setbacks on narrow lots

Spencer,
One code clarification we think we may need is related to the side street setback on narrower lots 40' wide or less. A strict application of the code appears to suggest that a 5' side yard setback would be required for a side street lot line. When I spoke to Tami about this last week, we didn't believe that we had been applying the code this way (if the lot was permitted a 3' side yard setback we were allowing this on the street side lot line as well). I did find both recent and old historic situations where a 3' setback is allowed/implemented; however, one concern may be about clear view triangles at the intersection or where there is very little right of way between the curb and the street side lot line. Perhaps a solution would be to clarify the allowance for a 3' street side lot line setback assuming the structure is not in the clear view triangle and located at least 12' from the side street curb line (similar to development in all other zoning districts). See parcel 25121.1617 for one recent example.

Development Services Center is open Monday-Friday 8 am – 5 pm in person, [online](#) or over the phone at 509.625.6300!



Melissa Owen | City of Spokane | Planning & Development Services
509.625.6063 | mowen@spokanecity.org

EXHIBIT G



IMPLEMENTATION OF COMPREHENSIVE PLAN POLICIES

Department of Planning and Economic Development

The following policies of the Comprehensive Plan relate to the proposed updates to the residential development and related sections of the Spokane Municipal Code. The full text of the Comprehensive Plan can be found at www.shapingspokane.org.

Chapter 3 – Land Use

Goal 1 – Citywide Land Use, Policy LU 1.3 Lower Intensity Residential Areas

Focus a range of lower intensity residential uses in every neighborhood while ensuring that new development complements existing development and the form and function of the area in which it is located.

Discussion: The city's residential neighborhoods are one of its most valuable assets. Diversity in both housing type and residents in these areas is essential for the wellbeing and health of the city's neighborhoods. Lower intensity residential uses, from detached homes to middle housing types, are generally compatible with each other and can be incorporated effectively into all neighborhoods. Accordingly, some residential areas would benefit from slightly increased intensities of residential use (e.g., somewhat taller buildings, more lot coverage), dependent on the context and nature of the surrounding neighborhood. These areas of increased residential development should focus on those parts of the neighborhood where proximity to adequate transportation (such as frequent transit), parks, schools, shopping, and other services already exists and where conditions allow for accommodation of increased utility/service needs and other impacts such as parking or the need for public green space.

Complementary types of development should include places for neighborhood residents to walk to work, shop, eat, and recreate. Complementary uses include those serving daily needs of residents, including schools, places of worship, grocery stores, recreation facilities, and small-format retail and medical uses. Development of these uses in a manner that avoids negative impacts to surroundings is essential. Creative mechanisms, including design standards, must be implemented to address these impacts so that potential conflicts are avoided.

Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas

Direct new higher intensity residential uses to areas in and around Centers and Corridors designated on the Land Use Plan Map and to areas where existing development intensity is already consistent with development of this type.

Discussion: Higher intensity housing of various types is the critical component of a Center. Without substantially increasing population in a center's immediate vicinity, there is insufficient market demand for goods and services at a level to sustain more intense commercial development. Residential uses in and around Centers generally consist of multi-story condominiums and apartments. In some cases, smaller-scale residential development may be interspersed among those higher intensity uses, but

generally uses of higher scale and height should predominate in these areas, especially as proximity to designated Centers or Corridors increases. Likewise, residential development should increase in height, mass, and lot coverage as properties are located closer to commercial areas or where employment is higher.

To ensure that the market for higher intensity residential use is directed to Centers, future housing of higher scale and form is generally limited in other areas. Whenever more intense residential uses are proposed outside the general vicinity of Centers and Corridors, topics such as the proximity of those areas to uses like commercial or downtown uses should be considered. Design and site requirements should be considered that minimize conflict between these areas and other uses.

Goal 3 – Efficient Land Use, Policy LU 3.6 Compact Residential Patterns

Allow more compact and affordable housing in all neighborhoods, in accordance with design guidelines.

Discussion: Compact and affordable housing includes such choices as townhouses, accessory dwelling units (granny flats), live-work housing, triplexes, zero-lot line, starter, small-lot, and row houses. Middle housing types such as these are compatible with all residential areas, commensurate with Policy LU 1.3 above.

Goal 3 – Efficient Land Use, Policy LU 3.7 Maximum and Minimum Lot Sizes

Prescribe maximum, as well as minimum, lot size standards to achieve the desired residential density for all areas of the city.

Discussion: One of the ways to use the remaining usable land more efficiently is to increase the overall housing density. Increased density promotes efficient and cost-effective provision of city facilities, services, and transportation systems and enables the provision of affordable housing.

Goal 5 – Development Character, Policy LU 5.5 Complementary Development

Ensure that infill and redevelopment projects are designed to be compatible with and complement surrounding uses and building types.

Discussion: New infill development and redevelopment should be designed and planned to seek compatibility with its location. Consideration should be given to multiple scales of compatibility, from the site on which the use will be constructed to the wider area in which it will reside. New development or redevelopment should also seek to complement and enhance the existing neighborhood where possible by expanding the choices available in the area and improving the use and form of the area in which it is located. For example, middle housing types provide for increased diversity in scale and form while also maintaining a high level of compatibility with existing residential neighborhoods, especially in those areas where only one housing type was previously available.

Chapter 6 – Housing

Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure

Direct new residential development into areas where community and human public services and facilities are available.

Discussion: Using existing services and infrastructure often reduces the cost of creating new housing. New construction that takes advantage of existing services and infrastructure conserves public resources that can then be redirected to other needs such as adding amenities to these projects.

Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration

Promote socioeconomic integration throughout the city.

Discussion: Socioeconomic integration includes people of all races, color, religion, sex, national origin, handicap, disability, economic status, familial status, age, sexual orientation, or other arbitrary factors. Often, housing affordability acts as a barrier to integration of all socioeconomic groups throughout the community.

Goal H1 – Housing Choice and Diversity, Policy H 1.9 Mixed-Income Housing

Encourage mixed-income developments throughout the city.

Discussion: Mixed-income housing provides housing for people with a broad range of incomes on the same site, development, or immediate neighborhood. Mixed-income housing provides socioeconomic diversity that enhances community stability and ensures that low-income households are not isolated in concentrations of poverty.

Goal H1 – Housing Choice and Diversity, Policy H 1.18 Distribution of Housing Options

Promote a wide range of housing types and housing diversity to meet the needs of the diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs.

Discussion: A variety of housing types should be available in each neighborhood. Diversity includes styles, types, size, and cost of housing. Many different housing forms can exist in an area and still exhibit an aesthetic continuity. Development of a diversity of housing must take into account the context of the area and should result in an improvement to the existing surrounding neighborhood.

Chapter 8 – Urban Design and Historic Preservation

Goal DP 1 – Pride and Identity, Policy DP 1.2 New Development in Established Neighborhoods

Encourage new development that is of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood.

Discussion: New development should be compatible with the context of the area and result in an improvement to the surrounding neighborhood.

Goal DP 2 – Urban Design, Policy DP 2.2. Design Guidelines and Regulations

Adopt regulations and design guidelines consistent with current definitions of good urban design.

Discussion: The city should use development standards that encourage creativity while ensuring compatibility with the surrounding area and enhancing local character. Maintaining or enhancing the neighborhood's character, livability, and property value is a benefit to the residents of an area and provides business owners with some assurance of community stability. Adopted standards that are adhered to, even when some flexibility is included, offer protection and instill confidence in established and prospective residents and business owners.

Design guidelines should be understandable, enforceable, predictable, and consistent in order to measure and evaluate proposed development. Effective design guidelines include graphic depiction and written text that are clear, understandable, and unambiguous. They function specifically to guide the physical development of projects that require design review. The desire is to create and maintain an attractive and efficient city.

Options such as form based codes and a design review process should be utilized to ensure that new development is compatible with its neighbors and will meet the city's urban design goals.

Goal DP 2 – Urban Design, Policy DP 2.6, Building and Site Design

Ensure that a particular development is thoughtful in design, improves the quality and characteristics of the immediate neighborhood, responds to the site's unique features - including topography, hydrology, and microclimate - and considers intensity of use.

Discussion: New and remodeled projects can have a major impact on a specific area. Site placement, setbacks, landscaping, intensity of use, and other design considerations should be compatible with the visual character of the surrounding environment. This applies to all new commercial, public, multifamily structures, high density single-family projects, and exterior remodels of existing commercial structures. An accessory structure should be of a lesser square footage and volume and should utilize materials and colors less dominant than the principal structure.

Goal DP 2 – Urban Design, Policy DP 2.12, Infill Development

Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.

Discussion: Infill construction can benefit the community when done in a manner that improves and does not detract from the livability of the neighborhood and the desirable design character of the area.

EXHIBIT H



ALTERNATIVE PARKING REGULATIONS

Department of Planning and Economic Development

To recommend approval of parking regulations that implement the requirements approved through ORD C36405, the City Council passed parking interim ordinance, the following language may be used.

Section 17C.230.130

G. Parking is not required for residential development on sites located within one-half mile of a transit stop.

Table 17C.230-2

[2] Parking is not required for residential development on sites located within one-half mile of a transit stop.

EXHIBIT I

This tracked change document highlights the modified sections of the SMC in a truncated format. The tracked change document is substantively compliant with the hearing draft. However, numbering, clerical changes, and minor adjustments may not be consistent.

Exhibit B of the Staff Report is the full proposed draft text amendments and is the formal proposal.

memo

to City of Spokane Staff
from Kate Rogers, Brandon Crawford, and Matt Hastie, MIG|APG
re City of Spokane Building Opportunities for Housing (BOH) Phase II
Revised Community Review Draft Code Amendments
date 9/1/2023

Introduction

This document contains draft amendments to Title 17 of the Spokane Municipal Code (SMC) as part of the Spokane Building Opportunity for Housing (BOH) Phase 2 project. The primary intent of these amendments is to make permanent changes to the SMC to allow middle housing types (e.g., duplexes, triplexes, and attached housing) in Spokane's single-family residential zones by incorporating the City's Interim Housing Regulations (SMC 17C.400) into other sections of the Code. Further proposed changes to the SMC are intended to support housing production, expand housing options, and improve the Code's readability and administration. These Code updates will also support the City's work toward compliance with House Bill 1110, which is described in the Background section below.

Background

The City of Spokane adopted the Interim Housing Regulations in 2022 to modify permitted housing types in residential zones to accelerate construction of more housing and allow for a greater variety of housing types throughout Spokane. The ordinance, named Building Opportunities and Choices for All (BOCA), builds on several years of engagement and outreach around the need for housing, through the adopted Housing Action Plan and the on-going Shaping Spokane Housing effort. The Interim Housing Regulations went into effect in August 2022 and expire in December 2023.

The Interim Regulations make the following temporary changes to Title 17:

- Allow between 1 and 4 units on all residential lots citywide.
- Allow attached homes (i.e., "townhouses") on all residential lots and remove the maximum attached unit limits in all zoning districts for attached homes.
- Modify lot development standards that control the size, placement, and physical design of attached houses, detached single-family homes, duplexes, triplexes, and fourplexes. This helps remove barriers to construction for all low-scale housing types.

- Apply uniform design standards based on existing multifamily standards, with modifications appropriate to low-scale residential projects.

The proposed amendments make permanent Code changes based on the Interim Regulations and take further steps to support housing production and expand housing options.

House Bill 1110

In July 2023, the Washington State Legislature passed House Bill 1110 (HB 1110), which requires cities to allow certain middle housing types in all residential zones, including zones that only allow single-family detached housing.¹ Large cities like Spokane must allow up to four units per lot in all such zones, plus up to six units per lot in areas near transit and where some of the units are dedicated as affordable housing. The legislation also requires cities to generally treat middle housing the same as single-family housing in terms of regulations and review procedures.

The City of Spokane is not required to comply with HB 1110 until six months after its next periodic update in 2026; however, the City is using the BOH Phase 2 project as an opportunity to work toward compliance with the legislation. The City's BOCA regulations already had resulted in compliance with many of the baseline HB 1110 requirements. The proposed approach to middle housing allowances in the current effort goes well above and beyond HB 1110 by allowing all middle housing types, including fiveplexes and sixplexes, throughout the RSF and RTF zones (proposed to be renamed as R1 and R2). The City also proposes to increase flexibility and promote more attainable housing options by focusing less on maximum density and using form-based standards such as height, setbacks, and building coverage to regulate development intensity.

Document Format

The draft SMC amendments are presented as underlined [added text] and ~~strikeout~~ [removed text]. Sections that are not being amended have been omitted, as indicated by "[...]".

Commentary Boxes

Explanations for the proposed amendments in various sections of the Code are provided in blue commentary boxes.

¹ House Bill 1110, 2023. <https://app.leg.wa.gov/billssummary?BillNumber=1110&Initiative=false&Year=2023>

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TITLE 17A ADMINISTRATION**Chapter 17A.020 Definitions****Commentary**

The proposed amendments to definitions in this chapter are intended to achieve the following:

- Add definitions for the Building Official, City Engineer, and Planning Director.
- Add a new definition of “affordable housing” consistent with the RCW that will be used in proposed new incentives provisions for single-unit and middle housing in Section 17C.110.225.
- Create a new definition for “middle housing” that can be referenced throughout the Code. The City’s proposed approach for middle housing is to allow any configuration of building types containing 6 or fewer units. The units could be all be detached, all attached, or a mixture of attached and detached units.
- Redefine multi-family housing as “multi-unit housing,” which must contain more than 6 units (to distinguish multi-unit buildings from middle housing).
- Add definitions for building types in the middle housing category that are not yet defined – including triplex, fourplex, fiveplex, sixplex, courtyard apartments, and stacked flat. The proposed definitions are consistent with HB 1110.
- Revise the “cottage housing” definition to make it more flexible and consistent with HB 1110.
- Add a definition for “religious organization” to implement the requirements of RCW 35A.21.360, which allows development bonuses for housing developed on sites owned by religious organizations.
- Add or clarify other terms used in the proposed Code amendments.

Section 17A.020.010 “A” Definitions

[...]

D. Accessory Dwelling Unit (ADU).

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential structure(s), on a residential lot. ADUs are known variously as:

1. “Mother-in-law apartments,”
2. “Accessory apartments,” or
3. “Second units.”

[...]

M. Affordable Housing.

Affordable housing means residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income for a single person, family, or unrelated persons living together whose adjusted incomes meet the following income brackets:

1. Extremely low-income (RCW 36.70A.030(11)) – 30% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
2. Very low-income (RCW 36.70A.030(30)) – 50% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
3. Low-income (RCW 36.70A.030(16)) – 80% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
4. Moderate-income (RCW 36.70A.030(18)) – 120% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.

[...]

AR. Attached Housing.

Two or more dwelling units that are single-unit residences on individual lots attached by a common wall at a shared property line. Attached housing is also sometimes known as townhouses, townhomes, or row houses.

[...]

Section 17A.020.020 “B” Definitions

[...]

AE. Building Official.

The officer or other designated authority charged with the administration and enforcement of the Building Code.

[...]

Section 17A.020.030 “C” Definitions

[...]

L. City Engineer.

The Director of the Engineering Services department, or their designee for approval authority.

[...]

AR. Cottage Housing.

A grouping of residential units with a common open space.[...]

AU. Courtyard apartments

Three or more attached dwelling units arranged on two or three sides of a yard or court.

[...]

Section 17A.020.040 “D” Definitions

[...]

AC. Director.

The administrative official of the department responsible for compliance with this code, the development codes, and the land use codes. These include the Building Official, the City Engineer, and the Planning Director.

AD. Director, Planning.

The Director of the Planning and Economic Development department.

AR. Driveway approach.

The edge of a driveway where it abuts a public right-of-way.

[...]

AS. Duplex

A building that contains two primary dwelling units on the same lot that share a common wall or common floor/ceiling.

[...]

AT. 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. A dwelling unit shall not contain more than one kitchen. 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.

[...]

Section 17A.020.060 “F” Definitions

[...]

M. Fiveplex

A building that contains five dwelling units on the same lot that share a common wall or common floor/ceiling.

[...]

AB. Fourplex.

A building that contains four primary dwelling units on the same lot that share a common wall or common floor/ceiling.

[...]

Section 17A.020.120 “L” Definitions

[...]

M. Living ground cover.

Living plant species which reach a height of less than three feet at maturity, planted in such a manner so as to form a continuous cover over the ground. Areas that meet Spokanescape guidelines with drought tolerant plants covering at least half of the project area at maturity and bark or rock mulch covering all exposed soil are considered to meet this definition.

Section 17A.020.130 “M” Definitions

[...]

C. Major Transit Stop.

1. A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;
2. A stop on bus rapid transit routes or routes that run on high occupancy vehicle lanes.
3. A stop for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

[...]

J. Middle Housing

A residential development that contains two or more attached, stacked, or clustered dwelling units. Middle housing is compatible in scale, form, and character with individual detached single-unit houses and may include any combination of the housing types listed below. (A middle housing development could meet more than one building type definition – e.g., it could be both a stacked flat and a triplex.)

1. Single-Unit Residential Building
2. Duplex

3. Triplex
4. Fourplex
5. Fiveplex
6. Sixplex
7. Attached housing
8. Cottage housing
9. Accessory Dwelling Unit
10. Stacked flat
11. Courtyard apartments

[...]

V. Multi-Unit Residential Building (or “Multi-unit Residential”).

A common wall dwelling or apartment house that consists of three or more dwelling units on the same lot.

[...]

Section 17A.020.180 “R” Definitions

M. Religious Organization (or Faith Based Organization)

A federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property (see RCW 36.01.290).

[...]

Section 17A.020.190 “S” Definitions

AU. Single-Unit Residential Building

A building containing only one dwelling unit.

[...]

AZ. Sixplex

A building that contains six dwelling units on the same lot that share a common wall or common floor/ceiling.

[...]

BN. Stacked flat

Dwelling units in a residential building of no more than three stories in which each floor may be separately rented or owned.

[...]

Section 17A.020.200 “T” Definitions

N. Triplex

A building that contains three dwelling units on the same lot that share a common wall or common floor/ceiling.

Chapter 17A.040 Map and Text Interpretation

Commentary

The proposed amendments to this chapter are more clerical in nature and either modify terminology or update a code reference to be consistent with proposed changes elsewhere.

Section 17A.040.020 Establishment of Map and Text

To accomplish the intent and purpose outlined in SMC 17A.010.002, this development code includes both a map, by which the City of Spokane is divided into various zones, and a text, by which the uses, development standards, and other regulations for each zoning district are set forth. The map and text are found to provide proper zoning for the City and to meet all criteria of this development code. The location and boundaries of all zoning districts designated in this title are as shown on the map entitled zoning map of the City of Spokane, dated with the effective date of adoption of new development code and signed by the mayor and the clerk of the City, and as amended, is hereinafter referred to as the Zoning Map or Official Zoning Map.

Section 17A.040.030 Maintenance of the Map

The original signed copy of the zoning map containing the zoning districts designated at the time of adoption of this title shall be filed in the office of the city clerk and a duplicate shall be filed in the Planning and Economic Development Services department to keep the maps up to date at all times. Copies of all zoning maps and amendments shall be dated with the effective date of the document adopting the map and amendments and shall be maintained without change, together with the adopting documents, on file in the Planning and Economic Development Services department.

Section 17A.040.040 Amendments to Map and Text

A. Amendments.

Amendments may be proposed by the city council on its own motion or may be proposed by the plan commission on its own motion, or the amendment may be proposed by an applicant or City staff pursuant to chapter 17G.061 SMC. A correct copy of each amendment to the text or to the map established by this title shall be maintained on file in the offices of the city clerk and the Planning and Economic Development Services department.

[...]

Section 17A.040.050 Interpretation of the Zoning Map

Where, due to the scale, lack of detail, or illegibility of the zoning map, there is uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Planning Director shall make an interpretation in writing of said map upon request of any person pursuant to chapter 17A.050 SMC. Any person aggrieved by any such interpretation may appeal such interpretation to the hearings examiner under SMC 17G.061.340. The director, in interpreting the zoning map or the hearings examiner in deciding any appeal, shall apply the following standards:

TITLE 17C LAND USE STANDARDS

Chapter 17C.110 Residential Zones

Section 17C.110.000 Purpose and Administration

Commentary

The proposed amendments in this section are consistent with the Comprehensive Plan updates in Phase I of the Building Opportunities for Housing project. Those updates shifted away from low-versus-high density and single-family versus multi-family distinctions to allow more flexibility, account for middle housing allowances, and focus more on development intensity rather than density.

Section 17C.110.010 Purpose

The residential zones implement the residential goals and policies and land use plan map designations of the comprehensive plan. They are intended to preserve land for housing and to provide housing opportunities for individual households. The zones are distinguished by the permitted uses and the housing types and intensity of development allowed. The differences in the zoning categories reflect the diversity of residential areas in the City. The limits on the intensity of uses and the development standards promote the desired form for the residential area. The standards are intended to provide certainty to property owners, developers, and neighbors of what is allowed in the various categories.

A. Use Standards.

The use standards are intended to create and maintain residential neighborhoods. They allow for some nonhousehold living uses but not to such an extent as to sacrifice the overall residential neighborhood form and function.

B. Development Standards.

The development standards preserve the characteristics of neighborhoods by providing six different zones with different intensities and development standards. The development

standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy and recreational opportunities. The site development standards allow for flexibility of development while ensuring new development complements existing development and maintaining compatibility within the City's various neighborhoods. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.

Section 17C.110.015 Design Standards Administration

Commentary

The Design Standards Administration is proposed to be reworked for increased clarity, consistency with current practice, and consistency with HB 1110. The legislation requires local governments to apply only objective design and development standards to middle housing (i.e., standards that involve no discretion or interpretation by staff when applied to a proposal), unless an applicant opts into a discretionary review path. The residential design standards in this chapter have been updated to meet this requirement, which is reflected below.

All projects must address the pertinent design standards and guidelines. A determination of consistency with the standards and guidelines will be made by the Planning Director following an administrative 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. The City will expect to see how the design of a project has responded to every one of the guidelines. An applicant may seek to deviate from eligible standards and guidelines through the design departure process; see chapter 17G.030 SMC, Design Departures.

A. Requirements (R).

1. Requirements are objective standards that involve no discretion by the reviewer, using language such as "shall," "must," and "will." Requirements must be satisfied by any plan prior to building permit approval. Requirements are listed with an (R) after the standard.

2. Design departures from Requirements.

An applicant may seek a deviation from certain Requirements through the design departure process, chapter 17G.030 SMC, Design Departures.

- a. A design departure to a Requirement may only be approved if the proposed design is found to be an improvement over the non-discretionary standards – so long as the purpose of the Requirement is satisfied.
- b. Design departures for Requirements are typically reviewed by the City's Urban Design staff. At the discretion of the applicant, a request to deviate from a Requirement may be referred to the Design Review Board pursuant to the procedures set forth in chapter 17G.030 SMC. In cases of involving projects of

unusual complexity and/or situations where it is not clear whether or not the proposal satisfies the intent of the design standards, City staff may refer the project application to the Design Review Board.

B. Presumptions (P).

1. Presumptions are objective standards that involve no discretion by the reviewer, but may include some flexibility for how the standards may be met. For example, some Presumptions offer a list or menu of options for meeting the standard. Presumptions must be satisfied by any plan prior to building permit approval. Presumptions are listed with an (P) after the standard.

2. Design departures and waivers from Presumptions.

An applicant may seek a waiver of a Presumption, as provided in subsections (a) and (b), or may request a design departure pursuant to subsection (c) and chapter 17G.030 SMC, Design Departures.

- a. Waiving a Presumption.

A Presumption that may be unsuitable for a given project may be waived if an applicant can demonstrate that there is a good reason why the Presumption is inappropriate. An alternative may be approved that achieves the intent of the Presumption.

- b. Appropriate reasons for waiving a Presumption include:

- i. demonstrating that in this instance 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;
- iv. explaining the unique site factors that make the Presumption unworkable such as lot size and shape, slope, natural vegetation, drainage, and 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 and/or compliance with applicable standards generally will not be an acceptable reason to waive a Presumption or determine that a Presumption is inappropriate.

- c. A design departure to a Presumption may only be approved if the proposed design is found to be either equal to or better than the non-discretionary standards – so long as the purpose of the Presumption is satisfied.

- d. Waivers and design departures for Presumptions are typically reviewed by the Planning Director through an administrative review. At the discretion of the applicant, a request to waive or deviate from a Presumption may be referred to the Design Review Board pursuant to the procedures set forth in chapter 17G.030 SMC. In cases involving projects of unusual complexity and/or situations where it is not clear to the Planning Director whether or not the proposal satisfies the intent of the Presumption, the Director may also refer the project application to the design review board.

C. Considerations (C).

Design standards listed as Considerations are features and concepts that an applicant should consider in preparing a plan. Considerations are only reviewed as part of the design departure process, pursuant to chapter 17G.030 SMC. In reviewing a design departure request, the Design Review Board, Urban Design staff, or Planning Director (as applicable) will review an applicant's response to a consideration, which may assist in gaining acceptance for a plan. Outside of a design departure, Considerations are encouraged, but not required or enforceable. Considerations are listed with an (C) after the standard.

Section 17C.110.020 List of the Residential Zones

Commentary

Because all middle housing types will be permitted in the City's low-intensity (i.e., "single-family") zones, the zone names for Residential Single-family (RSF) and Residential Two-family (RTF) are proposed to be renamed as R1 and R2. Also, the Residential Single-family Compact (RSF-C) zone is proposed to be removed; because the RSF (now R1) zone will be made more flexible and will allow smaller lots, the RSF-C zone is no longer necessary.

The zone descriptions in Section 17C.110.030 are proposed to be updated to reflect the increased flexibility and additional housing allowances in the R1 and R2 zones and the focus on intensity rather than density.

The full names, short names and map symbols of the residential zones are listed below. When this chapter refers to the low-intensity residential zones, it is referring to the RA, R1, and R2 zones listed herein. When this chapter refers to the residential zones, it is referring to the low-intensity residential and higher-intensity residential zones in this chapter.

Full Name	Short Name/Map Symbol
Residential Agricultural	RA
Residential 1	R1

Residential 2	R2
Residential Multifamily	RMF
Residential High Density	RHD

Section 17C.110.030 Characteristics of Residential Zones

A. Residential Agriculture (RA).

The RA zone is a low-intensity residential zone that is applied to areas that are designated agriculture on the land use plan map of the comprehensive plan. Uses allowed in this zone include farming, green house farming, single-unit residences and minor structures used for sales of agricultural products produced on the premises.

B. Residential 1 (R1)

The R1 zone is a low-intensity residential zone. The zone allows a range of housing choices built at the general scale and height of detached houses. This includes both detached and attached homes and middle housing types.

C. Residential 2 (R2)

The R2 zone is a low-intensity residential zone. It allows a range of housing choices built at the general scale and height of detached houses—including both detached and attached homes and middle housing types—but at a slightly larger development intensity than the R1 zone.

D. Residential Multifamily (RMF).

The RMF zone is a medium-intensity residential zone. Allowed housing includes larger multi-unit structures while also including a mix of lower intensity middle housing and detached housing. The RMF zone allows higher development intensity as compared to the R2 zone.

E. Residential High Density (RHD).

The RHD is a high-intensity residential zone that allows the highest intensity and scale of housing in the residential zones. The allowed housing developments including those found in the RMF zone but also including taller and more intense apartment complexes.

Section 17C.110.040 Other Zoning Standards

[...]

Section 17C.110.100 Land Use

Commentary

The only proposed changes in the next few sections are to update the section numbers, table numbers, and zone names.

Section 17C.110.105 Residential Zone Primary Uses

- A. Permitted Uses (P). Uses permitted in the residential zones are listed in [Table 17C.110.105-1](#) 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.110.105-1](#) 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](#), 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.110.105-1](#).
- C. Conditional Uses (CU). Uses that are allowed if approved through the conditional use review process are listed in [Table 17C.110.105-1](#) 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](#), 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.110.105-1](#) 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.

TABLE 17C.110.105-1 RESIDENTIAL ZONE PRIMARY USES (Click here to view PDF)					
Use is: P - Permitted N - Not Permitted L - Allowed, but special limitations CU - Conditional Use review required	RA	R1	R2	RMF	RHD
RESIDENTIAL CATEGORIES					
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P
COMMERCIAL CATEGORIES					
Adult Business	N	N	N	N	N
Commercial Outdoor Recreation	N	CU	CU	CU	CU
Commercial Parking	N	N	N	N	N
Drive-through Facility	N	N	N	N	N
Major Event Entertainment	N	N	CU	CU	CU
Office	N	N	N	CU[2]	CU[2]
Quick Vehicle Servicing	N	N	N	N	N
Retail Sales and Service	N	N	N	N	N
Mini-storage Facilities	N	N	N	N	N
Vehicle Repair	N	N	N	N	N
INDUSTRIAL CATEGORIES					
High Impact Uses	N	N	N	N	N
Industrial Service	N	N	N	N	N
Manufacturing and Production	N	N	N	N	N

Railroad Yards	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	N
Waste-related	N	N	N	N	N
Wholesale Sales	N	N	N	N	N
INSTITUTIONAL CATEGORIES					
Basic Utilities [3]	L	L	L	L	L
Colleges	CU	CU	CU	P	P
Community Service	L[4]/CU	L[4]/CU	C[4]/CU	P	P
Daycare [5]	L	L	L	P	P
Medical Center	CU	CU	CU	CU	CU
Parks and Open Areas	P	P	P	P	P
Religious Institutions	L[6]/CU	L[6]/CU	L[6]/CU	P	P
Schools	L[7]/CU	L[7]/CU	L[7]/CU	P	P
OTHER CATEGORIES					
Agriculture	L[8]	N	N	N	N
Aviation and Surface Passenger Terminals	N	N	N	N	N
Detention Facilities	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU
Mining	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU
Notes:					
* The use categories are described in chapter 17C.190 SMC.					
* Standards that correspond to the bracketed numbers [] are stated in SMC 17C.110.110.					
* Specific uses and development may be subject to the standards in SMC 17C.320.080.					

Section 17C.110.110 Limited Use Standards

The uses listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.110.105-1](#).

A. Group Living.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [1]. Group living uses are also subject to the standards of [chapter 17C.330 SMC](#), Group Living.

1. General Standards.

All group living uses in RA, R1, R2, RMF and RHD zones, except for alternative or post incarceration facilities, are regulated as follows:

- a. All group living uses are subject to the requirements of [chapter 17C.330 SMC](#), Group Living, including the maximum residential density provisions of [Table 17C.330-1](#).
- b. Group living uses for more than six residents are a conditional use in the RA and R1 zones, subject to the standards of [chapter 17C.320 SMC](#), Conditional Uses, and the spacing requirements of [SMC 17C.330.120\(B\)\(2\)](#).
- c. Group living uses for more than twelve residents are a conditional use in the R2 and RMF zones, subject to the standards of [chapter 17C.320 SMC](#), Conditional Uses, and the spacing requirements of [SMC 17C.330.120\(B\)\(2\)](#).
- d. Exception.

Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in subsections (A)(1)(a), (b) and (c) of this section. The only exception is residential facilities licensed by or under the authority of the state of Washington. In these cases, staff persons are not counted as residents to determine whether the facility meets the twelve-resident cut-off above, for which a conditional use permit is required.

2. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size and are subject to the provisions of [chapter 17C.320 SMC](#), Conditional Uses. They are also subject to the standards of [chapter 17C.330 SMC](#), Group Living.

B. Office.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [2]. Offices in the RMF and RHD zones and are subject to the provisions of [chapter 17C.320 SMC](#), Conditional Uses and are processed as a Type III application.

C. Basic Utilities.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [3]. Basic utilities that serve a development site are accessory uses to the primary use being served. In the RA, R1 and R2 zones, a one-time addition to an existing base utility use is permitted, provided the addition is less than fifteen hundred square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing base utilities uses are permitted in the RMF and RHD zones.

D. Community Service Facilities.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [4]. In the RA, R1 and R2 zones, a one-time addition to an existing community services use is permitted, provided the addition is less than fifteen hundred square feet and three or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing community services uses are permitted in the RMF and RHD zones.

E. Daycare.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [5]. Daycare uses are allowed by right if locating within a building or residence, and providing services to no more than twelve (children or clients). Daycare facilities for more than twelve children are a conditional use and are processed as a Type II application in the RA, R1 and R2 zones. However, in the R1 zone, daycare centers up to forty children are permitted if locating within a building that currently contains or did contain a college, medical center, school, religious institution or a community service facility.

F. Religious Institutions.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [6]. In the RA, R1 and R2 zones, a one-time addition to religious institutions is permitted, provided the addition is less than one thousand five hundred square feet and fifteen or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The Planning Director may require a Type II conditional use permit application be processed as a Type III application when the Director issues written findings that the Type III process is in the public interest. Applicants must comply with the community meeting requirements set forth in [SMC](#)

[17G.061.110](#) prior to submitting an application. New buildings or additions to existing religious institutions uses are permitted in the RMF and RHD zones.

G. Schools.

This regulation applies to all parts of the [Table 17C.110.105-1](#) that have a note [7]. In the RA, R1 and R2 zones, a one-time addition to schools is permitted, provided the addition is less than five thousand square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The Planning Director may require a Type II conditional use permit application be processed as a Type III application when the Director issues written findings that the Type III process is in the public interest. Applicants must comply with the community meeting requirements set forth in [SMC 17G.061.110](#) prior to submitting an application.

H. Agriculture.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [8]. The keeping of large and small domestic animals, including bees, is permitted in the RA zone. See [chapter 17C.310 SMC](#), Animal Keeping, for specific standards.

I. [Deleted]

Section 17C.110.115 Housing Types Allowed

Commentary

The Housing Types table is proposed to be updated to include Middle Housing and remove specific housing types that fall into that category.

A. Purpose.

Housing types allowed in each zone are consistent with the intended intensity and scale of the zone, as described in section 17C.110.030. The standards allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing. Other housing types, including large multifamily buildings, are allowed in the higher intensity zones under the RMF and RHD categories.

B. The kinds of housing types allowed in the residential zones are stated in Table 17C.110.115-1.

TABLE 17C.110.115-1
RESIDENTIAL ZONE HOUSING TYPES ALLOWED
 (Click here to view PDF)

P – Permitted N – Not Permitted CU – Conditional Use review required	RA	R1	R2	RMF	RHD
Single-Unit Residential Building	P	P	P	P	P
Middle housing [1]	N	P	P	P	P
Accessory Dwelling Unit (ADU) [2]	P	P	P	P	P
Manufactured Home [3]	P	P	P	P	P
Mobile Home Parks [3]	CU	CU	N	N	N
Single Room Occupancy (SRO)	N	N	N	P	P
Group Living	See SMC 17C.330.100				
Multi-Unit Residential Building [1]	N	P	P	P	P
Short Term Rentals [4]	P/CU	P/CU	P/CU	P/CU	P/CU
Notes: [1] See SMC 17A.020.130 for definitions of middle housing and multi-unit residential building. [2] See chapter 17C.300 SMC , Accessory Dwelling Units. [3] See chapter 17C.345 SMC , Manufactured Homes and Mobile Home Parks. [4] See chapter 17C.316 SMC , Short Term Rentals.					

[...]

Commentary

In the current Code, the Development Standards table (Table 17C.110-3) is organized under Section 17C.110.200, Lot Size. For clearer organization of the Development Standards section, the following changes are proposed:

- Add a new header Section, 17C.110.200 Development Standards.
- Move the Development Standards summary tables to the top of the section.
- Separate the lot standards (lot size, lot coverage, etc. – proposed Table 17C.110.205-1) from the building and siting standards (height, setbacks, etc. – proposed Table 17C.110.205-2).
- Also add a separate table that allows increased development intensity for housing developed on sites owned by religious organizations, consistent with RCW 35A.21.360.

In terms of the substance of the Lot Development Standards, the following changes are proposed:

- Remove maximum density limits on sites two acres or less. The proposal is to allow any number of units on these smaller sites and to allow form-based standards (height, setbacks, building coverage, maximum building footprint, outdoor areas, etc.), as well as parking requirements to control the intensity of development. Density limitations would continue to apply to larger developments, such as subdivisions over two acres.
- Reduce minimum lot size in the R1 zone.
- Increase building coverage limits when an engineered stormwater drainage plan is provided and impose restrictions on total impervious coverage when a drainage plan is not provided.

Section 17C.110.200 Development Standards

Section 17C.110.205 Development Standards Tables

Development standards that apply within the residential zones are provided in Tables 17C.110.205-1 through 17C.110.205-3.

TABLE 17C.110.205-1					
LOT DEVELOPMENT STANDARDS [1]					
	RA	R1	R2	RMF	RHD

DENSITY STANDARDS					
Maximum density on sites 2 acres or less [2][3]	No maximum	No maximum	No maximum	No maximum	No maximum
Maximum density on sites larger than 2 acres [2]	10 units/acre	10 units/acre	20 units/acre	No maximum	No maximum
Minimum density [2]	4 units/acre	4 units/acre	10 units/acre	15 units/acre	15 units/acre
LOT DIMENSIONS FOR SUBDIVISIONS AND SHORT SUBDIVISIONS					
Minimum lot area	7,200 sq. ft.	1,800 sq. ft.	1,800 sq. ft.	1,800 sq. ft.	1,800 sq. ft.
Minimum lot width with no driveway approach [4]	40 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Minimum lot width with driveway approach [4]	40 ft.	36 ft.	36 ft.	25 ft.	25 ft.
Minimum lot width within Airfield Overlay Zone	40 ft.	40 ft.	36 ft.	25 ft.	25 ft.
Minimum lot depth	80 ft.	80 ft.	40 ft.	N/A	N/A
Minimum lot frontage	40 ft.	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width
MINIMUM LOT DIMENSIONS FOR UNIT LOT SUBDIVISIONS					
Minimum parent lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Maximum parent lot area	2 acres	2 acres	2 acres	2 acres	2 acres
Minimum child lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Minimum child lot depth	No minimum	No minimum	No minimum	No minimum	No minimum
LOT COVERAGE					
Maximum total building coverage [5][6][7]	50%	65%	80%	100%	100%
Maximum lot impervious coverage without engineer's stormwater drainage plan - not in ADC [5][8]	50%	60%	60%	N/A	N/A
Maximum lot impervious coverage without engineer's stormwater drainage plan - inside ADC [5][8]	40%	40%	40%	N/A	N/A
Notes:					
[1] Plan district, overlay zone, or other development standards contained in SMC 17C may supersede these standards.					

- [2] See SMC 17C.110.215 for applicability of minimum and maximum density standards in the residential zones.
- [3] Development within Airfield Overlay Zones is further regulated as described in SMC 17C.180.090, Limited Use Standards.
- [4] Lots with vehicle access only from an alley are not considered to have a “driveway approach” for the purposes of this standard.
- [5] Lot and building coverage calculation includes all primary and accessory structures.
- [6] Building coverage for attached housing is calculated based on the overall development site, rather than individual lots.
- [7] Development within one-half mile of a Major Transit Stop or Center & Corridor zone, or that includes qualifying affordable units, is allowed building coverage up to 80% in R1 and 90% in R2. See SMC 17C.110.235 for detailed eligibility criteria.
- [8] Projects may exceed impervious coverage requirements by including an engineer’s drainage plan in submittals, subject to review by the City Engineer as described in SMC 17D.060.135. “ADC” means Area of Drainage Concern.

Commentary

The following changes to Building and Siting Standards are proposed:

- Establish standards for maximum building footprint per primary building to preclude out-of-scale buildings in the R1 and R2 zones.
- Reduce front setbacks to 10 feet.
- Establish new angled setback standards to limit building bulk on the sides of lots – see Section 17C.110.235 for more info.
- Increase requirements for outdoor area per unit.
- Incorporate standards specific to ADUs, consistent with Section 17C.300.

TABLE 17C.110.205-2					
BUILDING AND SITING STANDARDS [1]					
	RA	R1	R2	RMF	RHD
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A
Maximum building footprint per primary building – lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A
Maximum building footprint per primary building – lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Maximum building height [2]	35 ft.	40 ft.	40 ft.	40 ft.	40 ft.
Minimum Setbacks					
Front [3]	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Interior side lot line – lot width 40 ft or less [4]	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Interior side lot line – lot width more than 40 ft [4]	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Street side lot line – all lot widths	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Attached garage or carport entrance from street	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Rear	25 ft.	15 ft.	15 ft.	10 ft.	10 ft.
ACCESSORY DWELLING UNITS					
Maximum building footprint for accessory dwelling unit – lot area 5,500 sq. ft. or less	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.
Maximum building footprint for accessory dwelling unit – lots larger than 5,500 sq. ft.	15%	15%	15%	15%	15%
Maximum building height	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Minimum side lot line setbacks [4]	Same as Primary Structure				
Minimum rear setback with alley	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OTHER ACCESSORY STRUCTURES					

Maximum lot coverage for accessory structures – lots 5,500 sq. ft. or less	20%	20%	20%	See Primary Structure	See Primary Structure
Maximum lot coverage for accessory structures – lots larger than 5,500 sq. ft.	20%	15%	15%	See Primary Structure	See Primary Structure
Maximum building height	30 ft.	20 ft.	20 ft.	35 ft.	35 ft.
Minimum side lot line setbacks	Same as Primary Structure				
Minimum rear setback with alley	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OPEN SPACE					
Minimum outdoor area per unit [5]	250 sq. ft.	250 sq. ft.	250 sq. ft.	200 sq. ft.	48 sq. ft.
Minimum common outdoor area per unit as a substitute for private area – first six units	200 sq. ft.	200 sq. ft.	200 sq. ft.	150 sq. ft.	48 sq. ft.
Minimum common outdoor area per unit as a substitute for private area – all units after six	150 sq. ft.	150 sq. ft.	150 sq. ft.	100 sq. ft.	48 sq. ft.
<p>Notes:</p> <p>[1] Plan district, overlay zone, or other development standards contained in SMC 17C may supersede these standards.</p> <p>[2] Base zone height may be modified according to SMC 17C.110.230, Height.</p> <p>[3] Certain elements such as covered porches may extend into the front setback. See SMC 17C.110.235, Setbacks.</p> <p>[4] There is an additional angled setback from the interior side lot line. Refer to Section 17C.110.230 for more detail.</p> <p>[5] Common outdoor area may be substituted for private outdoor area according to SMC 17C.110.310.</p>					

TABLE 17C.110.205-3 DEVELOPMENT STANDARDS FOR LAND OWNED BY RELIGIOUS ORGANIZATIONS [1]					
	RA	R1	R2	RMF	RHD
LOT COVERAGE					
Maximum total building coverage	N/A	80%	90%	100%	100%
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A
Maximum building footprint per primary building - lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A
Maximum building footprint per primary building - lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Notes: [1] Standards not addressed in this table are consistent with the general standards in Tables 17C.110.205-1 and 17C.110.205-2.					

Section 17C.110.210 Lot Size and Dimensions

Commentary

The purpose statements for lot dimensions, below, are relocated here from current Section 17C.110.208.

Under subsection (B) Existing Lot Size, the proposed changes allow development on existing lots even if they don't meet current lot dimension standards. Other updates are proposed for clarity.

A. Purpose.

The required minimum lot size, lot depth, lot width and frontage requirements for new lots ensure that development will, in most cases, be able to comply with all site development standards. The standards also prevent the creation of very small lots that are difficult to develop at their full density potential. Finally, the standards also allow development on lots that were reduced by condemnation or required dedications for right-of-way.

The lot dimension standards further ensure that:

1. Each lot has enough room for a reasonably-sized house;
2. Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
4. Housing units have access to private or shared open space;
6. Lots don't narrow to an unbuildable width close to the street;
7. Lots have access from public rights-of-way;
8. Each lot has access for utilities and services;
10. Lots are an appropriate size and shape so that development can be oriented toward the street;
12. Housing goals for the City are met; and
13. To avoid having the garage door as the dominant feature of the front of a house on narrow lots.

B. Existing Lot Size.

11. No lot in any zone may be reduced so that the dimension, minimum lot area, frontage or area per dwelling unit is less than that required by this chapter, except as follows:

- a. Through a Planned Unit Development as described in Chapter 17G.070.
- b. Through a unit lot subdivision pursuant to Section 17G.080.065.

2. Lots Reduced by Condemnation or Required Dedication for Right-of-way. Development that meets the standards of this chapter is permitted on lots, or combinations of lots, that were legally created and met the minimum size requirements at the time of subdivision, but were reduced below one or more of those requirements solely because of condemnation or required dedication by a public agency for right-of-way.

C. Land Division.

1. All new lots created through subdivision must comply with the standards for the base zone listed in Table 17C.110.205-1.
2. Planned unit developments, combined with a subdivision, may reduce the minimum lot size, lot width, lot depth and frontage requirements in the RA and R1 zones pursuant to [SMC 17G.070.030\(C\)\(1\)](#).

D. Ownership of Multiple Lots.

Where more than one adjoining lot is in the same ownership, the ownership may be separated as follows:

1. If all requirements of this chapter will be met after the separation, including lot size, density and parking, the ownership may be separated through either a boundary line adjustment (BLA) or plat, as specified under [chapter 17G.080 SMC](#), Subdivisions.
2. If one or more of the lots does not meet the lot size standards in this section, the ownership may be separated along the original plat lot lines through a boundary line adjustment (BLA).

E. Lot Frontage. All residential lots shall front onto a public street and meet the minimum lot frontage requirements of Table 17C.110.205-1 except as follows:

1. For lots created through unit lot subdivisions approved under [SMC 17G.080.065](#)
2. For lots approved in a planned unit development approved under SMC 17G.070
3. For lots in a manufactured home park approved under [SMC 17H.010.090](#).

DRAFT

Section 17C.110.215 Density

Commentary

As noted above, the City's proposed new approach to regulating density is to only limit maximum density for sites over 2 acres. That approach is reflected below, in addition to amendments intended to clarify how the density regulations are administered.

A. Purpose.

The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services. The use of density minimums ensures that in areas with the highest level of public services, that the service capacity is not wasted and that the City's housing goals are met.

B. Calculating Density.

The calculation of density for a subdivision or residential development is net area, and is based on the total area of the subject property, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities. Land within a critical area (see definitions under [chapter 17A.020 SMC](#)) may be subtracted from the calculation of density. When the calculation of density results in a fraction, the density allowed is rounded up to the next whole number. For example, a calculation in which lot area, divided by minimum unit area equals 4.35 units, the number is rounded up to five units.

C. Maximum Density Applicability and Calculation.

1. The maximum density standards in Table 17C.110.205-1 shall be met only when the development site exceeds 2 acres in area. In such cases, the following apply:

- a. If a land division is proposed, the applicant must demonstrate how the proposed lots can meet maximum density once construction is completed.
- b. If no land division is proposed, maximum density must be met at the time of development.
- c. Maximum density is based on the zone and size of the site. The following formula is used to determine the maximum number of units allowed on the site:

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by maximum density from [Table 17C.110.205-1](#);

Equals maximum number of units allowed. If this formula results in a decimal fraction, the resulting maximum number of units allowed is rounded up to the

next whole number. Decimal fractions of five tenths or greater are rounded up. Fractions less than five tenths are rounded down.

2. If the development site is 2 acres or less in area, the maximum density standards do not apply.
3. The number of units allowed on a site is based on the presumption that all site development standards will be met.

D. Minimum Density Applicability and Calculation.

1. The minimum density standards in Table 17C.110.205-1 shall be met under the following circumstances:
 - a. A land division is proposed.
 - i. In such cases, the applicant must demonstrate how the proposed lots can meet minimum density once construction is completed.
 - ii. Minimum density standards can be modified by a PUD under SMC 17G.070.030(B)(2).
 - b. Development is proposed in the RMF or RHD zones. In such cases, minimum density must be met at the time of development.
2. Except as provided in subsection (3), when development is proposed on an existing legal lot in the RA, R1, or R2 zones, minimum density standards do not apply.
3. A site with pre-existing development may not move out of conformance or further out of conformance with the minimum density standard, including sites in the RA, R1, and R2 zones (regardless of whether a land division is proposed).
4. Minimum density is based on the zone and size of the site, and whether there are critical areas (see definitions under [chapter 17A.020 SMC](#)). Land within a critical area may be subtracted from the calculation of density. The following formula is used to determine the minimum number of lots required on the site.

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by minimum density from [Table 17C.110.205-1](#);

Equals minimum number of units required.

E. Transfer of Density.

Density may be transferred from one site to another subject to the provisions of [chapter 17G.070 SMC](#), Planned Unit Developments.

Commentary

Section 17C.110.208, Lot Dimension Standards is proposed to be removed. As noted above, the purpose statements in this section have been moved to the consolidated section 17C.110.210, Lot Size and Dimensions, above. The remainder of the text in this section simply points to the development standards tables, which is not necessary.

Commentary

Section 17C.110.209 Compact Lot Standards is proposed to be removed. Because the general lot standards in the RSF (now R1) zone are being made more flexible and will allow smaller lots, the compact lot standards are no longer necessary.

Commentary

The proposed updates to Section 17C.110.220, below, are intended to explain the applicability of the proposed new Impervious Coverage standards in Table 17C.110.205-1. .

Section 17C.110.220 Building Coverage and Impervious Coverage

A. Purpose.

The building coverage standards, together with the floor area ratio (FAR), height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. The standards also help define the form of the different zones by limiting the amount of building area allowed on a site. Additionally, the impervious coverage standards ensure that there is adequate space on a site for stormwater infiltration.

B. Building Coverage and Impervious Coverage Standards.

The maximum combined building coverage allowed on a site for all covered structures is stated in [Table 17C.110.205-1](#).

1. "Impervious surface" is defined in SMC 17A.020.090.
2. For development applications that submit an engineer's stormwater drainage plan pursuant to SMC 17C.060.140, total impervious coverage on a lot is not limited by this chapter, and the building coverage standards control.
3. For development applications that do not submit an engineer's stormwater drainage plan, the maximum impervious coverage standards in Table 17C.110.205-1 must be met. The impervious coverage standards vary depending on whether or not the subject site is located in an Area of Drainage Concern pursuant to SMC 17D.060.135.

C. How to Use FAR with Building Coverage.

The FAR determines the total amount of living space within a residential structure while the maximum building site coverage determines the maximum building footprint for all structures, including garages and the primary residence(s). The FAR is defined under [chapter 17A.020 SMC](#), Definitions. FAR does not apply to Residentially zoned areas.

Section 17C.110.225 Development Bonuses

Commentary

This is a new proposed section in the Code. The intent is to allow increased development intensity for sites in the R1 and R2 zones that are located near transit, near Center and Corridor Zones, or that include affordable units. The increased development intensity would be achieved through increased building coverage.

These development bonuses are in the spirit of HB 1110, which requires local governments to allow additional density (up to six units per lot) on sites within ¼ mile walking distance of transit or for projects that include affordable housing units. However, Spokane is proposing to go above and beyond the legislation by allowing six units per lot (or more – density would not be limited) throughout the R1 and R2 zones – so the increased density required by HB 1110 does not apply. Therefore, the proposal is instead to allow development bonuses in areas near transit and for projects that include affordable units.

A. Purpose.

This section implements development bonuses on property that meets certain criteria. The provisions for Religious Organizations are given to meet the requirements of RCW 36.70A.545 for bonuses on property owned by a Religious Organization.

B. Bonus.

C. For lots qualifying for the standards of this section, development standards listed in Table 17C.110.205-3 shall apply. Requirements.

Any one of the following conditions shall qualify a property for the bonuses in this section

1. Transit.

The property is within one half mile of a major transit stop, as defined in SMC 17A.020.130.

2. Center & Corridor.

The property is within one half mile of a Center & Corridor Zone.

3. Religious Organization.

The property is owned by a Religious Organization as defined in SMC 17A.020.180 and the property meets the affordability requirements in subsection (D) of this section.

4. Affordable Units.

The property meets the affordability requirements in subsection (D) of this section.

D. Affordability.

A development shall satisfy the affordability standards of this section if it meets the requirements of one of the following programs for affordable housing:

1. State or Federal Funding.

A development receiving funding through state or federal programs for affordable housing shall meet the affordability standards of this section.

2. Multiple-Family Housing Property Tax Exemption.

A development that qualifies for the twenty (20) year exemption under the Multiple-Family Housing Property Tax Exemption pursuant to SMC 08.15.090 shall meet the affordability standards of this section.

3. Sales and Use Tax Deferral Program for Affordable Housing.

A development that qualifies for the Sales and Use Tax Deferral Program for Affordable Housing under SMC 08.07D shall meet the affordability standards of this section.

4. Other Affordability Programs.

A development that doesn't match the above programs shall satisfy the affordability standards of this section if it includes the following characteristics:

a. Percentage of Affordable Units.

At least 25 percent of the units shall be dedicated as affordable for low-income households, as defined in SMC 17A.020.010. When the calculation results in a fraction the number of units shall be rounded up to the next whole number.

b. Rental.

Designated affordable units shall be rented at a rate that is affordable to low-income households.

c. Sale.

The initial sale of an affordable unit upon completion of construction shall not exceed a purchase price that is affordable to a low-income household. Upon completion of an affordable unit and prior to the initial sale, the property owner shall file with the City a report indicating the unit will be purchased by a qualifying low-income household. The Planning Director shall establish a standard form for this purpose and include such information as is deemed necessary or useful.

d. Deed Restriction.

The applicant must record a covenant or deed restriction with the county auditor's office identifying the units subject to these affordability requirements. The deed restriction shall include a definition for low-income household consistent with the definition in SMC 17A.020.010. The deed restriction shall make provision for the following:

- I. These affordability requirements shall be in effect for at least forty (40) years from the time of filing; and

- II. Rental rates for affordable units shall not exceed levels that are affordable to a low-income household; and
 - III. The initial sale of units from a developer to an owner-occupant shall not exceed a purchase price that is affordable to a low-income household. Subsequent purchases are not subject to a price restriction.
- e. Size.
The units dedicated as affordable shall be no smaller in size than the smallest market rate unit in the development.
 - f. Number of Bedrooms.
The number of bedrooms in affordable units shall be in the same proportion as the number of bedrooms in units within the entire development.
 - g. Distribution.
The affordable units shall be distributed throughout the development.
 - h. Functionality.
The affordable units shall have the same functionality as the other units in the development.

Section 17C.110.230 Height

Commentary

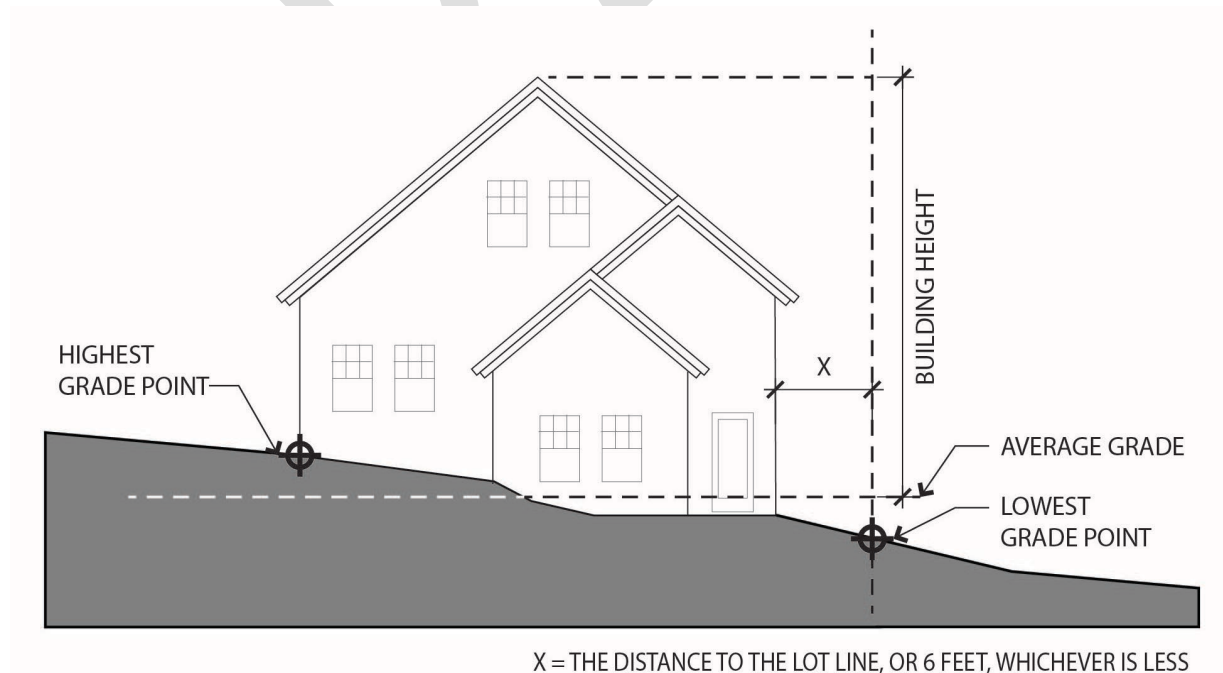
The current method of calculating and regulating building height is rather confusing and has been challenging for both staff and applicants to interpret. The proposed amendments to the height regulations would simplify the calculation method and bring it more in line with how the Building Code measures height.

The proposed changes also remove the differentiation between wall height and building height and would simply regulate the total roof height of a building. The current wall height standards help limit the scale and bulk of buildings near side property lines. However, the proposed new Angled Setback provisions in Section 17C.110.235(E) will make the wall height standards unnecessary in the R1 and R2 zones.

- A. Purpose.
The height standards promote a reasonable building scale and relationship of one residence to another and they promote privacy for neighboring properties. The standards contained in this section reflect the general building scale and placement of houses in the City's neighborhoods.
- B. Height Standards.
The maximum height standards for all structures are stated in [Table 17C.110.205-2](#). The building height shall be measured using the following method (see Figure 17C.110.230-A):

1. Building height is the vertical distance from the average grade to the highest point of the roof or structure that is not listed as an exception to the maximum building height limits as listed in Section 17C.110.230(C).
2. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
3. "Average grade" means the average of the ground level adjoining the building at all exterior walls. Where the ground level slopes away from the exterior walls, the reference point shall be established by the lowest points within the area between the building and the lot line or where the lot line is more than 6 feet from the building, use the reference point between the structure and a point 6 feet from the building.
4. Measurements shall be taken at the existing grade or finished grade, whichever is lower.
5. Depressions such as window wells, stairwells for exits required by other codes, "barrier free" ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grades on either side of the depression.

Figure 17C.110.230-A Height Measurement

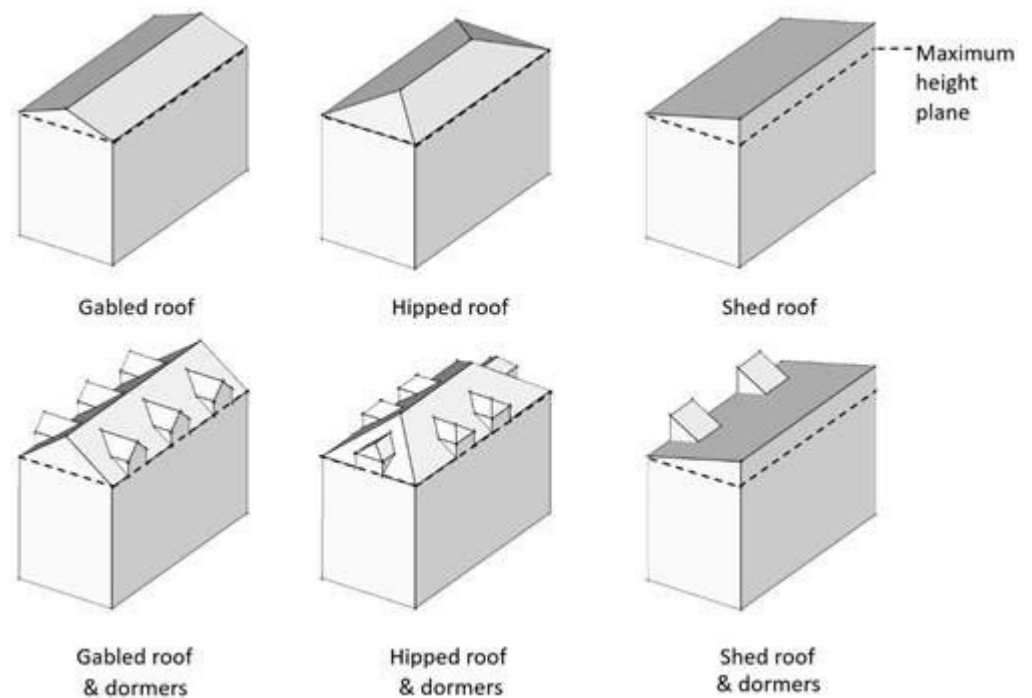


6. For purposes of measuring building height in residential zones, the following terms shall be interpreted as follows:
- a. "Grade" means the ground surface contour (see also "existing grade" and "finished grade").
 - b. "Fill" means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.
 - c. "Finished grade" means the grade upon completion of the fill or excavation.
 - d. "Excavation" means the mechanical removal of earth material.
 - e. "Existing grade" means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.
-

C. Exceptions to the maximum height standard are stated below:

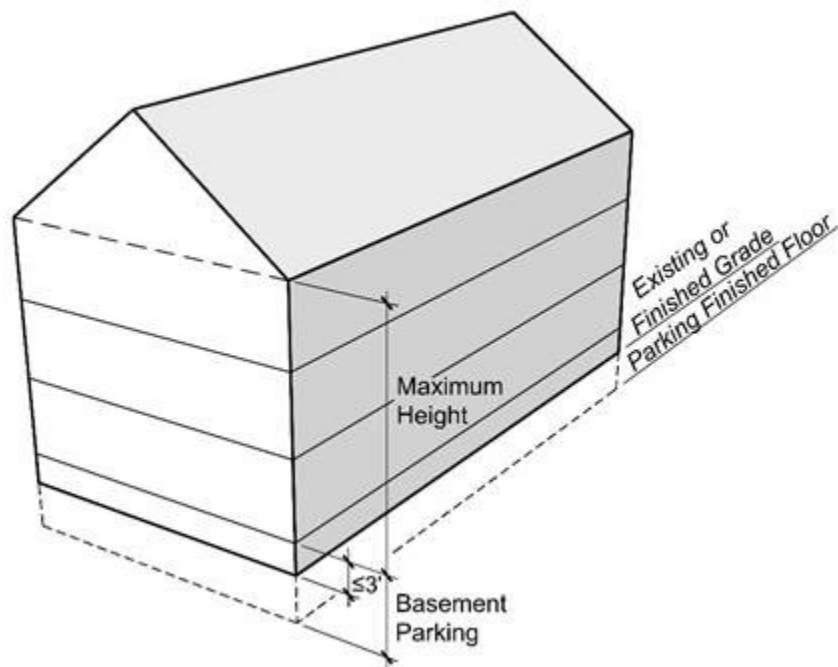
1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., RHD-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are thirty-five feet, forty feet, fifty-five feet, seventy feet, or one hundred fifty feet depending on location.
2. In RMF and RHD zones where the maximum structure height is forty feet, pitched roof structures are allowed an additional fifteen feet above the maximum height standard stated in Table 17C.110.205-2, provided that the roof incorporates all of the following:
 - a. pitched roof forms having slopes between 4:12 and 12:12; and
 - b. a minimum of one roof plane that intersects the maximum height plane (see Figure 17C.110.230-B for eligible examples); and
 - c. establishes sense of "top" per SMC 17C.110.455.

Figure 17C.110.230-B: Roof Type Examples for Height Exception

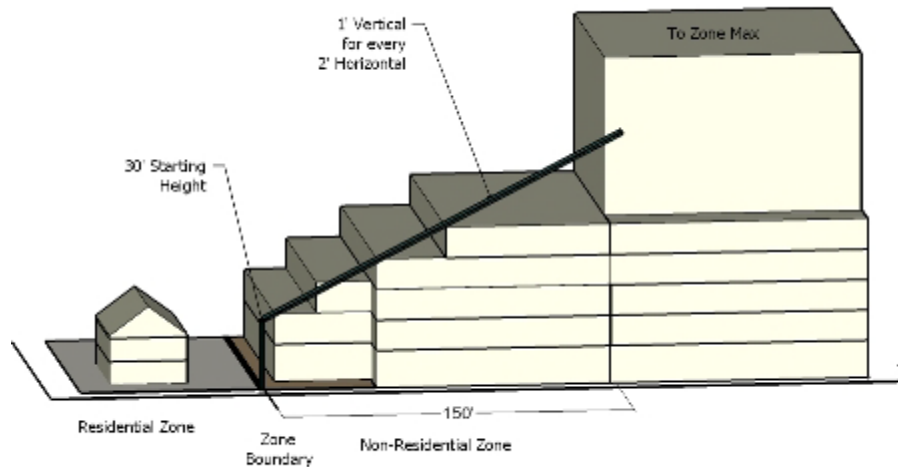


3. In the RMF and RHD zones, height does not include up to three feet of the above-grade portions of basement parking, where the elevation of the first residential finished floor is three feet or less above the lowest elevation of the existing grade or finished grade, whichever is lower. See Figure 17C.110.230-C.

Figure 17C.110.230-C: Basement Parking Excluded from Height



4. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards
5. Adjacent to R1 and R2 Zones.
To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent R1 and R2 residential zones:
 - a. For all development within one hundred fifty feet of any R1 or R2 residential zone the maximum building height is as follows:
 - i. Starting at a height of thirty feet the residential zone boundary additional building height may be added at a ratio of one to two (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the R1 or R2 residential zone and then full building height allowed in the zone applies.



6. In the RMF zone within forty feet of a common boundary with a R1 zone, the maximum height is forty feet.
7. Projections Allowed.
Chimneys, flagpoles, satellite receiving dishes and other similar items with a width, depth or diameter of three feet or less may extend above the height limit, as long as they do not exceed three feet above the top of the highest point of the roof. If they are greater than three feet in width, depth or diameter, they are subject to the height limit.
8. In addition to the projections allowed under subsection (5) above, in the RMF and RHD zones, the following projections above the roof height are allowed:
 - a. Parapets and rooftop railings may extend four feet above the height limit.
 - b. Walls or fences located between individual rooftop decks may extend six feet above the height limit if the wall or fence is set back at least four feet from the edges of the roof.
 - c. Stairway enclosures that provide rooftop access and cumulatively cover no more than ten percent of the roof area may extend up to ten feet above the height limit, provided that the enclosures are setback at least fifteen feet from all roof edges on street facing facades.
9. Farm Buildings.
Farm buildings such as silos, elevators and barns are exempt from the height limit as long as they are set back from all lot lines at least one foot for every foot in height.

10. Utility power poles and public safety facilities are exempt from the height limit.
 11. Radio and television antennas are subject to the height limit of the applicable zoning category.
 12. Wireless communication support towers are subject to the height requirements of chapter 17C.355A SMC, Wireless Communication Facilities.
 13. Uses approved as a conditional use may have building features such as a steeple or tower which extends above the height limit of the underlying zone. Such building features must set back from the side property line adjoining a lot in a residential zone a distance equal to the height of the building feature or one hundred fifty percent of the height limit of the underlying zone, whichever is lower.
- D. Special Height Districts.
Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.
- E. Accessory Structures.
The height of any accessory structure located in the rear yard, including those attached to the primary residence, is limited to twenty feet in height, except a detached ADU above a detached accessory structure may be built to twenty-three feet in height.

Section 17C.110.235 Setbacks

Commentary

There are two proposed changes to the setbacks section:

- Remove the Setback Averaging section. This section currently requires development on infill sites match the average setbacks for existing residences on either side. In existing neighborhoods where setbacks are very large, this would require any infill development to also have a large front yard, which is not an efficient use of a site. The intent is to allow more flexibility by simply applying the standard setback requirement in Table 17C.110.205-2.
- Add new Angled Setbacks standards, similar to the angled setback plane standards for ADUs in Chapter 17C.300. The intent of these standards is to help new development respond to the scale and form of existing residential areas and to limit the perceived bulk and scale of buildings from adjoining properties. Above 25 feet, buildings must be further set from side property lines. This can either be achieved by angling the roof or by setting the whole building back further from the property line.

The angled setbacks function somewhat similarly to the current wall height regulations – this is why wall height limitations are proposed to be removed, as discussed above.

A. Purpose

The setback standards for primary and accessory structures serve several purposes. They maintain light, air, separation for fire protection, and access for fire fighting. They reflect the general building scale and placement of houses in the City's neighborhoods. They promote options for privacy for neighboring properties. They provide adequate flexibility to site a building so that it may be complementary to the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

B. Applicability.

1. Setbacks are applied to all primary and accessory structures, including Accessory Dwelling Units. Setbacks for structures are applied relative to property lines. Separation between multiple structures on a lot is governed by the requirements of Title 17F SMC. Child lots created via Unit Lot Subdivision under Section 17G.080.065 SMC are only subject to the standards of this section inasmuch as they are applied to the parent lot.
2. Additional setback requirements may be applied through other sections of Title 17C SMC, including but not limited to:
 - a. Parking areas under Chapter 17C.230 SMC
 - b. Fences under Section 17C.110.230 SMC
 - c. Signs under Chapter 17C.240 SMC

C. Front, Side, and Rear Setbacks

The required Front, Side, and Rear Setbacks for primary and accessory structures are stated in [Table 17C.110.205-2](#). Angled setback standards are described in Section 17C.110.235(E) and listed in Table 17C.110.235-1.

1. Extensions into Front, Side, and Rear Building Setbacks
 - a. Minor features of a structure such as eaves, awnings, chimneys, fire escapes, bay windows and uncovered balconies may extend into a Front, Side, or Rear Setback up to twenty-four inches.
 - b. Bays, bay windows, and uncovered balconies may extend into the Front, Side, or Rear Setback up to twenty four (24) inches, subject to the following requirements:
 - I. Each bay, bay window, and uncovered balcony may be up to twelve (12) feet long.
 - II. The total area of all bays and bay windows on a building facade shall not be more than thirty percent (30%) of the area of the facade.

- III. The total length of all uncovered balconies shall not be more than thirty percent (30%) of the facade.
- IV. Bays and bay windows that project into the setback must cantilever beyond the foundation of the building; and
- V. The bay shall not include any doors.

A. Exceptions to the Front, Side, and Rear Setbacks

- 1. The rear yard of a lot established as of May 27, 1929, may be reduced to provide a building depth of thirty feet.

E. Angled Setbacks.

1. Purpose.

To help new development respond to the scale and form of existing residential areas and to limit the perceived bulk and scale of buildings from adjoining properties.

2. Applicability.

Angled setbacks apply in the R1 and R2 zones.

a. Exceptions

- i. Angled Setbacks shall not apply to alley or street lot lines.
- ii. Angled Setbacks shall not apply to any side lot lines interior to a development of attached houses.

3. Angled Setback Implementation.

Buildings are subject to an angled setback plane as follows:

- a. Starting at a height of 25 feet, the setback plane increases along a slope of 2:1 (a rate of 2 feet vertically for every 1 foot horizontally) away from the interior side setback, up to the maximum building height in Table 17C.110.205-2. The minimum setbacks that are paired with each height measurement are provided in Table 17C.110.235-1. See Figure 17C.110.235-A for examples.
- b. No portion of the building shall project beyond the Angled Setback plane described in this subsection, except as follows:
 - I. Minor extensions allowed by SMC 17C.110.235(C)(1) may project into the Angled Setback.
 - II. Elements of the roof structure such as joists, rafters, flashing, and shingles may project into the Angled Setback.

- III. Dormer windows may project into the Angled Setback if the cumulative length of dormer windows is no more than fifty percent (50%) of the length of the roof line.

Figure 17C.110.235-A. Angled Setback Plane Examples

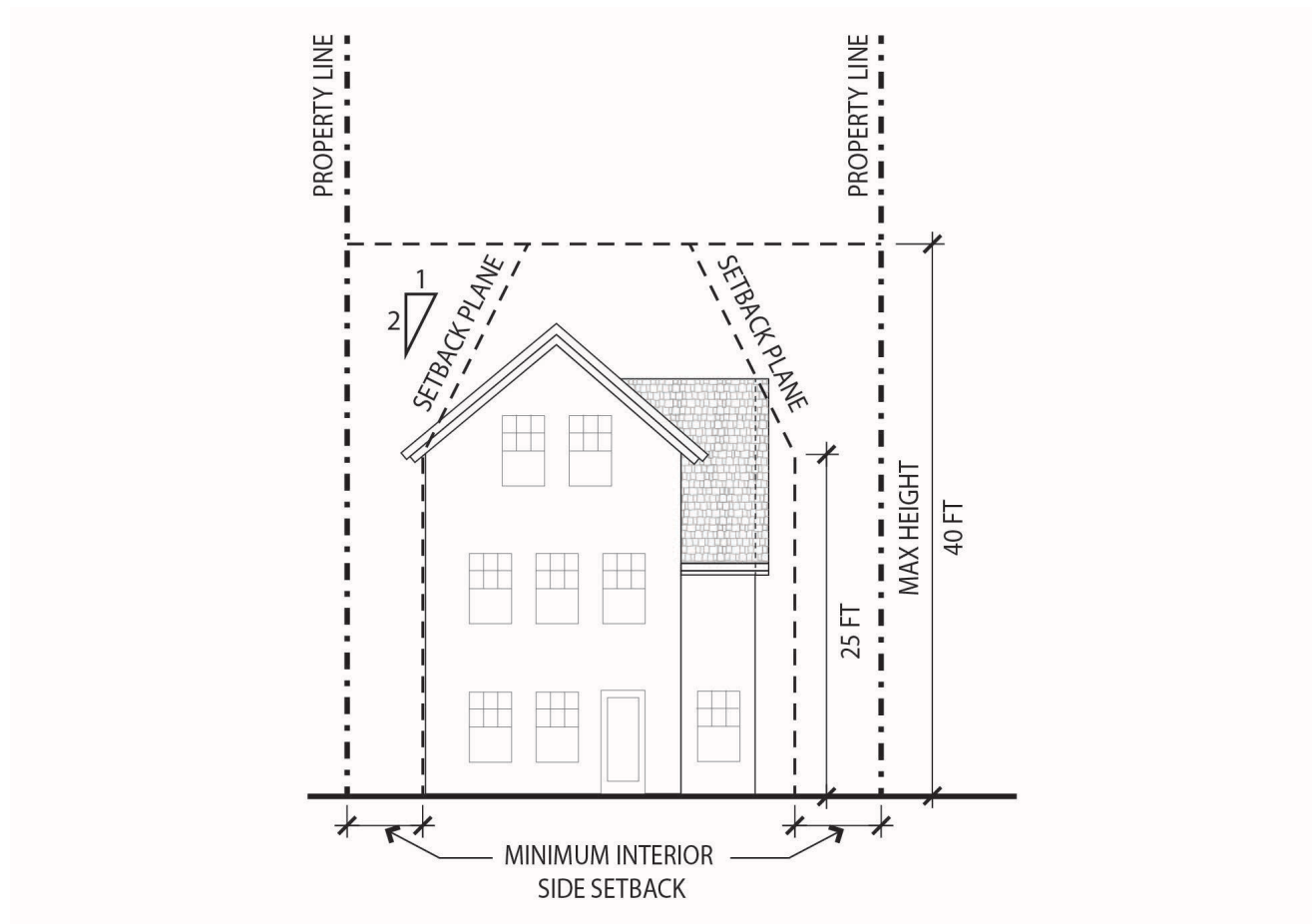


TABLE 17C.110.235-1 ROOF SETBACK FROM SIDE LOT LINE ON LOTS IN R1 and R2 ZONES	
LOT WIDTHS 40 FT. OR LESS	
Height	Setback
25 ft.	3 ft.
27 ft.	4 ft.
29 ft.	5 ft.
31 ft.	6 ft.
33 ft.	7 ft.
35 ft.	8 ft.
40 ft.	10.5 ft.
LOT WIDTHS MORE THAN 40 FT.	
Height	Setback
25 ft.	5 ft.
27 ft.	6 ft.
29 ft.	7 ft.
31 ft.	8 ft.
33 ft.	9 ft.
35 ft.	10 ft.
40 ft.	12.5 ft.

Commentary

The Outdoor Areas regulations are proposed to be moved to the new design standards section for single-unit and middle housing (Section 17C.110.300).

Section 17C.110.240 Accessory Structures**A. Purpose.**

This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to adjoining lots and maintain open front setbacks. This section does not apply to accessory dwelling units (ADUs).

[...]

Section 17C.110.245 Fences

[...]

Commentary

The sections for Demolitions, Nonconforming Situations, Parking, Signs, and Landscaping mostly point to other sections of the SMC. For the sake of clarity and better organization, these sections are proposed to be consolidated into a new section 17C.110.255 for “Other Applicable Standards.”

The Access to Parking provisions in Section 17C.110.245 are proposed to be relocated to the design standards in Section 17C.110.300.

Section 17C.110.250 Exterior Storage - Residential Zones

[...]

Section 17C.110.255 Parking, Demolitions, Signs, and Other Applicable Standards

The following additional standards also apply to development in residential zones:

- A. Demolitions. The demolition of historic structures is regulated by [chapter 17D.040 SMC](#), Landmarks Commission.
- B. Nonconforming Situations. Existing developments that do not conform to the development standards of this chapter are subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.
- C. Parking and Loading. The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and internal parking lot pedestrian connections are stated in chapter 17C.230 SMC, Parking and Loading.
- D. Signs. The sign standards are stated in [chapter 17C.240 SMC](#), Signs.
- E. Landscaping and Screening. The landscaping and screening standards are stated in chapter 17C.200 SMC, Landscaping and Screening.

Commentary

Because the RSF and RTF (now R1 and R2) zones are being made much more flexible and will allow all types of middle housing, the Alternative Residential Development provisions are no longer necessary. For example, attached housing and duplexes will be permitted throughout R1 and R2, so Section 17C.110.310 is not needed to provide special standards for these housing types. Also, the cottage housing provisions are no longer needed since multiple detached units will already be permitted on any lot. Cottage housing will still be allowed, but it has been redefined to be consistent with HB 1110, which defines it as residential units on a lot with common open space.

Section 17C.110.300 Alternative Residential Development

[Repealed]

Section 17C.110.310 Attached Housing, Detached Houses on Lots Less than Forty Feet Wide, and Duplexes

[Repealed]Section 17C.110.320 Planned Unit Developments

[Repealed]

Section 17C.110.330 Transitional Sites

[Repealed]

Section 17C.110.340 Zero Lot Line

[Repealed]

Section 17C.110.350 Cottage Housing

[Repealed]

Section 17C.110.360 Pocket Residential Development

[Repealed]

Section 17C.110.300 Single-Unit Residential and Middle Housing Design Standards

Commentary

The standards in this section are mostly pulled from Section 17C.400.030 Pilot Low-Intensity Residential Design Standards. Those interim regulations (from the BOCA ordinance) were adopted in 2022 to allow middle housing development (up to four units per lot) in the RSF and RTF (now R1 and R2) zones and are set to expire in 2023. The design standards for single-unit dwellings and middle housing are proposed to be made permanent in this section, with the following changes:

- The Requirements (R) and Presumptions (R) have been updated to be objective, as required by HB 1110. This includes replacing discretionary language such as “should provide” with unambiguous terms (such as “shall provide”), and clarifying how requirements are defined or measured.
- Some of the menus of options for meeting a standard have been expanded to provide more flexibility. For example, features were added to the list of building articulation options.
- The standards have been adjusted to work for a wider range of middle housing types (up to six units per building).
- Standards that are unnecessary or redundant have been removed, such as the Front Yard requirements in Section 17C.400.030.

Except as specified in this section, all new development of single-unit residential and middle housing must address the following design standards, administered pursuant to [SMC 17C.110.015](#), Design Standards Administration. When existing single-unit residential or middle housing development is expanded or additional dwelling units are added, only those portions of the development that are new or renovated must meet the standards in this section.

Section 17C.110.305 Landscaping

A. Purpose.

The standards for landscaped areas are intended to enhance the overall appearance of residential developments. Landscaping improves the residential characteristics of the area, breaks up large expanses of paved areas and structures, provides privacy for residents, and provides separation from streets. Landscaped areas also reduce stormwater run-off by providing a pervious surface.

B. Landscaping Implementation.

1. Fifty percent of the area between the front lot line and the front building line must be planted with living ground cover or landscaped to the L3 standard, per SMC 17C.200.030 and 17C.200.040. A patio or porch may be included in the calculation of ground cover area. (R)
2. The front landscaped area may be counted towards required outdoor areas, pursuant to Section 17C.110.310. (R)
3. Landscaping is encouraged to follow the Spokanescape guidelines for design, soil and compost, drip irrigation, planting & mulch, raised beds, maintenance, and plant list. (C)
4. Use of landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged. (C)

Section 17C.110.310 Outdoor Areas

A. Purpose.

To create usable areas through the use of engaging outdoor spaces for the enjoyment and health of the residents.

B. Outdoor Areas Implementation.

1. Developments shall provide outdoor areas in the quantity required by Table 17C.110.205-2. (R)
2. The outdoor area may be configured as either:
 - a. A private outdoor area, such as a balcony or patio directly accessible from the unit;
 - b. A common outdoor area accessible by all units in the building. (R)

3. If a common outdoor area is provided, it shall meet the following:
 - a. Connected to each unit by pedestrian paths. (R)
 - b. At least 50 percent of units shall have windows or doors that face the common outdoor area. (R)
 - c. Common outdoor areas shall provide at least three of the following amenities to accommodate a variety of ages and activities. Amenities may include, but are not limited to: (P)
 - Site furnishings (benches, tables, bike racks when not required for the development type, etc.);
 - Picnic areas;
 - Patios, plazas or courtyards;
 - Shaded playgrounds;
 - Rooftop gardens, planter boxes, or garden plots; or
 - Fenced pet area.
4. Outdoor spaces shall not be located adjacent to dumpster enclosures, loading/service, areas or other incompatible uses that are known to cause smell or noise nuisances. (P)

Section 17C.110.315 Entrances

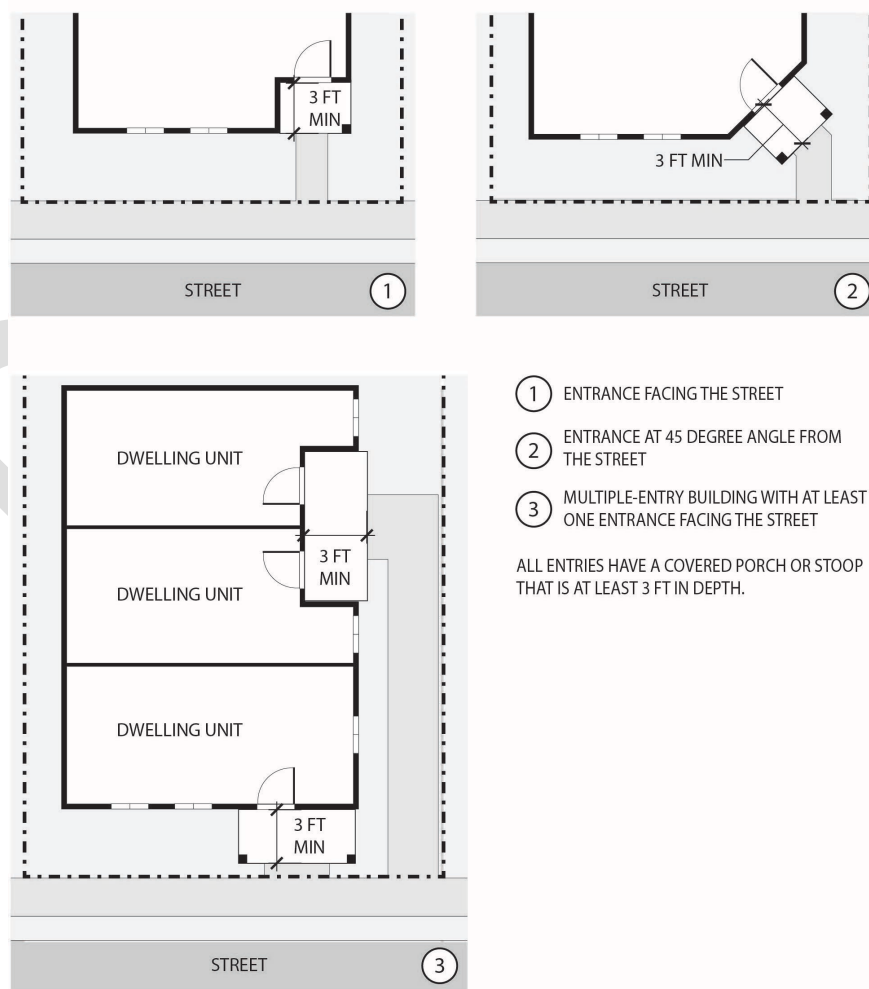
A. Purpose.

To ensure that entrances are easily identifiable, clearly visible, and accessible from streets, sidewalks, and common areas, to encourage pedestrian activity and enliven the street.

B. Applicability. The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

C. Entrances Implementation. See Figure 17C.110.315-A.

1. Each residential structure fronting a public or private street must have at least one address and main entrance facing or within a 45 degree angle of a street frontage. Buildings with multiple units may have shared entries. (R)
2. Each unit with individual ground-floor entry and all shared entries must have a porch or stoop cover that is at least 3-feet deep. (P)
3. On corner lots, buildings with multiple units must have at least one entrance facing or within a 45 degree angle on each street frontage. (C)

Figure 17C.110.315-A. Building Entrances

Section 17C.110.320 Windows

A. Purpose.

To maintain a lively and active street face while increasing safety and general visibility to the public realm.

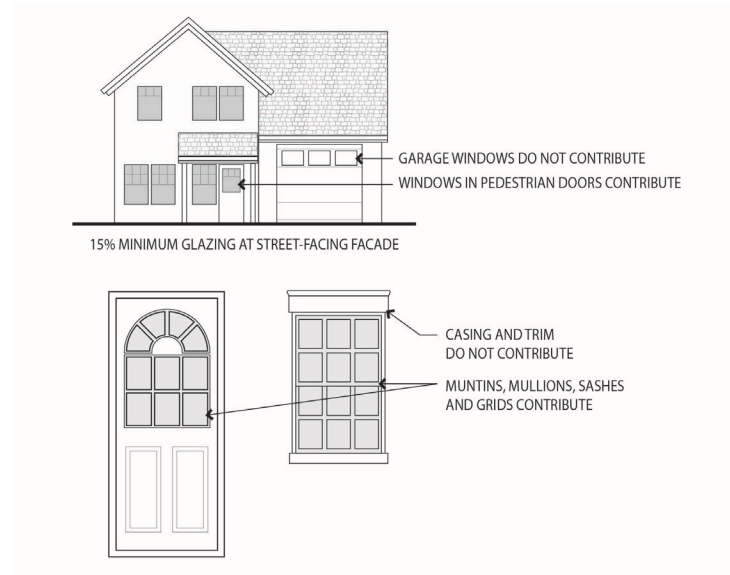
B. Applicability.

The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

C. Windows Implementation. See Figure 17C.110.320-A.

1. Windows shall be provided in façades facing public or private streets, comprising at least fifteen percent of the façade area (R).
2. Window area is considered the entire area within, but not including, the window casing, including any interior window grid.
3. Windows in pedestrian doors may be counted toward this standard. Windows in garage doors may not be counted toward this standard.
4. At least one of the following decorative window features must be included on all of the windows on street facing facades: (P)
 - a. Arched or transom windows.
 - b. Mullions.
 - c. Awnings or bracketed overhangs.
 - d. Flower boxes.
 - e. Shutters.
 - f. Window trim with a minimum width of three inches.
 - g. Pop-outs or recesses greater than three inches.
 - h. Bay windows.
 - i. Dormers.

Figure 17C.110.320-A. Window Coverage



Section 17C.110.325 Building Articulation

A. Purpose.

To ensure that buildings along any public or private street display the greatest amount of visual interest and reinforce the residential scale of the streetscape and neighborhood.

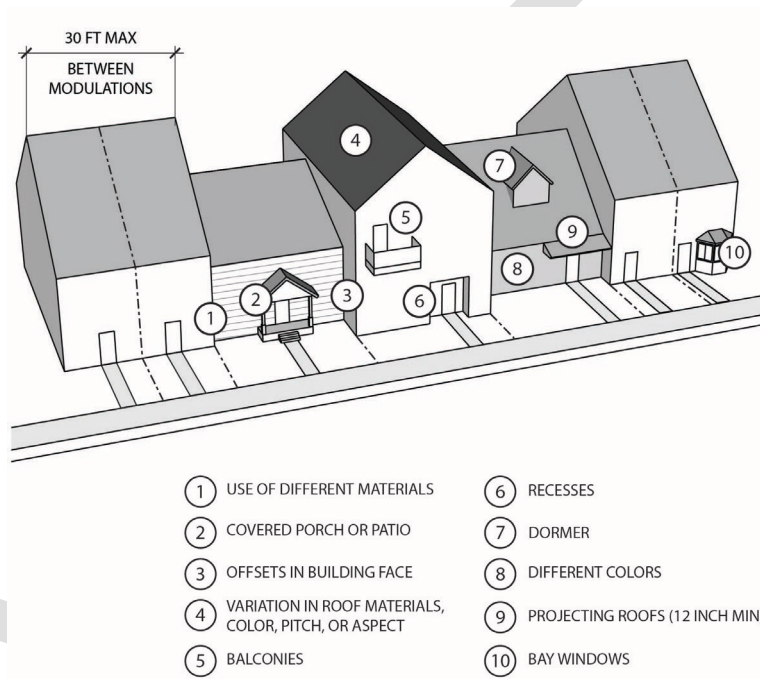
B. Applicability. The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building. The standards apply to facades of attached housing irrespective of underlying lot lines.

C. Building Articulation Implementation.

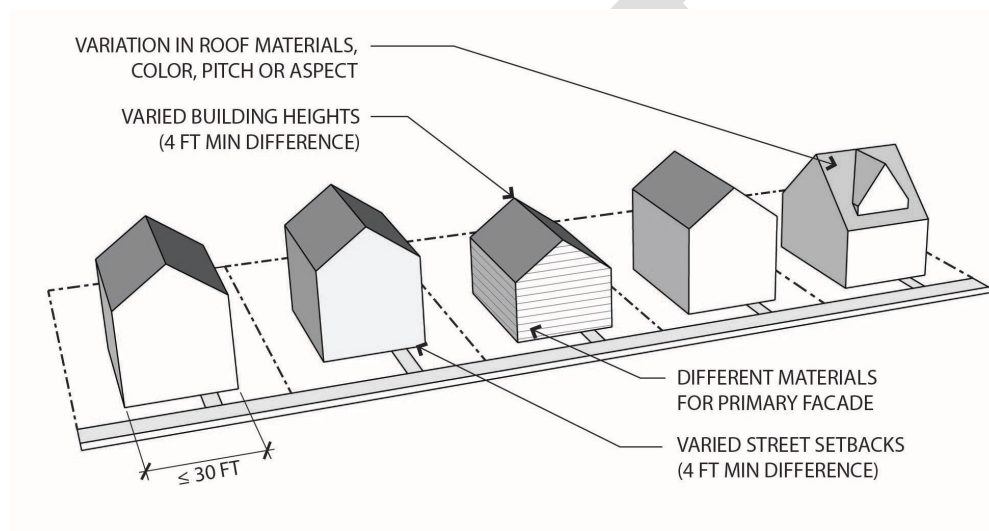
1. Buildings must be modulated along the street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. See Figure 17C.110.325-A. (R)
2. The scale of buildings must be moderated to create a human scale streetscape by including vertical and horizontal delineation as expressed by bays, belt lines, doors, or windows. (P)
3. Horizontal street-facing facades longer than thirty feet must include at least four of the following design features per façade. At least one of these features must be used every thirty feet. (P)
 - a. Varied building heights.
 - b. Use of different materials.
 - c. Different colors.
 - d. Offsets.
 - e. Projecting roofs (minimum of twelve inches).

- f. Recesses.
- g. Bay windows.
- h. Variation in roof materials, color, pitch, or aspect.
- i. Balconies
- j. Covered porch or patio.
- k. Dormers

Figure 17C.110.325-A. Building Articulation for Long Facades



4. The following standard applies when detached housing units or individual units of attached housing have street-facing facades that are thirty feet or less in width. Each such unit shall provide variation from adjacent units by using one or more of the following design features (see Figure 17C.110.325-B):
- a. Street setbacks that differ by at least four feet.
 - b. Building heights that differ by at least four feet.
 - c. Use of different materials for the primary façade.
 - d. Variation in roof materials, color, pitch, or aspect.

Figure 17C.110.325-B. Building Variation for Narrow Facades

5. Development should reduce the potential impact of new housing on established and historic neighborhoods by incorporating elements and forms from nearby buildings. This may include reference to architectural details, building massing, proportionality, and use of high-quality materials such as wood, brick, and stone. (C)

Section 17C.110.330 Screening

A. Purpose.

The screening standards address specific unsightly features, which detract from the appearance of residential areas, such as garbage and recycling areas, mechanical equipment, and exterior storage.

B. Screening shall comply with the clear view triangle requirements defined in SMC 17C.110.245(G).

C. Screening Implementation.

1. Except as provided below, fire escapes, or exterior stairs that provide access to an upper level shall be located behind the front façade of the building and screened or enclosed so that they are not visible from a public or private street. (R)
 - a. Exception: The initial half flight of stairs on the ground floor is not required to be screened from view of a street provided it is under the roof of the building and located behind the front façade.
2. Garbage and Recycling Areas. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. (R)
3. Exterior storage shall take place from the rear of the main dwelling unit to the rear of the property line and meet the standards of SMC 17C.110.250. (R)
4. Screening must comply with at least one of the following criteria: (R)
 - a. L1 Visual Screen meeting SMC 17C.200.030(A).
 - b. A sight-obscuring fence that meets height requirements set forth in SMC 17C.110.245 or through the use of screening pursuant to SMC 17C.200.070(A)(1).
 - c. Be located inside a storage shed or garage that meets all applicable setback standards and provides full sight obstruction.
5. Storage areas are not allowed within fifteen feet of a street lot line. (R)
6. Mechanical Equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any adjoining residential uses by walls, fences or vegetation that is at least as tall as the equipment. Mechanical equipment on roofs must be screened from the ground level of any adjoining residentially zoned properties. (R)

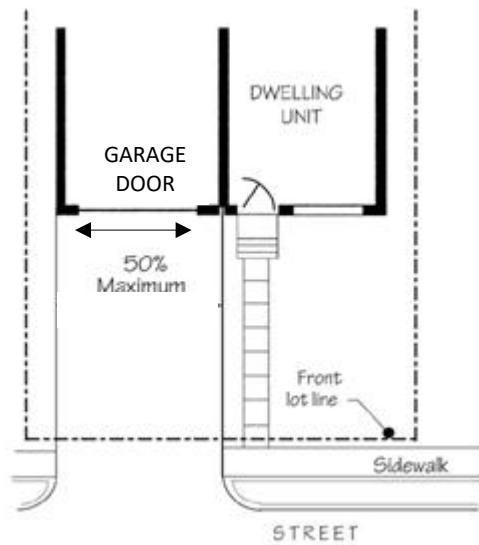
Section 17C.110.335 Parking Facilities

A. Purpose.

To integrate parking facilities with the building and surrounding residential context, promote pedestrian-oriented environments along streets, reduce impervious surfaces, and preserve on-street parking and street tree opportunities.

B. Parking Facilities Implementation.

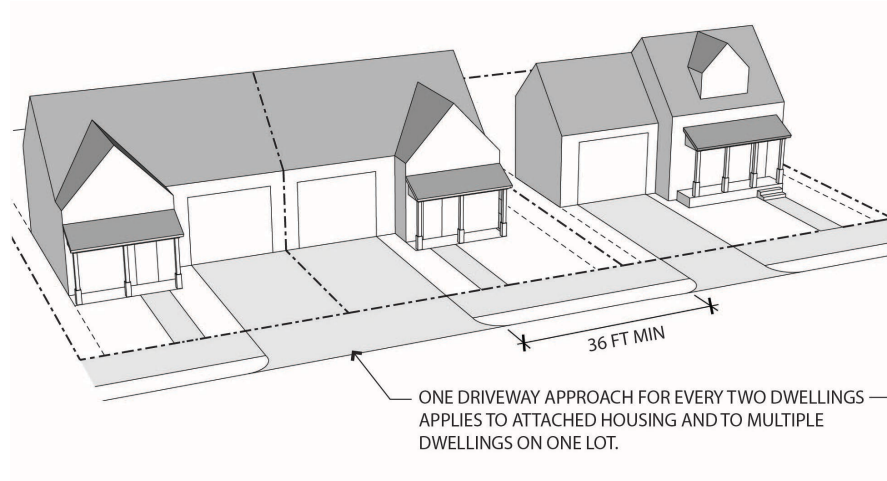
1. The combined width of all garage doors facing the street may be up to fifty percent of the length of the street-facing building façade. For attached housing, this standard applies to the combined length of the street-facing façades of all units. For all other lots and structures, the standards apply to the street-facing façade of each individual building. See Figure 17C.110.335-A. (R)

Figure 17C.110.335-A. Garage Door Standard

2. Street-facing garage walls must be set back at least two feet from the primary street-facing building façade. (R)
3. Access to Parking.
 - a. Vehicular access to parking from an alley, improved street, or easement is required if parking is required pursuant to chapter 17C.230 SMC Parking and Loading. (R)
 - b. If the lot abuts a public alley, then vehicle access shall be from the alley unless the applicant requests a waiver of the requirement and the Planning Director determines that one of the following conditions exists: (R)
 - Existing topography does not permit alley access; or
 - A portion of the alley abuts a nonresidential zone; or
 - The alley is used for loading or unloading by an existing nonresidential use; or
 - Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard.
 - c. For lots with vehicle access through an alley, garages shall not be accessed from the street. (R)
 - d. Where off-street parking is provided for attached housing or for two or more units on one lot, only one driveway approach and sidewalk crossing for each two dwellings may be permitted. See Figure 17C.110.335-B. (R)

- e. Driveway approaches shall be separated by a minimum distance of 36 feet. The Planning Director will grant an exception to this standard if the 36-foot separation from existing driveways on adjacent lots would preclude vehicular access to the subject lot. See Figure 17C.110.335-B. (R)
- 4. Parking structures, garages, carports, and parking areas other than driveways shall not be located between the principal structure and streets. (P)

Figure 17C.110.335-B. Paired Driveways and Minimum Spacing



Section 17C.110.340 Pedestrian Connectivity

A. Purpose.

To ensure that all buildings within a development have adequate access to public rights of way and municipal services.

B. Applicability.

The following standards apply to all buildings within a development.

C. Pedestrian Connectivity Implementation.

1. Public Right-of-Way Access.

At least one pedestrian connection is required between each building and the sidewalk. For each ground-floor unit with a separate entry, separate pedestrian connections are required for each ground-floor unit. Driveways may be used to meet this requirement, subject to engineering standards relating to access under the Americans with Disabilities Act. (R)

2. Garbage and Recycling Areas.

Each unit shall have an unobstructed pedestrian connection to garbage and recycling areas, if located outside the building. Driveways and parking access aisles may be used to meet this requirement. (R)

Section 17C.110.400 Multi-Unit Design Standards

Commentary

The design standards for multi-unit housing are not being modified as part of this project. The proposed changes below are simply intended to clarify the intent and applicability of the standards, in light of changes to single-unit and middle housing regulations.

A. Purpose.

Multi-unit housing at intensities above Middle Housing types is often more intensive than single-unit or Middle Housing development and can have different design considerations. These standards are intended to address the specific needs of multi-unit housing; mitigate impacts to light, air, visual intrusions, and noise; and assist these buildings in complementing surrounding development. These standards may also be used to make higher density housing more livable communities.

B. Applicability.

These standards apply to multi-unit development in the RMF and RHD zones where permitted unless otherwise noted.

[...]

Commentary

This is a new section that is intended to encourage “visitability” features in new housing development. Visitability is a design approach for housing that allows anyone who uses a wheelchair or other mobility device to visit a home. A visitable home typically includes:

- A zero-step entrance;
- Wide interior doors; and
- A half bathroom on the main floor.

The proposed standards encourage (but do not require) visitability features by allowing applicants to deviate from height, setback, and footprint coverage standards to accommodate the features.

Section 17C.110.600 Residential Visitability Standards

A. Purpose

The purpose of the following section is to encourage the development of housing units for people with disabilities by providing allowances for accessible design and design considerations.

B. Applicability

The provisions of this section apply to residential development in all zones where permitted. These guidelines encourage residential developments to incorporate visitable designs into at

least a portion of the provided units. Any development seeking a reasonable deviation pursuant to 17C.110.600(C) must comply with all standards of 17C.110.600(D) for the unit(s) intended to benefit from the accessibility features requiring the deviation, and clearly note on submitted plans how the project meets each visitable design element. Director may waive full compliance with 17C.110.600(D) in cases of retrofits, commensurate with the significance of changes being made.

- C. To encourage the development of housing units for people with disabilities, the Planning Director may allow reasonable deviation from height, setback, and footprint coverage standards to install features that facilitate accessibility. Such facilities shall be in conformance with the city adopted Building Code.
- D. Visitable designs are encouraged for residential development, whether or not such accessible design considerations are required by the city adopted Building Code due to unit count.

Elements of a visitable dwelling design include:

1. Visitable entrance. At least one entrance that is accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route does not exceed 1:8 (one foot in height for every 8 feet in length).
2. Visitable bathroom. At least one bathroom with a sink and toilet is designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. The visitable bathroom is on the same floor as the visitable entrance or is accessible from the visitable entrance via a ramp, elevator, or lift.
3. Visitable living area. There is at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area is accessible from the visitable entrance via a ramp, elevator, or lift.
4. Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom is at least 34 inches wide.
5. Visitable light switches and environmental controls. The first floor contains light switches and environmental controls that are no higher than 48 inches above the interior floor level and outlets.

Chapter 17C.120 Commercial Zones

[...]

Commentary

In the current Code, it is not clear what design standards should apply to housing development when it's proposed outside the residential zones. The design standards in the Commercial and Center and Corridor Zones are not geared toward residential uses. Therefore, City staff has been applying the residential design standards in Chapter 17C.110 that are applicable to the housing type. The proposed changes below are simply intended to codify that current practice.

Section 17C.120.500 Design Standards Implementation

- A. The design standards and guidelines found in SMC 17C.120.500 through 17C.120.580 follow SMC 17C.120.015, Design Standards Administration. Except as provided in subsection (B) of this section, all projects must address the pertinent design standards and guidelines. 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. An applicant may seek relief through chapter 17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.
- B. Residential development in Commercial Zones is subject to the residential design standards of SMC 17C.110.300-.465 that are applicable to the proposed housing type.

[...]

Chapter 17C.122 Center and Corridor Zones

[...]

Section 17C.122.060 Design Standards and Guidelines for Centers and Corridors

- A. The document titled “Design Standards and Guidelines for Centers and Corridors” is adopted by reference as a part of the land use code for centers and corridors and incorporated as Attachment “A” to the land use code for centers and corridors. Except as provided in subsection (C) of this section, all projects must address these standards and guidelines. The applicant assumes the burden of proof to demonstrate how a proposed design addresses these standards and guidelines. For design standards and guidelines in “Attachment A” that are designated Requirement (R), an applicant may apply to the Design Review Board pursuant to the procedures set forth in chapter 17G.040 SMC, and the board may recommend approval of alternatives to strict compliance, upon a finding that the alternative satisfies the decision criteria for a design departure in SMC 17G.030.040.
- B. The design standards and guidelines for all centers and corridors are also applicable to the sites located in the Type 4 mixed use transition zone. In addition, the design standards and guidelines for Type 1 centers and corridors are also applicable to the sites located in the Type 4 mixed use transition zone.

- C. Residential development in Centers and Corridor Zones is subject to the residential design standards of SMC 17C.110.300-.465 that are applicable to the proposed housing type.

[...]

Chapter 17C.200 Landscaping and Screening

Commentary

The landscaping standards in Chapter 17C.200 include a few exceptions for single-unit and duplex development. HB 1110 precludes any standards or procedures for middle housing that are more restrictive than for single-unit housing. Also, the City has a general interest in treating single-unit and middle housing the same. Therefore, the proposed amendments clarify how the landscaping requirements apply to these housing types. For plan submittal requirements, the proposed approach is to require landscape plans for all development, but to provide exceptions for some of the specific requirements (e.g., preparation by a licensed landscape architect) for development of up to six units on a lot.

Section 17C.200.010 Purpose

- A. The City of Spokane recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:
1. promote the distinct character and quality of life and development expected by the community as indicated and supported in the policies of the comprehensive plan;
 2. maintain and protect property values;
 3. enhance the visual appearance of the City;
 4. enhance the compatibility of new development with surrounding properties;
 5. preserve and enhance Spokane's urban forest;
 6. preserve and enhance existing vegetation;
 7. reduce stormwater runoff pollution, temperature, and volume;
 8. aid in energy conservation by providing shade and shelter from the wind; and
 9. promote water conservation and reduced maintenance.
- B. The following landscaping and screening standards are applicable to all sites in RA, R1, R2, RMF, RHD, O, OR, NR, NMU, CB, GC, CC, LI, PI HI, downtown zones and FBC zones. These standards address materials, placement, layout, and timing of installation.

Section 17C.200.020 Plan Submittal Requirements

Landscape plans are required for all development of more than seven thousand square feet of lot area.

- A. For all development types, landscape plans shall:
1. be submitted at the time of application for a development permit; and

2. include the following elements:
 - a. The footprint of all structures.
 - b. All parking areas and driveways.
 - c. All sidewalks, pedestrian walkways and other pedestrian areas.
 - d. The location, height and materials for all fences and walls.
 - e. The common and scientific names of all plant materials used, along with their size at time of planting.
 - f. The location of all existing and proposed plant materials on the site; and
 - g. A proposed irrigation plan.
- B. In addition, for development except residential construction of six or fewer dwelling units on a lot, landscape plans shall:
 1. be prepared and stamped by a licensed landscape architect, registered in the state of Washington;
 2. include the following elements:
 - a. The final site grading.
 - b. Location of all overhead utility and communication lines, location of all driveways and street signs.

[...]

Section 17C.200.040 Site Planting Standards

Sites shall be planted in accordance with the following standards:

- A. Street Frontages.
 1. The type of plantings as specified below shall be provided inside the property lines:

[...]

- e. along all RA, R1, R2, RMF, and RHD zones: six feet of L3 open area landscaping and street trees as prescribed in [SMC 17C.200.050](#) are required, except that for single-unit residential and middle housing development, only street trees are required in addition to the landscaping design standards of SMC 17C.111.305. For residential development along principal and minor arterials, a six-foot high fence with shrubs and trees may be used for screening along street frontages. The fence and landscaping shall comply with the standards of [SMC 17C.120.310](#) for the clear view triangle and must be placed no closer than twelve feet from the curb line. A minimum of fifty percent of the fence line shall include shrubs and trees. The landscaping is required to be placed on the exterior (street side) of the fence.

[...]

Section 17C.200.100 Irrigation Requirement

The owners of the adjacent property shall keep and maintain all required planting areas and street trees in a healthy condition. For development of six or fewer dwelling units on an infill lot and modification of non-conforming development that fall below thresholds found in 17C.210.090, the Planning Director, in consultation with the Urban Forester, may approve the use of species-specific alternative methods of irrigation. For all other forms of new construction and modification of non-conforming development that meet thresholds found in 17C.210.090 the installation and maintenance of an automatic irrigation system is required.

[...]

Chapter 17C.230 Parking

[...]

Section 17C.230.120 Minimum Required Parking Spaces

A. Purpose.

The purpose of required parking spaces is to provide enough parking to accommodate the majority of traffic generated by the range of uses, which might locate at the site over time. As provided in subsection (B)(3) of this section, bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long-term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

B. Minimum Number of Parking Spaces Required.

1. The minimum number of parking spaces for all zones is stated in [Table 17C.230-1](#). [Table 17C.230-2](#) states the required number of spaces for use categories. The standards of [Table 17C.230-1](#) and [Table 17C.230-2](#) apply unless specifically superseded by other portions of the city code.

TABLE 17C.230-1 PARKING SPACES BY ZONE [1] (Refer to Table 17C.230-2 for Parking Spaces Standards by Use)		
ZONE	SPECIFIC USES	REQUIREMENT
RA, R1, R2, RMF, RHD	All Land Uses	Minimum and maximum standards are shown in Table 17C.230-2 .
O, OR, NR, NMU, CB, GC, Industrial		
CC1, CC2, CC3 [2]	Nonresidential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.

	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit plus one per bedroom after 3 bedrooms. Maximum ratio is the same as for nonresidential uses.
CC4 [2]	Nonresidential	Minimum ratio is 2 stalls per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is the same as for nonresidential uses.
Downtown [2]	All Land Uses	See the Downtown Parking Requirement Map 17C.230-M1 to determine if parking is required. Minimum ratio for areas shown on the map that require parking is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is 3 stalls per 1,000 gross square feet of floor area.
FBC [2]	All Land Uses	See SMC 17C.123.040 , Hamilton Form Based Code for off-street parking requirements.
Overlay	All Land Uses	No off-street parking is required. See the No Off-Street Parking Required Overlay Zone Map 17C.230-M2 and No Off-Street Parking Required Overlay Zone Map 17C.230-M3 .
[1] Standards in a plan district or overlay zone may supersede the standards of this table.		
[2] See exceptions in SMC 17C.230.130 , CC and Downtown Zone Parking Exceptions.		

Section 17C.230.130 Parking Exceptions

Commentary

The Spokane City Council recently announced an interim ordinance eliminating residential parking requirements within 1/2 mile of major transit stops for all residential development. The proposed changes to this section (subsection G) and in Table 17C.230-2 are intended to make those interim regulations permanent.

- A. In center and corridor downtown, and FBC CA1, CA2, and CA3 zones any new building or building addition with a floor area less than three thousand square feet shall have no parking requirement.
- B. In the neighborhood retail zone, any existing building, new building, or building addition, having a floor area less than three thousand square feet shall have no parking requirement. In addition, if a building has a floor area of five thousand square feet or less, the parking requirement will be determined after deducting the three thousand square foot exemption from the building's floor area. For example, the parking requirement for a four thousand square foot building would be based on one thousand square feet of floor area – i.e., a four thousand square foot building size minus the three thousand square foot exemption.
- C. The Planning Director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate.

The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the surrounding area. When determining if a different amount of parking is appropriate, the Director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the form of the proposed use.

- D. If property owners and businesses establish a parking management area program with shared parking agreements, the Planning Director may reduce or waive parking requirements.
- E. Existing legal nonconforming buildings that do not have adequate parking to meet the standards of this section are not required to provide off-street parking when remodeling which increases the amount of required parking occurs within the existing structure
- F. Attached Housing.

The following exceptions apply only to attached housing (defined in SMC 17A.020.010) in the RMF and RHD zones. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.

- 1. On a lot at least partially within one thousand three hundred twenty feet of CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is fifty percent less than the minimum required for Residential Household Living in Table 17C.230-2.
- 2. On a lot farther than one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is thirty percent less than the minimum required for Residential Household Living in Table 17C.230-2.
- G. No parking is required for residential development on sites located within one-half mile of a Major Transit Stop, as defined in SMC 17A.020.130.

Commentary

HB 1110 limits the amount of parking that can be required for middle housing in single-family zones. These limitations (which would only be relevant in areas more than ½ mile from a major transit stop) are included as a footnote in Table 17C.230-2.

TABLE 17C.230-2
PARKING SPACES BY USE [1]
(Refer to Table 17C.230-1 for Parking Space Standards by Zone)
CU = Conditional Use

RESIDENTIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Group Living		1 per 4 residents	None

Residential Household Living [2]		1 per unit plus 1 per bedroom after 3 bedrooms; [3] Accessory Dwelling Unit (ADU) – see Note []; Single Resident Occupancy (SRO) are exempt	None
[...]	[...]	[...]	[...]
<p>[1] The Planning Director may approve different amounts of parking spaces under the exceptions listed in SMC 17C.230.130.</p> <p>[2] No parking is required for residential development on sites located within one-half mile of a Major Transit Stop, as defined in SMC 17A.020.130.</p> <p>[3] For middle housing developed in the R1 and R2 zones, the following standards apply:</p> <ul style="list-style-type: none"> On lots smaller than 6,000 square feet, only one parking space per unit is required regardless of bedroom count. On lots 6,000 square feet and larger, each unit with 4 or more bedrooms must provide a minimum of two parking spaces. <p>[] Parking requirements for ADUs are provided in SMC 17C.300.130(A)(4).</p>			

[...]

Chapter 17C.300 Accessory Dwelling Units

Commentary

A few amendments to the ADU standards in chapter 17C.300 are proposed for consistency with updates in other sections of the Code.

Section 17C.300.010 Purpose

This chapter establishes the standards for the location and development of accessory dwelling units in residential zones. The purpose of accessory dwelling units is to create new housing units that complement the principal dwellings on the properties on which they are located. . They can increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives. Accessory dwelling units allow more efficient use of existing housing stock and infrastructure and provide a mix of housing that responds to changing family needs and smaller households. They provide a means for residents, particularly seniors, single parents and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and provide a broader range of accessible and more affordable housing.

Section 17C.300.100 General Regulations

A. Where the Regulations Apply.

Attached and detached accessory dwelling units are permitted in the RA through RHD zones, including planned unit developments, subject to the limitations of subsection (B) of this section.

B. Limitation.

One accessory dwelling unit is allowed per lot in the RA, R1, R2, RMF, and RHD zones subject to the development standards of the underlying zoning district.

C. ADU versus principal dwelling.

Section 17C.300.130(A)(1) establishes the methods by which an ADU may be created. In cases where a proposed dwelling unit meets the definitions and criteria for both an ADU and an additional principal dwelling (e.g., the second unit of a duplex or a second single-unit residential building on a lot), applicants may choose whether the proposed dwelling unit is permitted as an ADU or a principal dwelling.

Section 17C.300.110 Criteria

A. Maximum Size.

1. Internal ADU.

Before the establishment of an internal ADU the floor area of the principal structure, excluding an attached garage, must be not less than eight hundred square feet.

- a. The internal ADU shall contain no more than two bedrooms and the floor area of the internal ADU must be not more than eight hundred square feet, excluding any related garage area.
- b. The conversion of an existing interior basement or attic space of a principal structure into an ADU may exceed the maximum floor area for an internal ADU specified in subsection (1)(a) of this subsection.

2. Detached ADU.

- a. The maximum detached ADU size is subject to building coverage per [SMC 17C.300.130\(B\)\(3\)](#) and floor area ratio per subsection (3) of this subsection (A); and
- b. A detached ADU shall not exceed seventy-five percent of the floor area of the principal structure, or nine hundred seventy-five square feet of floor area, whichever is greater.
- c. The maximum detached ADU size is subject to the maximum building footprint standards for ADUs in Table 17C.110.205-2.

[...]

Section 17C.300.130 Development Standards

A. Development Standards – Requirements for All Accessory Dwelling Units.

All accessory dwelling units must meet the following:

1. Creation.

An accessory dwelling unit may only be created through the following methods:

- a. Converting existing living area, attic, basement or garage.
- b. Adding floor area.
- c. Constructing a detached accessory dwelling unit on a site with an existing residential use.
- d. Constructing a new residential use with an internal or detached accessory dwelling unit.
- e. In the R1, R2, RMF, or RHD zone, constructing an attached or detached accessory dwelling unit on a site with any existing or new principal structure (including non-residential uses or structures). Any structure shall comply with all applicable building, fire, and engineering standards.

2. Number of Residents.

The total number of individuals that reside in all units on the site may not exceed any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building or fire code, as provided in RCW 35.21.682.

3. Location of Entrances for Internal ADUs.

Only one entrance may be located on the facade of the structure facing the street, unless the principal structure contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

4. Parking.

- a. Studio and one-bedroom ADUs require no additional parking. One additional off-street parking space is required for the accessory dwelling unit with more than one bedroom, plus one per bedroom after two bedrooms. Existing required parking for the principal structure must be maintained.
- b. As an exception to subsection (a), no additional off-street parking space is required for the ADU within one-quarter-mile of stops for a bus or other transit mode providing

actual fixed route service at intervals of no less frequently than fifteen minutes for at least five hours during the peak hours of operation on weekdays, defined as a major transit stop under RCW 36.70A.696.

B. Additional Development Standards for Detached ADUs.

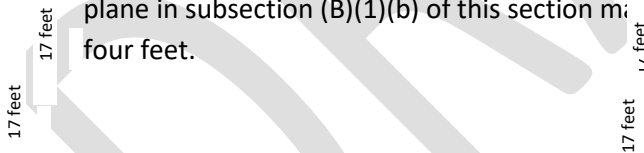
1. Setbacks.

Except for conversion of existing accessory structures, the accessory dwelling unit must be:

- a. as specified for setbacks in [Table 17C.110.205-2](#) for ADUs and
- b. The interior side lot line or rear setback without an alley may be reduced to zero feet with a signed waiver from the neighboring property owner.

2. Height.

The maximum height allowed for a detached accessory dwelling unit is provided in Table 17C.110.205-2. A detached ADU over a detached accessory structure with flat or terraced roof forms with slopes of less than 3:12 that conform to the forty-five-degree setback plane in subsection (B)(1)(b) of this section may be granted a wall height exception up to four feet.



3. Bulk Limitation.

The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the principal structure.

- a. On lots five thousand five hundred square feet or larger, the combined building coverage of all detached accessory structures may not exceed fifteen percent of the total area of the site.
- b. On lots smaller than five thousand five hundred square feet, the combined building coverage of all detached accessory structures may not exceed twenty percent of the total area of the site.

4. Conversion of Existing Detached Accessory Structures.

- a. Conversion of an existing detached accessory structure that is in a front building setback required by [Table 17C.110.205-2](#) is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by [SMC 17C.110.255](#), Setbacks, and [SMC 17C.110.240](#), Accessory Structures.
- b. If the accessory dwelling unit is proposed for an existing detached accessory structure that meets any of the standards of subsections (B)(2) and (3) of this section, alterations that will move the structure out of conformance with the standards that are met are not allowed.
- c. If the accessory dwelling unit is proposed as a conversion of an existing detached accessory structure or a portion of the building, and any floor area is added to the existing detached accessory structure to accommodate an ADU, then the entire structure must meet the underlying zoning development standards.

C. Utilities and Addressing.

The ADU must utilize those municipal utilities and address established for the principal dwelling unit.

D. Code Compliance.

The ADU must meet all technical code standards of this title including building, electrical, fire, and plumbing code requirements and permits.

[...]

TITLE 17D CITY-WIDE STANDARDS

Chapter 17D.060 Stormwater Facilities

Commentary

The proposed amendments to Stormwater Facilities in this chapter are intended to achieve the following:

- Identify special geographic considerations that increase the likelihood of harmful impacts resulting from stormwater events.
- Allow for impervious surface regulation dependent on location within or outside of an Area of Drainage Concern.

[...]

Section 17D.060.135 Areas of Drainage Concern

Commentary

Updates to this chapter are proposed to allow for the identification of Areas of Drainage Concern to ensure compatible development within existing stormwater facilities.

- A. Purpose.
Areas of Drainage Concern are identified due to special geographic considerations that increase the likelihood of harmful impacts resulting from stormwater events. These impacts may include flooding, direct drainage to waterways, or capacity limitations in the combined sewer overflow system.
 - B. Identification, Designation, and Mapping of Areas of Drainage Concern.
Data sources are available from the City of Spokane that are used in identifying Areas of Drainage Concern. Public mapping related to Areas of Drainage Concern is not guaranteed to pinpoint a drainage issue that may require submittal of an engineer's drainage plan. Use of maps of Areas of Drainage Concern shall be for informational purposes only. In the event of a conflict between the map and the criteria set forth in this section, the criteria shall prevail.
 - C. Characteristics.
Areas of Drainage Concern generally have at least one of the following characteristics:
 - 1. Poorly draining soils;
 - 2. Historic overflows of the wastewater system during rainfall events;
 - 3. Direct drainage to waterways;
 - 4. Topography
 - D. The City Engineer shall determine whether a lot is considered an Area of Drainage Concern and whether an engineer's drainage plan is required.
- [...]

TITLE 17G ADMINISTRATION AND PROCEDURES

Chapter 17G.020 Comprehensive Plan Amendment Procedure

Commentary

Updates to this chapter change references to the planning and economic development services director to say "Planning Director".

Section 17G.020.060 Process for Application, Review and Decision

[...]

B. Final Review.

[...]

2. Review by City Staff and Agencies.

Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. City staff shall notify interested city departments and agencies of all proposals on the docket

and request review and comments. SEPA review and in-depth staff analysis of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. Timely review is dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements. Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.

3. Notice of Application/SEPA.

When the review described in subsection (C) above is complete, staff sends a form of notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within thirty days of the date the notice of application is provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If Planning Director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.

[...]

7. Notice of SEPA and Hearing.

The combined notice of SEPA determination and notice of plan commission hearing must be published fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a Planning Director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.

[...]

Chapter 17G.025 Unified Development Code Amendment Procedure

Commentary

Updates to this chapter are proposed to clarify and reorganize existing sections.

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

A. Purpose.

This section provides for orderly and transparent modifications to the Unified Development Code with significant opportunities for public review and participation.

B. Definitions.1. Construction Standards.

The following chapters of the Spokane Municipal Code are referred to herein as Construction Standards:

- a. SMC 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code);
- b. SMC 17F.050 (National Electrical Code);
- c. SMC 17F.080 (International Fire Code)
- d. SMC 17F.090 (International Mechanical Code)
- e. SMC 17F.100 (Uniform Plumbing Code)

C. Applicability.

The requirements of this section apply to all proposed modifications to SMC Title 17.

D. Amendments to Construction Standards.1. Adoption Process.

Amendments to Construction Standards do not follow the remainder of this section. Instead, they follow City Council's regular legislative process. When a proposal combines modifications to Construction Standards with other proposed amendments to SMC Title 17, the portion pertaining to Construction Standards is not subject to the same approval process but should be clearly identified in public notices.

2. Application of State Code.

Adoption of changes to the Construction Standards is also subject to the following sections of state code:

- a. RCW 43.21C, if any;
- b. RCW 19.27.040; and
- c. RCW 19.27.060.

3. State Building Code Council.

Changes to Construction Standards that apply to single-dwelling or multi-dwelling residential buildings shall be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

AE. Initiation.

Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:

- 1. Property owner(s) or their representatives;
- 2. Any citizen, agency, neighborhood council, or other party; or
- 3. A eCity department, the pPlan eCommission, or the eCity eCouncil.

~~B. Applications.~~

~~Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specified in chapter 8.02 SMC.~~

CE. Application Submittal for Amendment Proposals Initiated by Persons or Entities other than atthe City department, the Plan Commission, or the City Council.1. Applications.

Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specified in SMC 8.02.

12. Docketing.

Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to the threshold review and docketing procedures set forth in ~~chapter SMC~~ 17G.020.025 ~~SMC~~, using the following criteria:

- a. The proposed amendment presents a matter appropriately addressed through an amendment to SMC Title 17 ~~SMC~~; and
- b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
- c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and
- e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
- f. State law required, or a decision of a court or administrative agency has directed such a change.

23. If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application should be placed on the next available plan commission agenda for a workshop.**G. Proposals Initiated by the Plan Commission.**

The Plan Commission may submit a formal recommendation to City Council to include an item on the Annual Comprehensive Plan Amendment Work Program.

DH. Notice of Intent to Adopt and SEPA Review

Proposals to amend SMC Title 17 ~~SMC~~ may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and SEPA checklist are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible. Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC 17G.020.080.

EI. Notice of Public Hearing.

Amendments to SMC Title 17 ~~SMC~~ require a public hearing before the plan commission.

1. Contents of Notice.

A notice of public hearing shall include the following:

- a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
- b. A statement of how the proposal would change the affected provision;
- c. The date, time, and place of the public hearing;
- d. A statement of the availability of the official file; and
- e. Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and

- f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.

2. Distribution of Notice.

The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following the public notice requirements outlined in SMC 17G.061.210, Public Notice – Types of Notice.

~~FJ.~~ Plan Commission Recommendation – Procedure.

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

1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
3. If the plan commission is unable to take either of the actions specified in ~~subsection (E)~~(1) or (2) of this subsection, the proposal will be sent to city council with the notation that the plan commission makes no recommendation.

~~GK.~~ Approval Criteria.

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

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

~~HL.~~ City Council Action.

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

1. Approve the application;
2. Disapprove the application;
3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
4. Refer the proposal back to the plan commission for further consideration.

~~IM.~~ Transmittal to the State of Washington.

At least sixty days prior to final action being taken by the city council, the Washington ~~department-Department~~ of ~~commerce-Commerce~~ ("~~commerceCommerce~~") shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later

than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to ~~commerce~~Commerce.

~~J. Inapplicability to certain chapters.~~

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

Chapter 17G.030 Design Departures

Commentary

Updates to this chapter are proposed for consistency with the changes to Section 17C.119.015 Design Standards Administration and to reflect current practice.

Section 17G.030.010 Purpose

The purpose of this chapter is to coordinate the design review and the land use permit review process for projects seeking a design departure. Whenever a design departure is sought from the design standards of the land use code, the following review procedures are to be followed. Design departures are sought in order to modify or waive a design Requirement (R) or waive a design Presumption (P) contained within the design standards.

[...]

Section 17G.030.030 Review Process

Procedures for the review of design departures vary with the type of proposal being reviewed.

C. Type III Procedure.

The following proposals are processed through a Type III procedure:

1. A permit for a development seeking a design departure, which also requires a discretionary decision of the hearing examiner after a public hearing such as a conditional use permit, zone change, or a variance shall follow the Type III application process.
2. Role of Design Review Board.

The design review board reviews the design departure request and makes a recommendation to the hearing examiner. The review of the design review board may

occur either before or during the public comment period on the underlying permit application.

3. Notice of Application.

The notice for the design departure shall be included as part of the notice required for the discretionary decision permit application.

4. Hearings and Decision.

The hearing examiner considers the recommendation of the design review board regarding the design departure during the public hearing on the permit application. A decision is made on the design departure as a part of the decision on the Type III application. The decision criteria for design departures are provided in [SMC 17G.030.040](#), Decision Criteria.

5. Appeals.

Follows appeal process of the underlying permit application.

B. Type II Procedure.

The following proposals are processed through a Type II procedure:

1. A permit for a development seeking a design departure, which does not require a discretionary decision of the hearing examiner, shall follow the Type II application process.

2. Role of Design Review Board.

The design review board reviews the application and makes a recommendation to the Planning Director. The review of the design review board may occur either before or during the public comment period on the underlying permit application.

3. Role of Staff.

In instances of minimal complexity and cumulative impact, the urban design or planning staff can review and make recommendations on requests for design departures on behalf of the Design Review Board. However, at the discretion of the applicant, any request for design departures can be forwarded for review by the design review board.

4. Notice of Application.

The notice for the design departure shall be included as part of the notice required for the Type II permit application.

5. Hearings and Decisions.

No hearing is required. A decision is made on the design departure as a part of the decision on the Type II application. The decision criteria for a design departure are provided in [SMC 17G.030.040](#).

6. Appeals.

Follows appeal process of the permit application. The decision on a Type II application may be appealed to the hearing examiner.

Section 17G.030.040 Decision Criteria

The decision criteria for a design departure are provided below.

- A. Has the applicant's design team thoroughly examined how the Requirement (R) and/or Presumption (P) could be applied as written?
- B. Does the proposal meet the intent and the general direction set forth by the Requirement (R) and/or Presumption (P) as written?
- C. For a Requirement (R), is the specific change superior in design quality to that potentially achieved by the Requirement as written?
- D. For a Presumption (P) is the specific change equal to or superior in design quality to that potentially achieved by the Presumption as written?
- E. Is the departure necessary to better address aspects of the site or its surroundings?
- F. Is the proposed departure part of an overall, thoughtful and comprehensive approach to the design of the project as a whole?
- G. Has the applicant responded to the optional Considerations (C), if any, found within the design guideline? Including Considerations may assist in gaining acceptance for the plan.

[...]

Chapter 17G.060 Land Use Application Procedures

Commentary

All of 17G.060 Land Use Application Procedures is proposed to be REPEALED, to be replaced by the procedures renumbered and/or modified as found in 17G.061 Land Use Application Procedures.

[Repealed]

Chapter 17G.060T Land Use Application Tables

Commentary

All of 17G.060T Land Use Application Tables is proposed to be REPEALED, to be replaced by the table found in 17G.061.010 Summary of Land Use Application Procedures.

[Repealed]

Chapter 17G.061 Land Use Application Procedures

Commentary

This section is a reorganization of the REPEALED 17G.060 Land Use Procedures. Additional details are provided specific to each section.

Section 17G.061.000 Purpose and Administration

Commentary

This section combines multiple sections from 17G.060 that all relate to the purpose and administration of this chapter.

- A. Purpose.
The purpose of this chapter is to establish standard procedures for the review and processing of land use applications through the establishment of complete application standards, review procedures, notice requirements, hearing processes, decision criteria and appeal procedures for all applications.
- B. Administration.
 - 1. Responsibility for the administration, application and interpretation of these procedures pursuant to this ordinance is as is set forth below.
 - a. 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.
 - b. 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.
 - c. The Planning Director or his designee is responsible for SMC Title 17B and Title 17C and 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.061 SMC, chapter 17G.070 SMC and chapter 17G.080 SMC
 - 2. 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.
- C. Exclusions per RCW 36.70B.140.
 - 1. The following are excluded from the project permit review process, associated time frames, and other provisions of these procedures:
 - a. Landmark designations;
 - b. street vacations;

- c. approvals related to the use of public areas or facilities;
 - d. project permits that, by ordinance or resolution, have been determined to present special circumstances warranting a review process different from that provided in this chapter.
 - e. Lot line or boundary adjustments;
 - f. final short subdivisions;
 - g. final binding site plans;
 - h. final plats; and
 - i. building or other construction permits, or similar administrative approvals categorically exempt from environmental review under RCW 43.21C, or for which environmental review has been completed in conjunction with other project permits and are judged by the director to adequately address the current application.
2. Applications for interior alterations are excluded, provided they do not result in the following:
- a. Additional sleeping quarters or bedrooms;
 - b. Nonconformity with federal emergency management agency substantial improvement thresholds; or
 - c. Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.
- D. Conflicting Ordinances.
If any provision of the ordinance codified in this title or its application to any person or circumstance is held invalid, the remainder of the ordinance codified in this title or the application of its provisions to other persons or circumstances shall not be affected.
- E. Severability.
To the extent there is a conflict between this chapter and other ordinances or resolutions for the City of Spokane regulating project permits, this chapter shall govern.

Section 17G.061.010 Summary of Land Use Application Procedures

Commentary

This section combines separate application procedure tables from 17G.060T into a single table and corrects some entries.

Table 17G.061.010-1 summarizes the applications subject to this chapter. For any application type that is referenced in the land use codes, but not represented in Table 17G.061.010-1, the process shall be as identified in the application most closely associated with the application process definitions in SMC 17G.061.100.

TABLE 17C.061.010-1
SUMMARY OF APPLICATION TYPES AND REQUIREMENTS

	Application Type	Notice of Community Meeting	Notice of Application	Notice of Hearing	Notice Content	Review Official	City Council Review	Expiration of Permit
BUILDING AND CODE ENFORCEMENT								
Building Permit without SEPA	Type I	-	-	-	-	Building Official	-	180 days
Building Permit with SEPA (Commercial/Industrial/Other)	Type I	-	Sign Posted Legal	-	-	Building Official	-	180 days
Demolition Permit without SEPA	Type I	-	- [2]	- [1]	-	Building Official	-	180 days
Demolition Permit with SEPA [2]	Type I	-	Sign Posted Legal Newspaper	- [1]	-	Building Official	-	180 days
Fence Permit	Excluded	-	-	-	-	Building Official	-	180 days
Grading Permit without SEPA	Type I	-	Sign Posted Legal	-	-	Building Official	-	180 days
Grading Permit with SEPA	Type I	-	-	-	-	Building Official	-	180 days
Manufactured Home Permit	Excluded	-	-	-	-	Building Official	-	180 days
Sign Permit	Excluded	-	-	-	-	Building Official	-	180 days

Residential Building Permit	Excluded	-	-	-	-	Building Official	-	180 days
Remodel Permit	Excluded	-	-	-	-	Building Official	-	180 days
ENGINEERING SERVICES								
Address Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Approach Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Design Deviation – Street Design	Excluded	-	-	-	-	Engineering Director	-	180 days
Encroachment Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
LID Formation	Excluded	-	-	-	-	Engineering Director	-	180 days
Obstruction Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Road Closure	Excluded	-	-	-	-	Engineering Director	-	180 days

Sidewalk Permit	Excluded	-	-	-	-	Engine ering Directo r	-	180 days
Stormwater Design Acceptance	Excluded	-	-	-	-	Engine ering Directo r	-	180 days
Street Vacation	Excluded	-	-	-	-	Engine ering Directo r	-	180 days
PLANNING AND ECONOMIC DEVELOPMENT SERVICES								
Accessory Dwelling Unit (ADU)	Excluded	-	-	-	-	Plannin g Directo r	-	180 days
Administrative Exemptions	Excluded	-	-	-	-	Plannin g Directo r	-	180 days
Administrative Interpretations/Dete rminations	Excluded	-	-	-	-	Plannin g Directo r	-	180 days
Binding Site Plan (BSP) – Preliminary	Type II	-	Individual Sign Posted	-	Projec t name Propo sed use Acrea ge # of lots	Plannin g Directo r	-	5 years

Binding Site Plan (BSP) – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Boundary Line Adjustment (BLA)	Excluded	-	-	-	-	Planning Director	-	N/A
Certificate of Compliance (CC) – Hearing Examiner	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	N/A
Certificate of Compliance (CC) – Planning Director	Type II	-	Individual Sign Posted	-	Project name Proposed use	Planning Director	-	N/A
Conditional Use Permit (CUP) – Hearing Examiner	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	3 years
Conditional Use Permit (CUP) – Planning Director [3]	Type II	-	Individual Sign Posted	-	Project name Proposed use	Planning Director	-	3 years
Floodplain Development with SEPA	Type I	Individual Sign Posted	Individual Sign Posted	-	Proposed use	Planning Director	-	180 days

Floodplain Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	3 years
Home Occupation	Excluded	-	-	-	-	Planning Director	-	N/A
Long Plat – Preliminary	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted Newspaper	Project name Proposed use Acreage # of lots	Hearing Examiner	-	5 years
Long Plat – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Planned Unit Development (PUD) – Preliminary	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Acreage # of lots	Hearing Examiner	-	5 years [5]
Planned Unit Development (PUD) – Final	Excluded	-	-	-	-	Planning Director	Yes	N/A

Shoreline Exemption/Determination/Interpretation	Excluded	-	-	-	-	Planning Director	-	Must comply with WAC 173-27-90
Shoreline Substantial Development Permit (SDP)	Type II	Individual Sign Posted	-	-	Project name Proposed use	Planning Director	-	Must comply with WAC 173-27-90
Shoreline Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	Must comply with WAC 173-27-90
Shoreline Conditional Use Permit (CUP)	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	Must comply with WAC 173-27-90
Short Plat – Preliminary with Standard Review and SEPA	Type II	-	Individual Sign Posted	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years
Short Plat – Preliminary with Standard Review and No SEPA	Type II	-	Individual Sign [4] Posted [4]	-	Project name Proposed use Acrea	Planning Director	-	5 years

					ge # of lots			
Short Plat – Preliminary with Minor Review	Type II	-	-	-	-	Plannin g Directo r	-	5 years
Short Plat – Final	Excluded	-	-	-	-	Plannin g Directo r	-	N/A
Skywalk	Type III	Individual Sign Posted	Individual Sign Posted	Indivi dual Sign Poste d	-	Hearin g Examin er	Yes	Up to 25 year agreemen t
Variance	Type III	Individual Sign Posted	Individual Sign Posted	Indivi dual Sign Poste d	Projec t name Propo sed use Propo sed stand ard	Hearin g Examin er	-	3 years
Rezone	Type III	Individual Sign Posted	Individual Sign Posted	Indivi dual Sign Poste d	Projec t name Propo sed use Propo sed zone	Hearin g Examin er	-	3 years

Footnotes

- [1] Public Hearing is required if the structure is on the National Historic Register.
- [2] Applications for demolition permits for the demolition of an entire building or structure shall, in addition to any applicable requirements under chapter 43.21C RCW, be subject to a ten day review and comment period. This review and comment period shall run concurrently with any other applicable notice and comment period. Following receipt of such applications, copies shall be forwarded to the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the building or structure is located, at the address for such neighborhood council designee(s) that is on file with the department. Any comments submitted to the department by the neighborhood council during this review and comment period shall be provided to the applicant prior to issuing the demolition permit.
- [3] Conditional Use Permits required under SMC 17C.110.110, Limited Use Standards for Religious Institutions and Schools, will complete posted/individual notification requirements for a Community Meeting.
- [4] Sign and posted notice not required for 2-4 lots per SMC 17G.080.040(D)
- [5] If a PUD is approved together with a preliminary plat, the expiration date for the PUD shall be the same as the expiration date of the preliminary plat.

Section 17G.061.100 Application Types**Commentary**

This section proposes definitions for Type I/II/III applications, which are not provided anywhere in the current code.

- A. Purpose.
Applications are consolidated into application types to simplify the permitting process for applicants and ensure appropriate opportunity for public comment on proposals.
- B. Excluded Application.
Excluded applications are not subject to the requirements of this chapter. Exclusions are listed in SMC 17G.061.000(C).
- A. Type I Application.
 - 1. A Type I application is subject to administrative approval.
 - 2. A Type I application must be categorically exempt from environmental review under RCW 43.21C (SEPA) and SMC 17E.050.
 - 2. Type I applications do not require a public hearing.
- B. Type II Application.
 - 1. A Type II application is subject to administrative approval by a department director.
 - 2. A Type II application may or may not be categorically exempt from RCW 43.21C (SEPA) and SMC 17E.050.

3. Type II applications do not require a public hearing.
- C. Type III Application.
 1. A Type III application is subject to a quasi-judicial decision of the Hearing Examiner.
 2. A Type III application may or may not be categorically exempt from RCW 43.21C (SEPA) and SMC 17E.050.
 3. Type III applications require a public hearing before the Hearing Examiner.

Section 17G.061.110 Application Requirements

Commentary

This section combines 17G.060.040 and 17G.060.070 into a single section and renames the position for Planning Director. It also incorporates the requirements for a community meeting from 17G.060.050.

- A. Predevelopment Meeting.
 1. Purpose.
Predevelopment meetings are not intended to be an exhaustive review of all regulations or potential issues for a given application. Predevelopment meetings have two purposes:
 - a. acquaint City staff and other agencies with a proposed development and to generally advise the applicant of applicable regulations, design guidelines and design review processes, and policies impacting the proposal; and
 - b. acquaint the applicant with the applicable provisions of these procedures, minimum submission requirements and other plans or regulations which may impact the proposal.
 2. The City may, when applicable, apply additional relevant laws to the application subsequent to a predevelopment meeting.
 3. Predevelopment meetings are required for any development proposal in the central business district. The Planning Director or Building Official, as appropriate, may waive this requirement.
 4. Predevelopment meetings are recommended for Type II and III applications, and Type I project permit applications in the centers and corridors (CC) zones.
- B. Community Meeting.
All Type III applications and Type II applications where indicated in Table 17G.061.010-1 are required to hold a community meeting regarding the proposed application. The applicant or their representative shall conduct the community meeting.
 1. Timing.
The meeting shall occur no more than one hundred twenty days prior to application and before the application is accepted by the City.
 2. Notice.
Notice for the community meeting shall be posted fourteen days prior to the meeting. Public notice of a community meeting shall be provided as required in SMC 17G.061.210.
 3. Combining with Traffic Study.

When a traffic study is required as a part of an application, the scoping meeting for a traffic study may be combined with the community meeting.

4. Meeting Summary.

The applicant shall provide a summary of the meeting at the time of submission of the application. Other attendees of the community meeting may also submit a summary of the meeting issues to the decision-maker. The meeting summary shall consist of the following:

- a. A digital recording of the meeting proceedings; and
- b. List of attendees; and
- c. A copy of the notice of community meeting; and
- d. Affidavits of posting/mailing the notice.

C. General Requirements.

Applications shall include the following:

1. Predevelopment meeting summary, if required under subsection (A).
2. Filing fees as required under SMC 8.02.
3. Application documents supplied by the City, including but not limited to:
 - a. General application form;
 - b. Supplemental application form;
 - c. Environmental checklist, if required under SMC 17E.050;
4. A site plan drawn to scale showing:
 - a. Property dimensions;
 - b. location and dimensions of all existing and proposed physical improvements;
 - c. location and type of landscaping;
 - d. walkways and pedestrian areas;
 - e. off-street parking areas and access drives;
 - f. refuse facilities; and
 - g. significant natural features, such as slopes, trees, rock outcrops, and critical areas.
5. Required copies of documents, plans, or maps (as set forth in the application checklist).
6. Written narrative identifying consistency with the applicable policies, regulations, and criteria for approval of the permit requested.
7. 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.
8. Additional application information as requested by the permitting department, which may include, but is not limited to, the following:
 - a. geotechnical studies;
 - b. hydrologic studies;
 - c. critical area studies;
 - d. noise studies;
 - e. air quality studies;
 - f. visual analysis; and
 - g. transportation impact studies.

D. Additional Requirements.

The following Type II and III applications shall meet these requirements in addition to the provisions of subsection (B) 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 title 17C SMC 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.
 - e. Acceptance of the final design review recommendations.

- f. Location and design of all wayfinding signage to be placed to ensure public access.
- 7. Floodplain – Floodplain Development Permit and Variance.
As provided in chapter 17E.030 SMC.

Section 17G.061.120 Determination of a Complete Application

Commentary

This section combines 17G.060.090 and 17G.060.100 into a single section.

- A. Determination of Completeness.
Within twenty-eight days of receiving a project permit application, the department shall determine if the application is complete (RCW 36.70B.070).
- B. Procedures for Determination of Completeness.
The following steps outline the process for the department to determine that an application is complete.
 - 1. Counter Complete.
The department shall conduct a preliminary, immediate review to determine if the application contains the documents and information required by SMC 17G.060.070. If the department determines the application does not contain the required documents and information, the application including fees shall be returned to the applicant.
 - 2. Component Screening.
If the application appears to contain required documents, the department shall accept the application and within seven days, conduct a detailed review and determine if any additional information is necessary to process the application. If the department determines the application is missing required components, or is inadequate in other ways, the application including any fees shall be returned to the applicant.
 - 3. Review by Interested Agencies.
If the application, after the detailed review, is found to contain the required components and supporting documents, the application and supporting documents shall be forwarded to (i) interested City departments, (ii) agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application, and (iii) the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the project is located and to any neighborhood council whose geographic boundaries are located within a 600-foot radius of the project, at the address for such departments, agencies, and neighborhood council designee(s) on file with the department, for review to ensure compliance with state laws, ordinances and concurrency requirements. Interested departments, agencies, and the neighborhood council shall be given fourteen days to provide comments on a permit application. All written comments will be forwarded to the applicant at the end of the fourteen day comment period. Comments submitted after the fourteen day comment period will be forwarded to the applicant, subject to RCW 36.70B.070.
 - a. If review agencies require additional information to continue processing the application, the applicant shall be notified in writing.

- b. Required information must be provided within sixty days from the notification by the department. The applicant may submit a written request for additional time to the director; any time extensions shall be in writing. If the information is not received within the sixty days (or as otherwise agreed to), the application and a portion of the fees shall be returned to the applicant, pursuant to chapter 8.02 SMC.
 - c. Within fourteen days of the submission of the additional information identified by the review agency, the department shall notify the applicant whether the studies are adequate or what additional information is necessary.
 - d. If the neighborhood council submits written comments on an application, the department shall provide a written response to the chairperson, with copy to the applicant, no later than the date on which the application is certified complete pursuant to paragraph D herein below.
- 4. Application Certified Complete.
Within seven days of the expiration of the interested agency comment period, if no additional information was required, or the information required under subsection (3) is acceptable, the department shall certify the application complete. Applications requiring review by the hearing examiner are forwarded to the hearing examiner upon being certified as complete.
- 5. Notice of Application.
Within fourteen days of the issuance of a determination of a complete application, a notice of application shall be provided for Type I, II and III project permit applications in accordance with this section (RCW 36.70B.110.2), except that notice of application is not required for short subdivision applications involving minor engineering review as defined in SMC 17G.080.040(C)(2). The notice of application shall follow the public notice requirements contained in SMC 17G.061.210. The notice of application may be combined with the notice of public hearing, if a hearing has been scheduled by notice of application. The date, time, place and type of hearing, SEPA determination and SEPA appeal deadline (using the optional DNS process) are required to be added to the notice of application if this provision is used (RCW 36.70B.110(2)(f)).
- 6. Vesting.
Applications shall be considered vested at the time the application is certified complete, the vesting date shall be the date of application submission. If the application is not complete when filed or information is not timely provided as set forth in subsection (2) or (3), the application shall not be considered complete for purposes of vesting or other statutory compliance dates.

Section 17G.061.130 Application Time Limits

Commentary

This section is renumbered from 17G.060.080.

- A. A decision on permit applications subject to this chapter shall be made within one hundred twenty days of submission of a complete application as set forth in SMC 17G.061.130.
- B. The following shall be excluded when calculating this time period:

1. Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional required information due to the applicant's inaccurate or insufficient information.
2. Any period during which an environmental impact statement is being prepared.
3. Any period for administrative appeals of land use permits.
4. Any extension for any reasonable period mutually agreed upon in writing between the applicant and the department (RCW 36.70B.080(1)).
5. If the permit requires approval of a new fully contained community as provided in RCW 36.70A.350, or a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200.

Section 17G.061.140 Expiration of Application

Commentary

This section is renumbered from 17G.060.220

- A. Any application which has been determined to be counter complete, and for which the applicant fails to complete the next application step for a period of one hundred eighty days after issuance of the determination of completeness, or for a period of one hundred eighty days after the City of Spokane has requested additional information or studies, will expire by limitation and become null and void. The department may grant a one-hundred-eighty-day extension on a one-time basis per application. In no event shall an application be pending for more than three hundred sixty days from the date the application is deemed counter complete; provided, once an applicant provides notice of application pursuant to SMC 17G.061.120, the application shall no longer be considered pending for purposes of this time limitation. For purposes of this section, all time during which the City is reviewing materials submitted by an applicant will be excluded. This subsection shall apply to applications regardless whether the applications were submitted prior to the effective date of this section, as amended.
- B. Applications which have been certified complete by the effective date of the ordinance codified in this title shall have one hundred twenty days to complete the project review, receive a decision, and complete any appeal provisions of this chapter. The department will notify any applicants in writing that are subject to this provision within thirty days of the effective date of the ordinance codified in this title.

Section 17G.061.150 Modification of Applications and Permits

Commentary

This section renames the position for Planning Director and includes relevant language from 17G.060.230 and 17G.060.245.

- A. Modification of Complete Application.
 1. Proposed modifications to an application, which the department has previously found to be complete, will be treated as follows:
 - a. Modifications proposed by the department to an application shall not be considered a new application.

- b. If the applicant proposes substantial modifications to an application, as determined by the department, the application may be considered a new application. The new application shall conform to the requirements of all statutes and ordinances in effect at the time the new application is submitted. A substantial modification may include but is not limited to the following:
 - i. change in use;
 - ii. increase in density;
 - iii. increase in site area; or
 - iv. changes that increase or significantly modify the traffic pattern for the proposed development.
- B. Limitations on Refiling of Application.
 - 1. Applications for a land use permit pursuant to Title 17 SMC on a specific site shall not be accepted if a similar permit has been denied on the site within the twelve months prior to the date of submittal of the application. The date of denial shall be considered the date the decision was made on an appeal, if an appeal was filed or the date of the original decision if no appeal was filed.
 - 2. The twelve-month time period may be waived or modified if the director finds that special circumstances warrant earlier reapplication. The director shall consider the following in determining whether an application for permit is similar to, or substantially the same as, a previously denied application:
 - a. An application for a permit shall be deemed similar if the proposed use of the property is the same, or substantially the same, as that which was considered and disallowed in the earlier decision.
 - b. An application for a permit shall be deemed similar if the proposed application form and site plan (i.e., building layout, lot configuration, dimensions) are the same, or substantially the same, as that which was considered and disallowed in the earlier decision; and
 - c. An application for a variance, exception, or waiver shall be deemed similar if the special circumstances which the applicant alleges as a basis for the request are the same, or substantially the same, as those considered and rejected in the earlier decision. In every instance, the burden of proving that an application is not similar shall be upon the applicant.
- C. Modifications or Revisions to Shoreline Permits.
 - 1. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the shoreline master program and/or the policies and provisions of chapter 90.58 RCW.
 - 2. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the director shall request from the applicant detailed plans and text describing the proposed changes in the permit.
 - 3. If the director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2) and are consistent with the shoreline master program and the Shoreline Management Act, the director may approve a revision.
 - 4. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.

5. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with WAC 173-27 and which would not require a permit for the development or change proposed under the terms of the Shoreline Management Act, this section and the shoreline master program. If the proposed change constitutes substantial development then a new permit is required. This shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
 6. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or WAC 173-27-100 violate the provisions that they are "within the scope and intent of the original permit," the director shall require that the applicant apply for a new permit.
 7. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department of ecology. In addition, the director shall notify parties of record of their action.
 8. If the revision to the original permit was a conditional use or variance, which was conditioned by the department of ecology, the director shall submit the revision to the department of ecology for its approval, approval with conditions, or denial, indicating that the revision is being submitted under the requirements of this section. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the department of ecology's receipt of the submittal from the director. The director shall notify parties of record of the department of ecology's final decision.
 9. The revised permit is effective immediately upon final decision by the director, or when reviewed by the department of ecology, pursuant to subsection (7), then upon final action by the department of ecology.
 10. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the shorelines hearings board within twenty-one days from the date of receipt of the revision approved by the director, or when appropriate under subsection (7), the date ecology's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.
- D. Modification to a Building Permit Subject to a Type II or III Approval.
- In issuing building permits for construction under an approved site plan, the building official may, with concurrence of the Planning Director, permit minor adjustments of the location and/or dimensions of buildings, parking areas, and roadways as long as such adjustments do not change any points of ingress or egress to the site unless approved by the director of engineering services, change any perimeter setbacks, or exceed the density authorized in the permit. No modification of an approved application may be considered approved unless specifically provided in writing.
1. The Planning Director may, without public notice, modify an approved site plan, if all the following criteria are met:
 - a. The use will remain the same.

- b. The total site coverage or total area covered by buildings will not increase.
 - c. The use will continue to comply with all conditions of approval imposed by the original decision.
 - d. The use will comply with all of the requirements of the land use regulations applicable to it and the property on which it is or will be located.
 - 2. Any modification of an approved site plan not consistent with the standards of subsection (B)(1) of this section may be approved only pursuant to the procedures for granting the original Type II or III approval.
- E. Modification of Shoreline Permit.
 - 1. Rescission and Remanding of Shoreline Permit.
 - a. After providing notice to the permittee and the public and also holding a public meeting, the Planning Director may rescind or suspend a permit if any of the conditions in RCW 90.58.140(8) exist.
 - b. Under the conditions listed in RCW 90.58.180, shoreline permits may be remanded back to the City by the Shorelines Hearings Board.
 - 2. Other Modification of Shoreline Permit.
 - a. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the shoreline master program and/or the policies and provisions of chapter 90.58 RCW.
 - b. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the director shall request from the applicant detailed plans and text describing the proposed changes in the permit.
 - c. If the director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2) and are consistent with the shoreline master program and the Shoreline Management Act, the director may approve a revision.
 - d. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.
 - e. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with WAC 173-27 and which would not require a permit for the development or change proposed under the terms of the Shoreline Management Act, this section and the shoreline master program. If the proposed change constitutes substantial development then a new permit is required. This shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
 - f. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or WAC 173-27-100 violate the provisions that they are "within the scope and intent of the original permit," the director shall require that the applicant apply for a new permit.
 - g. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the

- authorized changes, and the final ruling on consistency with this section shall be filed with the department of ecology. In addition, the director shall notify parties of record of their action.
- h. If the revision to the original permit was a conditional use or variance, which was conditioned by the department of ecology, the director shall submit the revision to the department of ecology for its approval, approval with conditions, or denial, indicating that the revision is being submitted under the requirements of this section. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the department of ecology's receipt of the submittal from the director. The director shall notify parties of record of the department of ecology's final decision.
 - i. The revised permit is effective immediately upon final decision by the director, or when reviewed by the department of ecology, pursuant to subsection (7), then upon final action by the department of ecology.
 - j. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the shorelines hearings board within twenty-one days from the date of receipt of the revision approved by the director, or when appropriate under subsection (7), the date ecology's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

Section 17G.061.210 Public Notice

Commentary

This section combines 17G.060.110 Public Notice – General, 17G.060.120 Public Notice – Types of Notice, and 17G.060.180 Removal of Public Notice. It also adds a purpose statement, clarifies the difference between “sign” and “posted” notice, and renames the position for Planning Director.

- A. Purpose.
Public notice informs interested parties of the application at proper stages of the approval process and ensures opportunity for appropriate comment. Notice occurs through various means depending on the type of application and proposed action.
- B. General.
 - 1. The types of notice for various categories of permit applications and actions are listed in Table 17G.061.010-1. The specified types of notice are used for community meetings, notice of application, notice of public hearing, notice of decision, and notice of appeals, as applicable.
 - 2. It is the responsibility of the applicant to provide public notice and file a statutory declaration as evidence of compliance.
- C. Types of Notice.
 - 1. Individual Notice.

Individual notice is given in writing by regular U.S. mail or by personal service. Notice shall be given to the following parties:

- a. All owners and taxpayers of record, as shown by the most recent Spokane County assessor's record, and occupants of addresses of property located within a four-hundred-foot radius of any portion of the boundary of the subject property, including any property that is contiguous and under the same or common ownership and control (RCW 36.70B.040(2)). The department may expand the mailing to include areas adjacent to the access easements and areas on the opposite side of rights-of-way, rivers and other physical features;
 - b. Any person who has made a written request to receive such notice, including any registered neighborhood organization as defined in chapter 17A.020 SMC representing the surrounding area;
 - c. Any agency with jurisdiction identified by the director.
 - d. The individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the project is located, at the address for such neighborhood council designee(s) that is on file with the City's department of neighborhood services.
2. Sign Notice.
Sign notice is given by installation of a sign on the site of the proposal adjacent to the most heavily traveled public street and located so as to be readable by the public. The director may require more than one sign if the site fronts on more than one arterial or contains more than three hundred feet of frontage on any street.
- a. The notice sign must meet the following specifications:
 - i. It measures a minimum of four feet by four feet, but sign size may be increased in order to contain all of the required information.
 - ii. It is constructed of material of sufficient weight and strength to withstand normal weather conditions.
 - iii. It is white with red lettering.
3. Posted Notice.
Posting of the notice as a letter, identical in form and content to individual written notice, shall be posted at "official public notice posting locations," including:
- a. The main City public library and the branch library within or nearest to the area subject to the pending action;
 - b. The space in City Hall officially designated for posting notices; and
 - c. Any other public building or space that the city council formally designates as an official public notice posting location, including electronic locations.
4. Newspaper Notice.
Newspaper notice is published in a legal newspaper of general circulation. The contents of the newspaper notice are as prescribed in subsection (D) of this section. Newspaper notices are published on the same day of two consecutive weeks, the first no later than the number of days specified for the particular application type specified in this chapter.
5. Other Notice.
The hearing examiner, with respect to permit applications for non-site specific issues, such as essential public facilities, may require or provide for such alternative or additional notice as deemed necessary and appropriate to serve the public interest. A notification plan may be required of the applicant by the hearing examiner indicating

the form and time of notice appropriate to the scope and complexity of the proposed project.

D. Contents of Notice.

1. Individual, Newspaper, and Posted Notice.

The following information shall be included:

- a. All application types:
 - i. Location of the property sufficient to clearly locate the site.
 - ii. Description of the proposed action and required permits.
 - iii. Name, address, and office telephone number of the City official from whom additional information may be obtained.
 - iv. Applicant name and telephone number.
 - v. Statement that any person may submit written comments and appear at the public hearing, if applicable.
 - vi. A statement that comments will be received on environmental issues, any environmental documents related to the proposed action, the SEPA status, and the appeal deadline for SEPA.
 - vii. A statement that written comments and oral testimony at a hearing will be made a part of the record, if applicable.
 - viii. A statement, in bold type, that only the applicant, persons submitting written comments, and persons testifying at a hearing may appeal the decision.
 - ix. Date and time by which any written comments must be received on the notice of application; and
 - x. Date of the application and date of the notice of complete application.
- b. An application requiring a community meeting shall also include a notice of community meeting with the date, time, and place of the meeting.
- c. An application requiring a public hearing shall also include a notice of public hearing with the date, time, and place of the hearing.

2. Sign Notice.

Sign notices must contain the following information:

- a. The first line of text on the sign in four-inch letters reads: "NOTICE OF COMMUNITY MEETING" or the applicable notice type.
- b. The second line of text on the sign in three-inch letters reads: "PROPOSED CONDITIONAL USE PERMIT, File #Z----- -CUP" or some other appropriate description of the proposed action.
- c. The third line of text on the sign in three-inch letters reads: "COMMUNITY MEETING ON/PUBLIC HEARING ON/COMMENTS DUE BY (date, time, and location)."
- d. The subsequent line(s) of text, in three-inch letters, contain additional details as indicated for the project type in Table 17G.061.010-1.
- e. The applicant (or agent) name and phone number, the SEPA status, and the deadline for appeal of the SEPA determination.
- f. The last line of text on the sign in three-inch letters reads: "FOR INFORMATION: (City contact telephone number and web page address where additional project information may be found)."
- g. The following figures illustrate posted notice signs:

Example "A"

NOTICE OF PUBLIC HEARING
 PROPOSED ZONE CHANGE, FILE #Z2003-01-ZC
 PUBLIC HEARING ON : 1/1/2004 AT 9:00 A.M.
 LOCATED: COUNCIL BRIEFING RM., CITY HALL
 Proposed Zone: C1
 Proposed Use: Warehouse
 Applicant/Agent: John Doe, Phone (509) 999-0001
 SEPA: DNS, appeal deadline 12/24/03
 FOR INFORMATION: (509) 625-6300 <https://my.spokanecity.org/projects/example/>

Example "B"

NOTICE OF SEPA/APPLICATION
 BUILDING PERMIT, FILE #B0300001
 PUBLIC COMMENT DUE : 1/1/2004 AT 9:00 A.M.
 LOCATED: COUNCIL BRIEFING RM., CITY HALL
 Proposed Use: Commercial
 Applicant/Agent: John Doe, Phone (509) 999-0001
 SEPA: DNS, appeal deadline 12/24/03
 FOR INFORMATION: (509) 625-6300 <https://my.spokanecity.org/projects/example/>

E. Removal of Public Notice.

1. Posted notices shall be removed within seven days after the close of the public hearing or by the due date of the decision on a ministerial permit.
2. If a posted notice remains on a site more than fourteen days after the time limitation stated above, the City shall remove and dispose of the sign and charge the applicant or other person responsible for the notice.

Section 17G.061.220 Public Comment Period**Commentary**

This section is renumbered from 17G.060.130.

- A. The public comment period for Type I, II, and III applications is fifteen days, except short subdivision applications with minor engineering review as provided in SMC 17G.080.040(C)(2) shall have no public comment period.
- B. The public comment period for a shoreline substantial development permit, shoreline conditional use, or shoreline variance shall be thirty days.
- C. The public comment period for a shoreline substantial development permit for limited utility extensions and bulkheads shall be twenty days (WAC 173-27-120).
- D. In case of conflicting time periods, the longest public comment period shall prevail.

Section 17G.061.230 Public Hearing

Commentary

This section combines 17G.060.150 and 17G.060.160.

- A. Notice of Public Hearing.
1. A notice of public hearing is required for Type III applications. At the close of the public comment period initiated by the notice of application, the director consults with the hearing examiner regarding a date and time for the public hearing. No less than fifteen days prior to the public hearing, the director causes the notice of public hearing to be provided, unless notice of public hearing has been provided with the notice of application pursuant to SMC 17G.061.120(B)(5). The notice shall contain the information required under SMC 17G.061.210 and Table 17G.061.010-1.
 2. The director makes a written report regarding the application to the hearing examiner. The report of the director is filed with the hearing examiner ten days prior to the scheduled public hearing and copies are mailed to the applicant and applicant's representative. Copies of the report are made available to any interested person for the cost of reproduction. If a report is not made available as provided in this subsection, the hearing examiner may reschedule or continue the hearing, or make a decision without regard to any report.
 3. The written report of the director contains a description of the proposal, a summary of the comprehensive plan policies and provisions, a summary of the applicable provisions of the land use codes, the environmental threshold determination, findings and conclusions relating to the proposal to the prescribed decision criteria and a recommendation.

Section 17G.061.240 SEPA Threshold Determination

Commentary

This section is renumbered from 17G.060.140.

All permit applications are subject to environmental review pursuant to SMC 17E.050.070 and 17E.050.230. An environmental checklist, along with any supplemental documents needed to fully disclose potential environmental impacts and measures to mitigate those impacts, is submitted as part of the application, if applicable. Review of those environmental documents is conducted concurrent with the other application material.

- A. DNS Process for Type I, II and III Permit Applications.
1. The administrative official makes a SEPA threshold decision within ten days of the end of the public comment period initiated by the notice of application.
 2. For Type I and II permit applications, the administrative official may issue the permit decision and the SEPA threshold determination simultaneously. However, the department shall not

issue a decision on the permit application for fourteen days after the issuance of a determination of nonsignificance (DNS) if the proposal involves:

- a. another agency with jurisdiction;
 - b. demolition of any structure or facility not exempted by SMC 17E.050.070;
 - c. issuance of clearing or grading permits not exempted by SMC 17E.050.070; or
 - d. a mitigated DNS or determination of significance (DS).
3. The public notice of the DNS shall be integrated with the notice requirements of the underlying project permit application, as prescribed in SMC 17G.061.210.
 4. The issuance of a DNS shall follow the process under WAC 197-11-340 and for a mitigated DNS under WAC 197-11-350.
- B. Optional DNS process for Type I, II or III permit applications may be used with the following requirements if the administrative official has a reasonable basis for determining that significant adverse impacts are unlikely as a result of the project:
1. A single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal may be used. The time limits of this subsection (B) do not apply when the optional DNS process is utilized for SEPA.
 2. Provide notice of application as prescribed in SMC 17G.060.120 as set forth for the underlying project permit application. The notice shall include the following:
 - a. The notice of application shall state that the responsible official expects to issue a DNS for the proposal, and that:
 - i. the optional DNS process is being used;
 - ii. this may be the only opportunity to comment on the environmental impacts of the proposal;
 - iii. the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
 - iv. a copy of the subsequent threshold determination for the specific proposal may be obtained upon request.
 3. List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected.
 4. Send the notice of application and environmental checklist to:

- a. agencies with jurisdiction, the department of ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
- b. anyone requesting a copy of the environmental checklist for the specific proposal.

Section 17G.061.310 Decision Criteria

Commentary

This section is renumbered from 17G.060.170. The proposal adds references to new rezone criteria in 17G.061.315, clarifies that the rezone process includes height changes, and moves decision criteria for subdivisions to 17G.080.025.

- A. The purpose of the following sections is to establish the decision criteria for all permit types regardless of whether the decision is made by the director, hearing examiner, or city council, as applicable.
- B. The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.
- C. The following decision criteria shall be used for Type II and III permit applications, with the exception of plats, short plats, and binding site plans, which have separate decision criteria provided in 17G.080.025:
 - 1. The proposal is allowed under the provisions of the land use codes.
 - 2. The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.
 - 3. The proposal meets the concurrency requirements of chapter 17D.010 SMC.
 - 4. If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic, or cultural features.
 - 5. The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.
- D. The following Type II and III applications have decision criteria listed in this subsection that are required to be met in addition to the provisions of subsection I of this section:
 - 1. Shoreline Substantial Development Permit.
 - a. Consistency with the map, goals, and policies of the shoreline master program; and
 - b. Consistency with chapter 90.58 RCW (Shoreline Management Act) and chapter 173-27 WAC (Permits for Development on Shorelines of the State).
 - 2. Shoreline Conditional Use Permit.

The purpose of a shoreline conditional use permit is to provide a system within the shoreline master program which allows flexibility in the application of use regulations

in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the shoreline master program.

- a. Uses classified or set forth in these shoreline regulations in Table 17E.060-4 as conditional uses, as well as unlisted uses, may be authorized provided the applicant can demonstrate all of the following:
 - i. The proposed use is consistent with the policies of RCW 90.58.020 and the shoreline master program.
 - ii. The proposed use will not unreasonably interfere with the normal public use of public shorelines.
 - iii. The cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program.
 - iv. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the shoreline master program.
 - v. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located, and the public interest in enjoying physical and visual access suffers no substantial detrimental effect.
 - b. Consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were to be granted for other developments in the area where similar circumstances exist, the total of the conditional and shall not produce substantial adverse effects to the shoreline environment.
 - c. Other uses which are not classified or set forth in the shoreline master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the shoreline master program.
 - d. Uses which are specifically prohibited by the shoreline master program shall not be authorized by conditional use.
3. Shoreline Variance Permit.
- The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in shoreline master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the shoreline master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances exist and demonstrate that the public interest in enjoying physical and visual access to the shorelines shall suffer no substantial detrimental effect.
 - b. Variance permits for development and/or uses that will be located landward of the ordinary high-water mark, as defined in RCW 90.58.030(2)(b), and/or

landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

- i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program regulations precludes, or significantly interferes with, reasonable use of the property.
- ii. That the hardship described in (i) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the shoreline master program regulations, and not, for example, from deed restrictions or the applicant's own actions.
- iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP regulations and will not cause adverse impacts to the shoreline environment.
- iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
- iv. That the variance requested is the minimum necessary to afford relief.
- vi. That the public interest in enjoying physical and visual access to the shorelines will suffer no substantial detrimental effect.
- c. Variance permits for development and/or uses that will be located waterward of the ordinary high-water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program precludes all reasonable use of the property.
 - ii. That the proposal is consistent with the criteria established under WAC 173-27-170(2)(b) through (f); and
 - iii. That the public rights of navigation and use of the shorelines will not be adversely affected.
- d. In the granting of variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were to be granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- e. Variances from the use regulations of the shoreline master program are prohibited.
4. PUD and Plans-in-lieu.

All of the following criteria are met:

 - a. Compliance with All Applicable Standards.
The proposed development and uses comply with all applicable standards of the title, except where adjustments are being approved as part of the concept plan application, pursuant to the provisions of SMC 17G.070.200(F)(2).
 - b. Architectural and Site Design.

The proposed development demonstrates the use of innovative, aesthetic, and energy-efficient architectural and site design.

- c. **Transportation System Capacity.**
There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.
- d. **Availability of Public Services.**
There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and stormwater disposal to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.
- e. **Protection of Designated Resources.**
City-designated resources such as historic landmarks, view sheds, street trees, urban forests, critical areas, or agricultural lands are protected in compliance with the standards in this and other titles of the Spokane Municipal Code.
- f. **Compatibility with Adjacent Uses.**
The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned unit development and adjacent uses. There shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features, or other techniques.
- g. **Mitigation of Off-site Impacts.**
All potential off-site impacts including litter, noise, shading, glare, and traffic will be identified and mitigated to the extent practicable.

~~5. **Plat, Short Plat, and Binding Site Plan.**~~

~~The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for:~~

- ~~a. public health, safety and welfare;~~
- ~~b. open spaces;~~
- ~~c. drainage ways;~~
- ~~d. streets, roads, alleys, and other public ways;~~
- ~~e. transit stops;~~
- ~~f. potable water supplies;~~
- ~~g. sanitary wastes;~~
- ~~h. parks, recreation, and playgrounds;~~
- ~~i. schools and school grounds; and~~
- ~~j. sidewalks, pathways, and other features that assure safe walking conditions.~~

~~5. **Rezones.**~~

~~Additional decision criteria for rezones, including modifications to maximum building height within land use plan map designations are enumerated in SMC 17G.061.315 **Rezone Decision Criteria.**~~

- E. The following Type II and III applications are not subject to subsections I and (D) of this section; they shall comply with the following decision criteria:
 - 1. **Variance.**
 - a. A variance or modification of the standard or requirement is not prohibited by the land use codes.

- b. No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome.
 - c. Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere economic hardship or self-created hardship are not considered for the purposes of this section.
 - i. The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements or uses located on the land do not allow such development; or
 - ii. Compliance with the requirement or standard would eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance.
 - d. In addition, the following objectives shall be reasonably satisfied:
 - i. Surrounding properties will not suffer significant adverse effects.
 - ii. The appearance of the property or use will not be inconsistent with the development patterns of the surrounding property; and
 - iii. The ability to develop the property in compliance with other standards will not be adversely affected.
 - e. No variance may be granted to allow or establish a use that is not allowed in the underlying districts as a permitted use; or to modify or vary a standard or requirement of an overlay zone, unless specific provision allow a variance.
 - f. Floodplain variance is subject the additional criteria of SMC 17E.030.090 and SMC 17E.030.100.
2. Certificate of Compliance.
- a. Written documentation establishes that all necessary permits were issued and inspections conducted, or the current owner of the property is not the same party responsible for the creation of the violation, but is an innocent purchaser for value.
 - b. Approval of the certificate of compliance is necessary to relieve the applicant of a substantial practical or economic hardship; and
 - c. Approval of the certificate of compliance will not adversely affect the neighboring property or the area.
3. Skywalk Permit and Air Rights Use Permit.
- a. The proposed skywalk or air rights use is consistent with the comprehensive plan.
 - b. The proposed air rights use conforms to the standards contained in SMC 12.02 Article III and the skywalk conforms to the standards contained in SMC 17C.255.500 through SMC 17C.255.530, unless the design review board has approved design deviations.
 - c. The proposed skywalk or air rights use conforms to the standards contained in the development codes.
 - d. The City is compensated for the fair market value of public air space used for any activity other than public pedestrian circulation.
 - e. An agreement, satisfactory to the city attorney, indemnifies and holds the City harmless against all loss or liability, and the applicant obtained approved

public liability insurance, naming the City as an additional named insured, with combined limits of five hundred thousand dollars.

Section 17G.061.315 Rezone Decision Criteria

Commentary

This section is entirely new and creates and clarifies decision criteria for rezone decisions.

The Comprehensive Plan envisions the potential for more than one zoning category to be applicable within some Land Use Plan Map designations, subject to contextual factors.

These criteria are additive to the applicable criteria in SMC 17G.061.310 Decision Criteria.

A. Purpose

The purpose of this section is to describe the criteria to be used for applications to assign a zone and height limit to a property based on its Land Use Plan Map designation and other contextual factors.

B. Applicability

These criteria apply to rezones, including modifications to maximum building height, within specific Land Use Plan Map designations. If no specific criteria are provided for a given zone or a given Land Use Plan Map designation within this section, the rezone shall not be approved under this section. Applicants should instead seek a modification to the Official Zoning Map through the means described in subsection (C) of this section.

C. Failure to Obtain Approval

An applicant who fails to obtain approval under these criteria and who wishes to further pursue a potential rezone should refer to the procedures outlined in SMC 17G.020 Comprehensive Plan Amendment Procedure and SMC 17G.025 Unified Development Code Amendment Procedure. Failure to obtain approval under this section does not disqualify an applicant from pursuing an amendment under SMC 17G.020 or SMC 17G.025.

D. Implementing Zones

Each Land Use Plan Map designation is associated with implementing zones which may be compatible with a Land Use Plan Map designation. Where identified, a primary implementing zone is presumed to be an appropriate zone within a Land Use Plan Map designation. Properties may seek a rezone to a different zoning classification or maximum building height subject to the criteria of this section. Table 17G.061.315-1 identifies the implementing zones for each Land Use Plan Map designation.

TABLE 17G.061.315-1 IMPLEMENTING ZONES FOR LAND USE PLAN MAP DESIGNATIONS	
Land Use Plan Map Designation	Implementing Zone
Agriculture	RA
Residential Low	R1, R2
Residential Plus	R2, RMF
Residential Medium	RMF, RHD
Residential High	RHD
Office	O, OR
General Commercial	CB, GC

E. ~~Rezone Criteria~~

~~The following criteria should be considered in applying a zoning category to a property. The criteria relate to goals and policies of the Comprehensive Plan which state a preference for a greater concentration of households and activity near key services and amenities.~~

- ~~1. Nearness to a transit stop: Transit service is compatible with higher intensity residential zones.~~
- ~~2. Nearness to a public park or designated open space: Parks and open space provide opportunities for recreation for residents living in higher intensity residential development.~~
- ~~3. Relationship to the arterial street network: Arterial roads provide easy access to goods, services, and employment opportunities and are consistent with higher intensity development patterns.~~
- ~~4. Nearness to a public school: Public schools provide important opportunities for education and other community services. Higher intensity development near schools gives more children and families opportunities to walk to school locations.~~
- ~~5. Nearness to property with a commercial use: Commercial uses provide important opportunities for residents to meet daily needs, and commercial businesses benefit from having many residents nearby.~~
- ~~6. Nearness to a designated Center & Corridor: Centers & Corridors are areas where significant growth is expected and encouraged. Higher intensity residential uses can support the Center & Corridor model and create a transition to lower intensity residential areas.~~

F. ~~Application of Criteria in the Residential Low Designation.~~

- ~~1. Primary Implementing Zone.
The R1 zone is the primary implementing zone for this Land Use Plan Map designation.~~
- ~~2. Criteria for R2 Zone.
Any two of the following conditions shall be considered sufficient for application of the R2 zone:
 - ~~a. Frontage on a minor or major arterial; or~~
 - ~~b. Transit stop within one thousand (1,000) feet; or~~
 - ~~c. Public park within five hundred (500) feet; or~~
 - ~~d. Commercial use on the same block or within three hundred (300) feet on the same street; or~~
 - ~~e. Public school within five hundred (500) feet; or~~
 - ~~f. Center and Corridor zone within one thousand (1,000) feet.~~~~
- ~~3. Criteria for increase of maximum building height.
An increase to the maximum building height shall not occur within these areas.~~

G. ~~Application of Criteria in the Residential Plus Designation.~~

- ~~1. Primary Implementing Zone.
The R2 zone is the primary implementing zone for this Land Use Plan Map designation.~~
- ~~2. Criteria for RMF Zone.
Any of the following conditions shall be considered sufficient for application of the RMF zone:
 - ~~a. Frontage on a minor or major arterial; or~~
 - ~~b. Transit stop within five hundred (500); or~~
 - ~~c. Center and Corridor zone within one thousand (1,000) feet.~~~~

3. ~~Criteria for increase of maximum building height.~~
~~An increase to the maximum building height shall not occur within these areas.~~
- H. ~~Application of Criteria in the Residential Medium Designation.~~
 1. ~~Primary Implementing Zone.~~
~~The RMF zone is the primary implementing zone for this Land Use Plan Map designation.~~
 2. ~~Criteria for RHD Zone.~~
~~Any of the following conditions shall be considered sufficient for application of the RHD zone:~~
 - a. ~~Frontage on a minor or major arterial; or~~
 - b. ~~Transit stop within five hundred (500) feet; or~~
 - c. ~~Center and Corridor zone within one thousand (1,000) feet.~~
 3. ~~Criteria for increase of maximum building height.~~
 - a. ~~The following conditions shall be considered for an increase in the maximum building height:~~
 - i. ~~Major Transit Stop within a quarter mile; or~~
 - ii. ~~Center and Corridor zone within one thousand (1,000) feet; or~~
 - iii. ~~Public park within five hundred (500) feet.~~
 - b. ~~The conditions shall apply as follows:~~
 - i. ~~Any one of the conditions: fifty (50) feet.~~
 - ii. ~~Any two of the conditions: seventy (70) feet.~~
 - c. ~~Consideration of Adjacent Zones.~~
~~If a majority of land area immediately adjacent to the site has a maximum building height that is higher than the subject site, an increase in the maximum building height to match the adjacent lots shall be approved.~~
- I. ~~Application of Criteria in the Residential High Designation.~~
 1. ~~Primary Implementing Zone.~~
~~The RHD zone is the primary implementing zone for this Land Use Plan Map designation.~~
 2. ~~Criteria for increase of maximum building height.~~
 - a. ~~The following conditions shall be considered for an increase in the maximum building height:~~
 - i. ~~Major Transit Stop within a quarter mile; or~~
 - ii. ~~Center and Corridor zone within one thousand (1,000) feet; or~~
 - iii. ~~Public park within five hundred (500) feet.~~
 - b. ~~The conditions shall apply as follows:~~
 - i. ~~Any one of the conditions: fifty (50) feet.~~
 - ii. ~~Any two of the conditions: seventy (70) feet.~~
 - c. ~~Consideration of Adjacent Zones.~~
~~If a majority of land area immediately adjacent to the site has a maximum building height that is higher than the subject site, an increase in the maximum building height to match the adjacent lots shall be approved.~~
- J. ~~Application of Criteria in the Office Designation.~~
 1. ~~Primary Implementing Zone.~~
~~The Office (O) zone is the primary implementing zone for this Land Use Plan Map designation.~~
 2. ~~Criteria for Office Retail (OR) Zone.~~

~~Any of the following conditions shall be considered sufficient for application of the OR zone:-~~

- ~~a. Frontage on a minor or major arterial; or~~
- ~~b. Transit stop within five hundred (500) feet; or~~
- ~~c. Center and Corridor zone within one thousand (1,000) feet; or~~
- ~~d. Downtown zone within a quarter mile.~~

~~3. Criteria for increase of maximum building height.~~

~~a. The following conditions shall be considered for an increase in the maximum building height:-~~

- ~~i. Major Transit Stop within a quarter mile; or~~
- ~~ii. Center and Corridor zone within one thousand (1,000) feet; or~~
- ~~iii. Public park within five hundred (500) feet; or~~

~~b. The conditions shall apply as follows:-~~

- ~~i. Any one of the conditions: fifty (50) feet.~~
- ~~ii. Any two of the conditions: seventy (70) feet.~~

~~c. Consideration of Adjacent Zones.~~

~~If a majority of land area immediately adjacent to the site has a maximum building height that is higher than the subject site, an increase in the maximum building height to match the adjacent lots shall be approved.~~

~~K. Application of Criteria in the General Commercial Designation.~~

~~1. Primary Implementing Zone.~~

~~The CB zone is the primary implementing zone for this Land Use Plan Map designation.~~

~~2. Criteria for GC Zone.~~

~~Any of the following conditions shall be considered sufficient for application of the GC zone:-~~

- ~~a. Frontage on a major arterial; or~~
- ~~b. Industrial zone within one thousand (1,000) feet.~~

~~3. Criteria for increase of maximum building height.~~

~~a. Any of the following shall be considered sufficient for an increase in the maximum building height to seventy (70) feet:-~~

- ~~i. Major Transit Stop within a quarter mile; or~~
- ~~ii. Center and Corridor zone within one thousand (1,000) feet.~~

~~b. Consideration of Adjacent Zones.~~

~~If a majority of land area immediately adjacent to the site has a maximum building height that is higher than the subject site, an increase in the maximum building height to match the adjacent lots shall be approved.~~

~~L. Application of Criteria in the Institutional Designation.~~

~~1. Primary Implementing Zone.~~

~~There is no primary implementing zone. The existing zoning on a lot is presumed to be the appropriate zone.~~

~~2. Criteria for changing zoning classification.~~

~~An application for a rezone shall consider the adjacent zones. The requested new zone shall be consistent with and extend an adjacent zone so as to form a contiguous area.~~

3. ~~Criteria for increase of maximum building height.~~
 - a. ~~Any of the following shall be considered sufficient for an increase in the maximum building height to seventy (70) feet:~~
 - i. ~~Major Transit Stop within a quarter mile; or~~
 - ii. ~~Center and Corridor zone within one thousand (1,000) feet.~~
 - b. ~~Consideration of Adjacent Zones.~~
~~If a majority of land area immediately adjacent to the site has a maximum building height that is higher than the subject site, an increase in the maximum building height to match the adjacent lots shall be approved.~~

Section 17G.061.320 Notice of Decision

Commentary

This section is renumbered from 17G.060.190 and renames the position for Planning Director

- A. Decisions on Type I, II, and III project permit applications are made by the hearing examiner or director within ten days of the date the record is closed. The time for decision may be extended if the applicant agrees in writing. Subject to chapter 36.70B RCW, the time for decision may also be extended to allow time for additional public comment if the hearing examiner or director determines that notice was not properly mailed or posted; provided, a person is deemed to have received notice if that person appears at the hearing or submits timely written comments, even if notice was not properly mailed or posted. In making the decision, the hearing examiner or director may approve, approve with conditions, or deny the permit application. The decision is made in writing.
- B. Within seven days of making the decision, the hearing examiner or director causes notice of decision to be provided as follows:
 1. Written notice of decision is provided by the decision-maker concurrent to the decision.
 2. Notice of a decision denying a permit application is given to the applicant. A full copy of the decision and any conditions of approval accompanies the notice of the decision to the applicant.
 3. Notice of all other decisions is given to the applicant, all parties of record, and all persons who have requested to be given notice.
 4. Notice of decision for Type I permit applications shall be the permit. For Type II and III permit applications the decision includes the following information:
 - a. Location of the property.
 - b. Description of the proposed action.
 - c. Name, address, and office telephone number of the City official from whom additional information may be obtained.
 - d. Applicant name and number.
 - e. The decision made, including the environmental threshold determination.

- f. A list of persons who testified in person or in writing, or a summary of such a list.
 - g. A list of exhibits or a summary of such a list.
 - h. A statement of the decision criteria governing the application.
 - i. A statement of the comprehensive plan policies governing the application.
 - j. Findings of fact and conclusions relating the proposal to the decision criteria governing the application and which form the basis for the decision.
 - k. A statement that a full copy of the decision may be obtained from the designated official for the cost of reproduction.
 - l. The last date the decision may be appealed.
 - m. The place the appeal must be filed.
 - n. A statement of the fee to be charged for an appeal and the approximate cost to prepare any required transcripts.
 - o. A statement that the decision will be final unless appealed; and
 - p. The signature of the person making the decision.
- C. If the decision on a Type II or III project permit includes conditions of approval, a covenant must be recorded in the Spokane County auditor's office identifying the restrictions to use and development of the property exist. The covenant must be filed within the approval time limits of the permit or the approval becomes void. For rezones, the hearing examiner does not forward the rezone to the city council until the covenant has been filed.
- D. The decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance must contain a statement that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the "date of filing" by department of ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.149(5)(a) and (b).
- E. Notice of decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance shall be submitted to the department of ecology along with a permit data sheet (Appendix A, WAC Chapter 173-27). For a shoreline conditional use permit or a shoreline variance, there is a thirty-day review by department of ecology. After this period, the department of ecology shall render and transmit to the City of Spokane and the applicant a final decision approving, approving with conditions, or disapproving the permit. The Planning Director shall provide notification within seven days of the department of ecology's final decision to those interested persons having requested notification.

Section 17G.061.330 Decision – When Final

Commentary

This section is renumbered from 17G.060.200.

A decision is considered final at the termination of an appeal period if no appeal is filed, or when a final decision on appeal has been made pursuant to SMC 17G.061.340.

Section 17G.061.340 Appeals

Commentary

This section is renumbered from 17G.060.210.

- A. The provisions of this section shall apply to any written order, requirement, permit, decision, or determination made under the land use codes.
- B. Appeal of a director's decision on a project permit application is to the hearing examiner as an open record appeal, except appeals of building permits that are not related to the land use codes shall go before the building construction review board pursuant to chapter 4.06 SMC. The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.
- C. Appeal of a hearing examiner's decisions is to superior court, except rezones, PUDs, preliminary long plats, and skywalk permits are appealable to city council as a closed record appeal hearing and are subject to the procedures in chapter 17G.050 SMC.
- D. Shoreline substantial development permits decisions, after final decision by the City, may be appealed within twenty-one days from the "date of filing" or the date of actual receipt by the Department of Ecology; appeal is made to the shorelines hearings board.
- E. Shoreline conditional use permits and shoreline variance permits may be appealed to the shorelines hearings board within twenty-one days from the "date of filing" or the date the decision of the Department of Ecology is transmitted to the City of Spokane. If, as a result of the appeal process, the project has been modified, the director must reissue the permit according to WAC chapter 173-27-130 and submit a copy of the reissued permit to the department of ecology.
- F. Except as otherwise provided, appeals or requests for reconsideration from decisions shall be filed within fourteen calendar days of the date of the decision. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day. The appeal or request for reconsideration is filed in the department that is responsible for the permit application, except an appeal to superior court must be filed as a land use petition to the court within twenty-one days of the date of the written decision is issued.
- G. An appeal or request for reconsideration shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal or reconsideration. The following information, accompanied by an appeal fee as specified in chapter 8.02 SMC, shall be submitted. All fees including transcript deposit fees must be paid by the appellant no later than the last day to file the appeal. The appellant shall pay the cost of a written transcript within five days of the receipt of the hearing examiner's statement for the cost. An appeal application is not considered complete until all required fees are paid. Failure to timely pay all fees results in dismissal of the appeal with prejudice. The appeal or request for reconsideration application shall contain:
 - 1. file number of the decision;
 - 2. the names of the appellant(s) and an indication of facts that establish the appellant's right to the relief requested;
 - 3. an identification of exceptions and objections to the decision being appealed or reconsidered, or an identification of errors in fact or conclusion;
 - 4. the requested relief from the decision being appealed or reconsidered;
 - 5. any other information reasonably necessary to make a decision on the appeal or reconsideration;
 - 6. failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal or reconsideration request.

- H. The appeal or request for reconsideration is rejected if:
 - 1. it is filed by a person without standing as specified in chapter 17A.020 SMC;
 - 2. an appeal decision is being sought from a decision-maker not authorized by this chapter to make such a decision;
 - 3. it is not timely filed;
 - 4. the appeal fees have not been paid; or
 - 5. it is not filed in accordance with the procedures of this chapter.
- I. An appeal or request for reconsideration stays the underlying decision pending final disposal of the appeal, unless the action ordered in the decision is necessary to protect the public health or safety, or unless the appeal is required to be filed in superior court. Filing a suit or action in court does not stay the final decision unless and until the court, pursuant to RCW 36.70C.100, issues an order.
- J. Notice of Appeal.
 Notice of a hearing by the hearing examiner is given to the director, appellant, applicant, and any party of record. This notice is mailed through regular U.S. mail or personally served at least fourteen days prior to the hearing. The notice of appeal contains the following information:
 - 1. Location of the property including a map sufficient to clearly locate the site.
 - 2. Description of the proposed action.
 - 3. Name of the applicant.
 - 4. Application name and number.
 - 5. Decision made on the application, including the environmental threshold determination.
 - 6. Name of the appellant if other than the applicant.
 - 7. Date, time, and place of hearing.
 - 8. A statement of whether the appeal is on the record or if new information will be allowed; and
 - 9. Name, address, and office telephone number of the City official from whom additional information may be obtained.

Section 17G.061.350 Expiration of Permits

Commentary

This section renumbered 17G.060.240.

- A. Table 17G.061.010-1 indicates the expiration provisions for land use permits within the City of Spokane.
- B. The term for a permit shall commence on the date of the hearing examiner or director's decision, provided that in the event the decision is appealed, the effective date shall be the date of decision on appeal. The term for a shoreline permit shall commence on the effective date of the permit as defined in WAC 173-27-090.
- C. A permit under this chapter shall expire if, on the date the permit expires, the project sponsor has not submitted a complete application for building permit or the building permit has expired.
- D. In accordance with WAC 173-27-090, the director may authorize a single extension before the end of the time limit for up to one year if a request for extension has been filed before the expiration date and notice of the proposed extension is given to the parties of record and to the department of ecology. The extension must be based on reasonable factors. Extensions of

time for plats, short plats and binding site plan are subject to the extension provisions of SMC 17G.080.020(M).

Section 17G.061.400 Design Review

Commentary

This section rennumbers 17G.060.060 and names the position of Planning Director.

- A. Project permit applications that are subject to design review follow the procedures contained within chapter 17G.040 SMC, Design Review Board Administration and Procedures.
- B. Project permit applications that are subject to design review are listed in SMC 17G.040.020, Development and Applications Subject to Design Review.
- C. Prior to submitting a project permit application that is subject to design review under this title, a project permit applicant must have begun the design review process and may be required to participate in a design review collaborative workshop as defined in SMC 17G.040.050, Design Review Process, and outlined in the Design Review Application Handbook.
- D. Project permit applications that are subject to design review shall contain the information specified in chapter 17G.040 SMC. The design review process is completed prior to the end of the public comment period initiated by notice of application and a recommendation is made to the hearing examiner, Planning Director, Building Official, or other official as appropriate. The report of the design review board is made available to the action-approving authority by the close of the public comment period.

Section 17G.061.510 Optional Consolidated Project Permit Review Process

Commentary

This section rennumbered 17G.060.250.

- A. The optional process allows for the consideration of all discretionary land use, environmental, construction and building permits issued by the City, together with project permits requiring a public hearing as a single project, if requested in writing by the applicant. Permit decisions of other agencies are not included in the process but public meetings and hearings for other agencies may be coordinated with those of the City of Spokane.
- B. When multiple permits are required for a single project, the optional consolidated project permit review process is available as follows:
 - 1. A permit coordinator shall be designated.
 - 2. A single determination of complete application, notice of application and notice of final decision is made for all project permits being reviewed through the consolidated process, provide the time limits in this chapter can be met.
 - 3. Consolidated permit review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the consolidated review process shall permit only a single open record hearing and one closed record appeal.

4. A single open record hearing including appeals of the SEPA threshold determination shall be conducted by the hearing examiner, pursuant to the procedures in chapter 17G.050 SMC. The hearing examiner's decision shall be appealable to superior court except rezones and preliminary long plats that are appealable to the city council and shoreline permits are appealable to the shoreline hearing board. Appeals to the city council shall be conducted as a closed record appeal hearing pursuant to the procedures in chapter 17G.050 SMC.

Section 17G.061.520 Shoreline Substantial Development Permit Letter of Exemption Procedure

Commentary

This section combined related sections from 17G.060.075, 17G.080.010, and 17G.080.080.

- A. State law and the shoreline master program specifically exempt certain types of development from the requirement of obtaining a shoreline substantial development permit. The types of development that are exempted are listed in SMC 17E.060.300 and WAC 173-27-040. No exempt development, use or activity shall be undertaken within the jurisdiction of the Shoreline Management Act (chapter 90.58 RCW or its successor) and the shoreline master program unless a statement of exemption has been obtained from the director. Burden of proof that a development or use is exempt from the permit process is on the applicant.
- B. Application procedure for a letter of exemption from a shoreline substantial development permit is the same as for any shoreline permit as defined in SMC 17G.061.110 with these additional application materials:
 1. Written explanation of exemption type as defined in SMC 17E.060.300 and WAC 173-27-040.
 2. A contractor's bid to verify the total cost or fair market value of the proposal including labor and material, if the proposed exemption category is below the dollar threshold defined in WAC 173-27-040.
 3. A statement from a structural engineer licensed by the State of Washington to verify the need for immediate action, in order to address the imminent threat to public health and safety on the property, if proposed exemption category is for emergency construction as defined in WAC 173-27-040.
- C. All development within the shoreline, even when an exemption from the requirement of a substantial development permit is granted, must be consistent with the policies of the Shoreline Management Act and the shoreline master program. Conditions may be attached to the approval of a shoreline exemption in order to assure consistency of the project with the Shoreline Management Act and the shoreline master program (WAC 173-27-040).
- D. A letter of exemption from a shoreline substantial development permit is not always an exemption from a shoreline conditional use permit or a shoreline variance. A development or use that is listed as a conditional use pursuant to the SMP regulations or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance (WAC 173-27-040).

- E. In the case of shoreline projects with federal permit review and upon completion of a letter of exemption, the director must submit to ecology:
1. Letter of exemption.
 2. Site plan.
 3. What is being approved; and
 4. Conditions of approval.
- It must also state the specific exemption provision from WAC 173-27-040 and SMC 17E.060.300 and provide a summary of analysis of the consistency of the project with the SMP and the SMA. It shall contain any SEPA determination made and include the permit data sheet and transmittal letter form (WAC 173-27-990 Appendix A).
- F. The director shall review watershed restoration projects as defined in WAC 173-27-040 for consistency with the SMP and shall issue a decision along with any conditions within forty-five days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as defined in WAC 173-27-040.

Chapter 17G.070 Planned Unit Developments

[...]

Commentary

A few minor updates to the PUD provisions are proposed to reflect the new allowances for middle housing in the R1 and R2 zones.

Section 17G.070.030 Development Standards

A. Permitted Uses.

Any permitted or conditional use allowed in the base zoning districts of the subject property plus additional uses including the following:

1. In the RA, R1 and R2 zoning districts, an applicant with a planned unit development approval may develop the site to contain these additional uses:
 - a. Accessory uses directly serving the planned unit development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone including:
 - i. community building with indoor and/or outdoor recreation facilities;
 - ii. recreational vehicle and personal storage area;
 - iii. consolidated guest parking facilities.

2. In the RMF and RHD zoning districts, an applicant with a planned unit development approval may develop any uses permitted in the R1, R2, RMF and RHD zones together with these additional uses:

[...]

B. Density.

1. Densities Required.

An applicant with a planned unit development approval shall develop the site subject to the minimum and maximum density provisions of the base zone, as contained in [Title 17C SMC, except as provided in subsection \(B\)\(2\) of this section](#), plus a maximum of ten percent density bonus per the provisions below under [SMC 17G.070.030\(B\)\(5\)](#).

2. Density Exception.

For properties with a designated critical area or properties located in agricultural lands designation of the City's comprehensive plan, the minimum density requirement may be waived by the hearing examiner based on the following criteria:

- a. The development of the site with the critical area would not allow sufficient minimum lot size under the base zone requirements because critical area setbacks and buffers would reduce minimum lot sizes below those required by the base zone.
- b. The development of the site would require reducing buffers, setbacks or other dimensional modifications due to the location of designated critical areas; and
- c. The protection of the agricultural lands or critical area would be more effective by clustering the homes and structures to the minimum area necessary.

3. Calculating Density.

The calculation of density for a planned unit development is the net area based on the total area of subject property less the area set aside for right-of-way, tracts of land reserved for private streets and dedicated tracts reserved for stormwater facilities. The calculation of density is rounded up to the next whole number.

4. Transfer of Development Rights.

An applicant for a planned unit development may shift allowed residential densities to another site to protect and preserve designated critical areas and agricultural lands while providing the overall maximum density permitted by the underlying zoning district.

5. Density Bonuses.

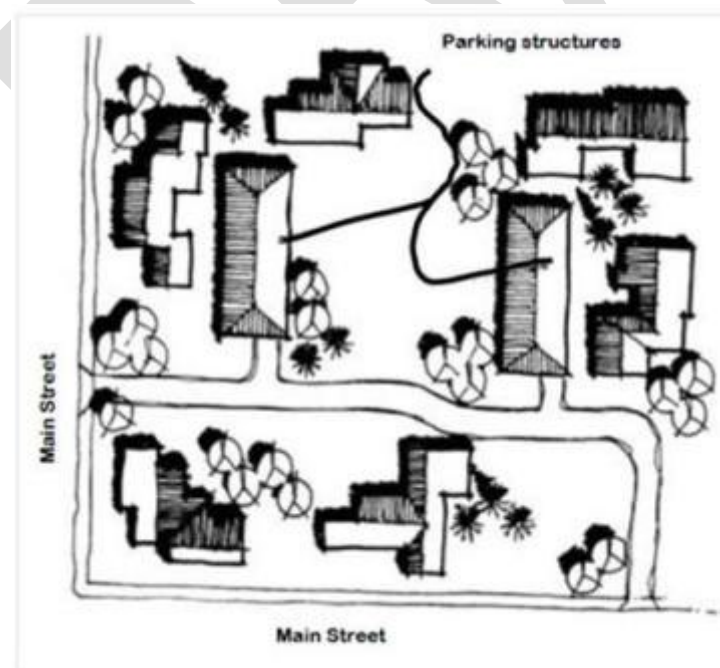
- a. An applicant for a planned unit development may apply for a residential density bonus of ten percent above the maximum density allowed in the underlying base zone for developing affordable housing units that meet or exceed the HUD standards for affordable units.
- b. The density bonus may be granted based on a one percent ratio of bonus density for the project for each one percent of affordable housing that is provided.
- c. Affordable housing units are required to be dispersed throughout the project and shall not be congregated all in one building, when more than one building is proposed.

[...]

Section 17G.070.135 Compatibility with Surrounding Areas

A. Purpose.

For a PUD to be compatible with, and an integral part of the surrounding area. Although a completely homogeneous neighborhood is not necessary or desirable, a reasonable level of compatibility to the surroundings should be achieved. Diversity in style and density can help create an interesting and vibrant community. When combined with a respect for, and acknowledgment of, existing forms, siting and details, a new development can quickly “belong” in a particular community. A new development should be done in a manner that complements the existing area.



B. Design Standards.

1. The architectural style and detailing of any entrance monument, fencing materials and any structure, other than single-unit detached dwellings and middle housing, should incorporate significant elements and details of the architecture in the surrounding areas, particularly regarding form, size, color and materials. Chain link fencing is particularly discouraged. (P)
2. The design standards of [SMC 17C.110.400](#) shall apply to any multi-unit residential building within a PUD. ®
3. The design standards of [SMC 17C.110.500](#) shall apply to any common buildings within a PUD.
4. Driveways and open parking areas should be integrated into the overall design and should not be the dominant features along the street frontages. (P)
5. Parking structure entrances should preferably be accessed from streets within the development rather than from public streets and their appearance should be minimized and integrated into the overall design. (P)
6. Entrance signage shall be in character with the proposed and surrounding developments. (P)

[...]

Chapter 17G.080 Subdivisions

Commentary

The proposed amendments to Subdivisions in this chapter are intended to achieve the following:

- Reorganize the chapter and add clarity to be easier to read and more user-friendly.
- Provide consistency with the other proposed text amendments for development in R1 and R2 Residential zones.
- Update “Alternative Residential Subdivision” by renaming to “Unit Lot Subdivision” and expand its use to cover more situations consistent with Middle Housing development.
- Ensure housing variety and compatibility for new large-scale development.

Section 17G.080.000 Purpose and Administration

Commentary

Updates to this section are proposed to:

- Combine related sections

- Relocate administration section from 17G.080.020
- Relocate exclusions from 17G.080.020
- Formatting adjustments

A. Purpose.

This chapter is adopted pursuant to RCW 36.70A and RCW 58.17. It implements the provisions of chapter 36.70A RCW and serves the following purposes:

1. Ensures consistency with the City's comprehensive plan
2. Regulates the subdivision of land in a manner which promotes the public health, safety, and general welfare in accordance with the provisions of chapter 58.17 RCW.
3. Provides for the expeditious review and approval of proposed subdivisions, short subdivisions, and binding site plans which conform to the City's zoning and development regulations and the policies of the City's comprehensive plan.

B. Applicability.

This chapter shall apply to all divisions and redivisions of land for the purposes of sale, lease or transfer of ownership.

C. Administration.

The director administers, interprets, and enforces the requirements of this chapter. The director establishes administrative rules and requires the use of such forms as needed for the administration of subdivision under this chapter.

D. Exemptions.

The provisions of this chapter shall not apply to:

1. cemeteries and other burial plots while used for that purpose;
2. divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;
3. the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights-of-way, creation of new public road rights-of-way, or other public road construction purposes;
4. a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;
5. the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;
6. acquisition of land by the City for:
 - a. such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or
 - b. Additional street right-of-way;
7. an adjustment of boundary lines in accordance with the provisions of this chapter.

E. Severability.

If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

Section 17G.080.020 General Provisions

Commentary

Updates to this section are proposed to:

- Move administrative language to 17G.080.000
- Move exclusions to 17G.080.000

A. ~~Authority and Administration.~~

~~This chapter is adopted pursuant to chapters 36.70A and 58.17 RCW. The director is assigned the duty to administer, interpret and enforce the requirements of this chapter. The director establishes administrative rules and requires the use of such forms as needed for the administration of subdivision under this chapter.~~

B. ~~Exemptions.~~

~~The provisions of this chapter shall not apply to:~~

- ~~1. cemeteries and other burial plots while used for that purpose;~~
- ~~2. divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;~~
- ~~3. the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights of way, creation of new public road rights of way, or other public road construction purposes;~~
- ~~4. a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;~~
- ~~5. the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;~~
- ~~6. acquisition of land by the City for:

 - ~~a. such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or~~
 - ~~b. Additional street right of way;~~~~
- ~~7. an adjustment of boundary lines in accordance with the provisions of this chapter.~~

CA. ~~Expiration of Approval.~~

A final plat, final short plat or final binding site plan meeting all requirements of Chapter 17G.080 Subdivisions shall be submitted to the director within the timelines of RCW 58.17.140. A time extension may be requested for a preliminary plat, preliminary short plat or preliminary binding site plan, as provided in subsection (L) of this section.

DB. ~~Alteration, Vacation and Redivision of Final Plat, Short Plat or Binding Site Plan.~~

- ~~1. Alteration.~~
The alteration of any plat, short plat or binding site plan or portion thereof, except as provided in subsection (B)(7) of this section, is subject to the

procedures set forth in RCW 58.17.215. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute. When the application is for an alteration that substitutes private streets for City street/right-of-way the applicant shall:

- a. obtain approval from the director of engineering services prior to application for alteration;
 - b. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the alteration by the hearing examiner.
2. Vacation.
- a. When the application is for the vacation of the City street/right-of-way, the procedures for street vacation set forth in chapter 35.79 RCW shall be utilized. The city council shall conduct the public hearing required under this statute.
 - b. When the application is for the vacation of the plat together with the City streets/right-of-way the procedure for vacation set forth in RCW 58.17.212 shall be utilized. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute.
3. Redivision of Platted Lots.
- a. The division of a lot located in a recorded plat, binding site plan or short plat shall be processed as a new application in accordance with the provisions of this chapter. Lot lines within an existing subdivision may be adjusted in accordance with the procedures for SMC 17G.080.030, Boundary line adjustment, without redivision providing that no new or substandard lots are created.
 - b. When the application is for a redivision which replaces private streets with City street/right-of-way, the applicant shall:
 - i. obtain approval from the director of engineering services prior to application for redivision;
 - ii. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the redivision by the hearing examiner.

EC. Names of Plats, Short Plats and Binding Site Plans.

The name of a plat, short plat or binding site plan shall be approved by the director prior to the submittal of the final plat, short plat or binding site plan. A name that is similar to or the same as an existing recorded plat, short plat or binding site plan on file with the Spokane county auditor is not permitted. The following format shall be followed for naming plats, short plats and binding site plans:

1. Short plats: "_____ City Short Plat, File No.____."
2. Plats:

- a. City View Addition.
 - b. City View 1st Addition.
 - c. City View 2nd Addition.
 - d. City View 3rd Addition.
- 3. Binding site plans: “_____ BSP, File No. _____.”
- ~~FD~~. Street Names.
The names of all public and private streets shall be approved by the director of engineering services prior to recording of the plat, short plat or binding site plan and shall meet the requirements of chapter 17D.050 SMC.
- ~~GE~~. Modification to a Preliminary Plat, Short Plat or Binding Site Plan.
A request to modify a preliminary plat, short plat or binding site plan that has received preliminary approval shall be submitted to the director.
 - 1. Substantial Modifications.
Revisions that result in a substantial change, as determined by the director, shall be treated as a new application for purposes of vesting and concurrency and shall be reviewed and approved under the same process required for a preliminary subdivision, short subdivision or binding site plan. For the purpose of this section, substantial change includes:
 - a. the creation of additional lots or the inclusion of additional area; or
 - b. a significant change in the proposal, including changes in points of ingress or egress; or alteration of conditions of approval that leads to significant built or natural environmental impacts that were not addressed in the original approval; or
 - c. change of use; or
 - d. modification of types or locations of Middle Housing types that result in an increase in dwelling units on a lot.
 - 2. Minor Modifications.
The following modifications are considered minor and may be approved administratively by the director:
 - a. Engineering design that does not alter or eliminate features specifically required as a condition of preliminary subdivision approval;
 - b. Changes in lot dimensions that are consistent with the underlying zone;
 - c. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained; or
 - d. Changes in phasing plans that do not significantly impact the plat and are acceptable to the director of engineering services and non-City service providers.
- ~~HE~~. Monument/Survey Data Requirements for Plats, Short Plats and Binding Site Plans.
 - 1. All final plats, short plats and binding site plans shall be surveyed and monuments installed.
 - 2. Every final plat, short plat and binding site plan shall show the following:
 - a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.

- b. Bearing trees, corner accessories or witness monuments, bearing and length of lines.
 - c. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.
 - d. Ties to adjoining surveys of record.
- 3. Every final plat, short plat and binding site plan shall conform to the following standards:
 - a. The allowable error of mathematical closure for the final plat map shall not exceed one foot in eighty thousand feet or 0.04 feet, whichever is greater.
 - b. Bearings and lengths are to be shown for all lines; no ditto marks are to be used.
 - c. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.
 - d. Plat boundary and street monument lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show chord bearing and length.
 - e. Lots along curves shall show arc length and include angle (delta) along curve and radial bearings at lot corners where the lot line is non-radial. If a curve table is provided, it shall show the included angle (delta), radius, and arc length for each segment of the curve along each lot. Radial bearings on non-radial lot lines are still required. Radial bearings shall be provided for all non-tangent curves.
- 4. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds.
- 5. When elevations are required on the final plat, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the director of engineering services.
- 6. The final plat shall indicate the actual net area for each platted lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.
- 17G. Fees.
All applications shall include the fees set forth in chapter 8.02 SMC.
- 17H. Enforcement and Penalties.
Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this chapter or chapter 58.17 RCW relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense.
- 17I. Appeals.
Appeals of this chapter shall be governed by chapters 17G.050 and 17G.061 SMC.

LJ. Extensions of Time.

An approved preliminary subdivision, short plat and binding site plan may receive a one-time, one-year time extension.

1. The applicant shall comply with all of the following:
 - a. The extension request shall be filed with the director at least thirty days prior to the expiration of the approval.
 - b. The applicant must have finalized at least one phase.
 - c. The application shall demonstrate that construction plans have been submitted and are under review for acceptance by the City prior to submission for extension or that the applicant is in the process of installing infrastructure for the development.
 - d. The project shall be consistent with the comprehensive plan.
 - e. The applicant shall demonstrate that there are no significant changes in conditions that would render approval of the extension contrary to the public health, safety or general welfare; and
 - f. Valid concurrency certificate.
2. The director shall take one of the following actions upon receipt of a timely extension request:
 - a. Approve the extension request if no significant issues are presented under the criteria set forth in this section.
 - b. Conditionally approve the application if any significant issues presented are substantially mitigated by minor revisions to the original approval; or
 - c. Deny the extension request if any significant issues presented cannot be substantially mitigated by minor revisions to the approved plan.
3. A request for extension approval shall be processed as a Type I action under chapter 17G.061 SMC.

AK. Sunset Provision.

1. For subdivision applications with preliminary approval on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the remainder of the five years allowed by chapter 58.17 RCW. In this case, the applicant may receive a one-time extension of one year under the provisions of subsection (L) of this section.
2. For subdivision applications with final plat approval for one or more phases on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the greater of either the remainder of the five years allowed by chapter 58.17 RCW or three years from the effective date of the ordinance codified in this chapter.
3. Extensions of the Sunset Provision.
The director may grant five-year extensions to the time period under subsection (M)(2) of this section for preliminary subdivisions upon the following:

- a. An application with supporting data for a time extension request must be submitted to the director no less than thirty days prior to the expiration of the preliminary subdivision.
- b. The preliminary subdivision has a minimum of one hundred lots or dwelling units remaining to be finalized as of the effective date of the ordinance codified in this chapter.
- c. The applicant must have finalized at least one phase including the installation of infrastructure and recording of lots, by the end of the three years granted under subsection (M)(2) of this section or since the last time extension.
- d. The application shall demonstrate compliance with all of the following:
 - i. The project is consistent with the comprehensive plan.
 - ii. The project is consistent with current development standards; and
 - iii. The project has a valid concurrency certificate. This certificate may be based on a new review of the project or extension of an existing concurrency certificate.
- e. Provided all of the conditions in subsections (M)(3)(a) through (d) of this section are met, the director may include additional or altered conditions and requirements to the preliminary plat approval. A time extension granted as a result of administration delays are not subject to additional or altered conditions.
- f. The director shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant and those parties requesting a copy of the decision. Appeals of the time extension shall be filed consistent with the provisions of chapter 17G.050 SMC.

Section 17G.080.025 Decision Criteria

Commentary

Updates to this section are proposed to relocate appropriate language from 17G.060.170.

- A. Purpose.
This section establishes conditions for approval or disapproval of land divisions.
- B. Burden of Evidence.
The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.
- C. Concurrency.
The proposed subdivision shall make appropriate (in terms of capacity and concurrency) provisions for:
 - 1. public health, safety and welfare;

2. open spaces;
3. drainage ways;
4. streets, roads, alleys, and other public ways;
5. transit stops;
6. potable water supplies;
7. sanitary wastes;
8. parks, recreation, and playgrounds;
9. schools and school grounds; and
10. sidewalks, pathways, and other features that assure safe walking conditions.

Section 17G.080.040 Short Subdivisions

Commentary

Updates to this section are proposed to:

- Formatting changes
- Require count of proposed housing units on plat
- Clarify that City Engineer can apply Minor Engineering Review for proposals that substantially meet requirements
- Require identification of Middle Housing types on plat

- A. **Predevelopment Meeting**
A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.
- B. **Preliminary Short Plat Application and Map Requirements**
 1. Applications for approval of a preliminary short subdivision shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall include the following:
 - a. The general application.
 - b. The supplemental application.
 - c. The environmental checklist, if required under chapter 17E.050 SMC.
 - d. Title report no older than thirty days from issuance from the title company.
 - e. The filing fees as required under chapter 8.02 SMC.
 - f. The required number of documents, plans or maps drawn to a minimum scale of one inch equals one hundred feet, on a sheet twenty-four by thirty-six inches, as set forth in the application checklist.
 - g. A written narrative identifying consistency with the applicable policies, regulations and criteria for approval of the permit requested; and
 - h. Additional application information which may be requested by the permitting department and may include, but is not limited to, the following: geotechnical

- studies, hydrologic studies, critical area studies, noise studies, air quality studies, visual analysis and transportation impact studies.
- i. One copy of the predevelopment conference notes (if applicable); and
 - j. One copy of the notification district map.
2. Contents of Preliminary Short Plat Map
- The preliminary short plat shall be prepared by a land surveyor and shall show the following:
- a. Plat name and the name of any subdivision to be replatted.
 - b. The name, mailing address and phone number of the owner and the person with whom official contact should be made regarding the application.
 - c. Surveyor's name, mailing address and phone number.
 - d. Legal description.
 - e. Section, township and range
 - f. Vicinity map.
 - g. North arrow, scale and date.
 - h. Datum plane.
 - i. Acreage.
 - j. Number of lots, proposed density, and number of housing units.
 - k. Zoning designation.
 - l. The boundary lines of the proposed subdivision.
 - m. City limits and section lines.
 - n. Park or open space (if proposed).
 - o. Existing topography at two-foot maximum interval.
 - p. The boundaries and approximate dimensions of all blocks and lots along with the following information:
 - i. ~~_____ , together with~~ the numbers proposed to be assigned each lot and block;
 - ii. ~~_____ , and~~ the dimensions, square footage and acreage of all proposed lots and tracts; and
 - iii. for residential lots zoned NH1R1 or NH2R2, the proposed Middle Housing types, including single-unit detached houses, and total number of proposed units on all proposed lots.-
 - q. Proposed names of streets.
 - r. The location and widths of streets, alleys, rights-of-way, easements (both public and private), turn around and emergency access, parks and open spaces.
 - s. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown along with any and all recorded covenants and easement
 - t. The names and address of the record owners and taxpayers of each parcel adjoining the subdivision.
 - u. Indicate any street grades in excess of eight percent.
 - v. The location and, where ascertainable, sizes of all permanent buildings, wells, wellhead protection areas, sewage disposal systems, water courses, bodies of water, flood zones, culverts, bridges, structures, overhead and underground utilities, railroad lines, and other features existing upon, over or under the

- land proposed to be subdivided, and identifying any which are to be retained or removed.
- w. Proposed one-foot strips for right-of-way conveyed to the City, in cases where a proposed public street or alley abuts unplatted land.
 - x. If a body of water forms the boundary of the plat, the ordinary high water mark as defined in chapter 90.58 RCW.
 - y. Critical areas as defined in chapters 17E.020, 17E.030, 17E.070 and 17G.030 SMC.
 - z. Significant historic, cultural or archaeological resources; and
 - aa. If the proposal is located in an irrigation district, the irrigation district name.
- C. Review of Preliminary Short Plat
- 1. The application shall be reviewed in accordance with the procedures set forth in chapter 17G.061 SMC for a Type II application, subject to the exceptions listed in subsection (D).
 - 2. Minor Engineering Review.
 - a. A preliminary short plat application may qualify for a ~~m~~Minor ~~e~~Engineering ~~r~~Review if it meets all of the following conditions:
 - ~~a~~i. The application is categorically exempt from chapter RCW 43.21C (SEPA);
 - ~~b~~ii. There is direct water and sewer main lot frontage on an existing and improved public right-of-way;
 - ~~c~~iii. No extensions of public water, sewer, or other utility services will be needed;
 - ~~d~~iv. No public easements for water, sewer, or other utility service exists on the lot;
 - ~~e~~v. The lot is not situated in a Special Drainage District as defined in SMC 17D.060.130; and
 - ~~f~~vi. Public utility mains do not exist on the lot.
 - b. The City Engineer is authorized to waive conditions ii through vi of subsection (a) if the application substantially meets the intent of Minor Engineering Review.
- D. Public Notice And Public Comment.
- All public notice of the application and opportunities for public comment shall be given in accordance with the procedures set forth in chapter 17G.061 SMC for a Type II application.
- 1. Exceptions.
 - a. A short plat that meets the requirements for minor engineering review as provided in subsection (C)(2) of this section shall not require a notice of application.
 - b. A short plat that is categorically exempt from SEPA and results in four or fewer lots shall not require a posted or signed notice of application.
- E. Preliminary Short Plat Approval Criteria
- Prior to approval of a short plat application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in chapter 17G.061 SMC. The director has the authority to approve or disapprove a proposed preliminary short plat under the provisions of this chapter, subject to appeal as provided in chapters 17F.050 and 17G.061 SMC.
- F. Final Short Plat Review Procedure
- 1. The subdivider shall submit to the director for review the following:

- a. A final short plat, prepared by a registered land surveyor licensed in the state of Washington, consistent with the approved preliminary short plat.
 - b. A title report less than thirty days old confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
 - c. Covenants, conditions and restrictions, if applicable; and
 - d. Fees pursuant to chapter 8.02 SMC.
 - 2. Within thirty days, unless the applicant has consented to a longer period of time, of receipt of a proposed final short plat, the director shall review the plat for conformance with all conditions of the preliminary short plat approval, the requirements of this chapter and that arrangements have been made to insure the construction of required improvements. If all such conditions are met, the director shall approve the final short plat and authorize the recording of the plat. If all conditions are not met, the director shall provide the applicant in writing a statement of the necessary changes to bring the final short plat into conformance with the conditions.
 - a. If the final short plat is required to be resubmitted, the subdivider is required to provide the following:
 - b. A cover letter addressing the corrections, additions or modifications required.
 - c. Title report no older than thirty days from issuance of a title company conforming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication; and
 - d. The required number of copies of the corrected final short plat map.
 - 3. If the final short plat is approved, the surveyor causes the plat to be signed by the Spokane county treasurer and file of record with the Spokane county auditor. The surveyor is required to file the appropriate number of mylar and bond copies of the recorded short plat with the director.
- G. Final Short Plat Map Requirements
- The subdivider shall submit to the director a final short plat in the same form and with the same content as the preliminary short plat, as provided in subsections (B)(1) and (2) of this section, with the following exceptions or additional requirements:
- 1. A final short plat shall contain all the information required of the preliminary plat, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
 - 2. The final short plat shall include the following:
 - a. Surveyor's certificate, stamp, date and signature, as follows:
 The following land surveyor's certificate to be shown on each sheet of the plat: "I, _____ registered land surveyor, hereby certify the plat of _____, as shown hereon, is based upon actual field survey of the land described and that all angles, distances, and courses are correctly shown and that all non fronting lot corners are set as shown on the plat. Monuments and fronting lot corners shall be set upon completion of the utility and street improvements.
 Signed _____ (Seal)"

- b. A certification by the city treasurer, as applicable:
- i. "I hereby certify that the land described by this plat, as of the date of this certification, is not subject to any local improvement assessments. Examined and approved, this ____ day of ____, 20__.
- _____
City of Spokane Treasurer"
- ii. "I hereby certify that the land described by this plat, as of the date of this certificate, is not subject to any delinquent local improvement assessment. Future installments, if any, shall remain due and payable and it shall be the responsibility of the owners to initiate the segregation of the LID assessment. Examined and approved, this ____ day of ____, 20__.
- _____
City of Spokane Treasurer"
- iii. "A preliminary local improvement assessment exists against this property. It shall be the responsibility of the owner's to initiate the segregation of the LID assessment. After this assessment is finalized, it shall be due and payable. Examined and approved this ____ day of ____, 20__.
- _____
City of Spokane Treasurer"
- c. The certification by the planning director, as follows:
"This plat has been reviewed on this ____ day of ____, 20__ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner's/Planning Director's approval of the preliminary plat # - - PP/SP.
- _____
City of Spokane Planning Director"
- d. The certification by the city engineer, as follows:
"Approved as to compliance with the survey data, the design of public works and provisions made for constructing the improvements and permanent control monuments this ____ day of ____, 20__.
- _____
City of Spokane Engineer"
- e. The certification by the Spokane county treasurer, as follows:
"I hereby certify that the land described in this plat, as of the date of this certification, is not subject to any outstanding fees or assessments. Examined and approved ____ day of ____, 20__.
- _____
Spokane County Treasurer"
- f. The certification by the Spokane county auditor on each page of the final short plat including the time, date, book and page number of the recording of the final mylar.
- g. Signature of every owner certifying that:
- i. the plat is made with the free consent and in accordance with the desires of the owners of the land;

- ii. the owners are the owners of the property and the only parties having interest in the land and is not encumbered by any delinquent taxes or assessments;
 - iii. the owners adopt the plan of lots, blocks and streets shown;
 - iv. owner dedicates to the City and the City's permittees the easements shown for utilities and cable television purposes;
 - v. owner dedicates to the City the streets, alleys and other public places, including slope and construction easements and waives all claims for damages against any governmental authority including, without limitation, the City which may be occasioned to the adjacent land by the establishment, construction, drainage and maintenance of any public way so dedicated; and
 - vi. owner conveys to the City as general City property the buffer strips adjoining unplatted property.
- h. The drawing shall:
 - i. be a legibly drawn, printed or reproduced permanent map;
 - ii. if more than one sheet is required, each sheet shall show sheet numbers for the total sheets;
 - iii. have margins that comply with the standards of the Spokane county auditor;
 - iv. show in dashed lines the existing plat being replatted, if applicable;
 - v. show monuments in accordance with SMC 17G.080.020(H)(1);
 - vi. include any other information required by the conditions of approval; and
 - vii. include any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas and connections to adjacent state highways.
- H. Filing.
Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final short plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the short plat have been submitted to the planning services department.
- I. Redivision.
No land within the boundaries of a short subdivision may be further divided in any manner which will create additional lots within a period of five years except by subdivision in accordance with SMC 17G.080.050

Section 17G.080.050 Subdivisions

Commentary

Updates to this chapter are proposed to establish requirements to provide multiple Middle Housing types on plats exceeding 2 acres to increase housing diversity and encourage a mix of incomes and housing types within new developments.

- A. **Predevelopment Meeting.**
A predevelopment meeting is recommended for any preliminary subdivision proposal. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provision of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.
- B. **Community Meeting and Public Notice.**
Prior to submittal of the application, the applicant shall conduct a community meeting. The applicant shall hold the community meeting no more than one hundred twenty days prior to the submittal of the application. The notice and format of the meeting shall be in accordance with chapter 17G.061 SMC.
All public notice of the application shall be given in accordance with the procedures set forth in chapter 17G.061 SMC for a Type III application.
- C. **Preliminary Plat Application and Map Requirements.**
1. **Application Requirements.**
Applications for approval of a preliminary plat shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall be same in form and content as a short plat as provided in SMC 17G.080.040(B)(1).
2. **Contents of Preliminary Plat Map.**
The preliminary plat shall be prepared by a land surveyor and shall be the same in form and content as a short plat as provided in SMC 17G.080.040(B)(2).
- D. **Review of Preliminary Plat.**
The application shall be reviewed in accordance with the procedures set forth in chapter 17G.061 SMC for a Type III application.
- E. **Preliminary Plat Approval Criteria.**
Prior to approval of a plat application, the hearing examiner shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in chapter 17G.080.025 SMC. The hearing examiner has the authority to approve or disapprove a proposed preliminary plat under the provisions of this chapter, subject to appeal as provided in chapter 17G.061 SMC.
- F. **Middle Housing Requirements.**
1. **Purpose.**
The Comprehensive Plan promotes a mixture of many housing types and socioeconomic diversity in all areas. These requirements ensure a variety of housing types, including Middle Housing, in new development. Middle Housing types are defined in SMC 17A.020.130.
2. **Applicability.**
The Middle Housing requirements apply to new housing construction on lots that have been created through an approved final plat within five years. The requirements are limited to plats that are:
- in areas zoned R1 or R2; and
 - exceeding two acres in size; and
 - where more than fifty percent (50%) of proposed dwelling units are any combination of the following housing types:
 - Detached Single-Unit Residential Building; or
 - Duplex; or
 - Attached housing.

3. Requirements

- a. At least three housing types shall be identified in the plat.
- b. For purposes of this requirement detached single-unit residential buildings shall be considered distinct housing types according to the following categories:
 - i. A house with a floor area equal to or less than eight hundred (800) square feet; and
 - ii. A house with a floor area equal to or less than one thousand four hundred (1,400) square feet; and
 - iii. A house with a floor area of greater than one thousand four hundred (1,400) square feet.
- c. Any one housing type shall be limited to no more than seventy percent (70%) of units identified in the plat.

FG.

Phasing.

A subdivision may be developed in phases. A master phasing plan should be submitted with the preliminary plat for approval by the hearing examiner. A preliminary plat that has received preliminary approval may be subsequently modified to be developed in phases, subject to approval of the director. The master phasing plan may be approved provided:

1. the phasing plan includes all land identified within the boundary of the plat;
2. the sequence of the phased development is identified on the plan;
3. each phase has reasonable public or private infrastructure to support the number of lots contained in that phase;
4. each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire plat;
5. plats subject to the requirements of subsection (F) of this section include at least two (2) housing types in each phase and no more than eighty percent (80%) of units identified consist of a single housing type;
6. any unfinalized portion meets the minimum lot size of the underlying zone for the proposed use; and the director of engineering services approves the necessary documents so that all road improvement requirements are assured for that phase; and
7. blocks are wholly contained within any individual phase.

GH.

Final Plat Review Procedure.

The final plat procedures shall be the same in form as the short plat review procedure as provided in SMC 17G.080.040.

HI.

Final Plat Map Requirements.

The subdivider shall submit to the director a final plat in the same form and with the same content as the preliminary plat, with the following exceptions or additional requirements:

1. A final plat shall contain all the information required of the preliminary plat, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
2. The final plat shall include the signatory statements as prescribed in SMC 17G.080.040(G)(2) including the following:
 - a. The certification of the hearing examiner, on behalf of the city council, as follows:

"This plat has been reviewed on this ____ day of ____, 20__ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner's approval of preliminary plat # -PP/PUD.

Hearing Examiner"

11.

Filing.

Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the plat have been submitted to the planning and economic development services department.

Section 17G.080.060 Binding Site Plans

Commentary

Updates to this chapter are proposed to update references to SMC sections and allow Binding Site Plans within Residential zones.

- A. Purpose.
The purpose of this section is to allow for the more flexible creation of lots within an overall development site plan.
- B. Predevelopment Meeting.
A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.
- C. Preliminary Binding Site Plan Application and Map Requirements.
 - 1. A binding site plan may ~~only~~ be used for divisions of land in ~~commercial or industrial~~ all zones. Applications for approval of a preliminary binding site plan shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall be same in form and contents as a short plat as provided in SMC 17G.080.040(B)(1).
 - 2. Contents of Preliminary Binding Site Plan.
The preliminary binding site plan shall be prepared by a land surveyor and shall be the same in form and content as a short plat as provided in SMC 17G.080.040(B)(2) with the following additions:
 - a. Proposed building footprints;
 - b. Proposed street accesses;
 - c. Proposed parking and internal vehicle circulation;
 - d. Proposed pedestrian pathways;
 - e. Proposed landscaped areas; and
 - f. Proposed stormwater facilities.
- D. Public Notice.

- All public notice of the application shall be given in accordance with the procedures set forth in chapter 17G.~~060-061~~ SMC for a Type II application.
- E. Departmental Review of Preliminary Binding Site Plan.
The application shall be reviewed in accordance with the procedures set forth in chapter 17G.~~060-061~~ SMC for a Type II application.
- F. Preliminary Binding Site Plan Decision Criteria.
Prior to approval of the application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the decision criteria set forth in SMC 17G.080.025. The director has the authority to approve or disapprove a proposed preliminary binding site plan under the provisions of this chapter, subject to appeal as provided in chapter 17G.~~060-061~~ SMC.
- G. Final Binding Site Plan Review Procedure.
The final binding site plan procedures shall be the same in form ~~and~~ as the short plat review procedure as provided in SMC 17G.080.040(G).
- H. Final Binding Site Plan Requirements.
The subdivider shall submit to the director a final binding site plan in the same form and with the same content as the preliminary binding site plan, with the following exceptions or additional requirements:
1. A final binding site plan shall contain all the information required of the preliminary plan, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
 2. The final binding site plan shall include the signatory statements as provided in SMC 17G.080.040(G)(2).
- I. Filing.
Once the final binding site plan has been reviewed, approved and signed by the applicable departments, the applicant shall file the final binding site plan with the county auditor within ten days of final approval. No permits shall be issued for a proposed lot until the required conformed copies of the binding site plan have been submitted to the ~~planning and economic development services~~ department.
- J. Creation of Additional Lots in Final Binding Site Plan.
A survey may be filed following the recording of a final binding site plan to create additional lots within the boundaries of the final binding site plan, consistent with the preliminary binding site plan approval, conditions and expiration provisions (SMC 17G.080.020(C)). The survey shall be reviewed and approved by the director pursuant to subsections (F) and (G) of this section. In addition, the survey shall conform to the following:
1. Title shall state: "Amendment to BSP- ____ - ____."
 2. The binding site plan file number shall be referenced.
 3. A distinct wide boundary line shall delineate the boundary of the lot(s) being created. The boundary of the binding site plan shall be indicated and any lot(s) that have been created by filing of the final binding site plan and/or record of survey.
 4. Each lot shall be numbered consecutively, and the size of each lot shall be indicated on the survey; and
 5. A revision block listing all previously recorded surveys and the date of recording.

Section 17G.080.065 Unit Lot Subdivisions

Commentary

Updates to this chapter are proposed to add clarity, increase the maximum site size to two acres to align with other existing processes, allow for Unit Lot Subdivisions in more situations than cottage and pocket development, and allow for potential division of a primary house and accessory dwelling unit.

- A. Purpose.
The purpose of these provisions is to allow for the more flexible creation of lots of varying sizes and types ~~for alternative residential development as described in SMC 17C.110.300,~~ including for attached housing, cottage housing, and similar developments with multiple dwelling units on a parent site, while applying only those site development standards applicable to the parent site as a whole, rather than to individual lots resulting from the subdivision.
- B. Applicability.
A unit lot subdivision creates a relationship between the parent site and each lot created, referred to as a “child” lot.
~~The types of development that may use the alternative residential subdivision are:~~
- ~~1. Cottage housing projects approved under SMC 17C.110.350;~~
 - ~~2. Housing developed under SMC 17C.110.360 Pocket Residential Development; or~~
 - ~~3. A similar existing development that consists of multiple dwelling units on a single parcel or site, provided that such existing structures shall comply with applicable building and fire code.~~
 1. Unit Lot Subdivisions are allowed for all residential development on parent sites of two acres or less. Subdivisions with a commercial or other non-residential use seeking similar flexibility must be approved through another platting action under SMC 17G.080.
 2. A unit lot subdivision may be used in any development with two or more dwelling units meeting the standards of this section.
 3. A unit lot subdivision may also be used to subdivide an accessory dwelling unit from the principal structure, subject to the additional standards in subsection F of this section.
 4. A unit lot subdivision may be combined with a subdivision or short subdivision so long as the portion of the development utilizing this section meets the requirements of this section.
- C. Application Procedure.
~~Alternative residential~~Unit lot subdivisions ~~resulting in~~of nine or fewer lots shall be processed as short plats and all others shall be processed as subdivisions according to the associated permit types in SMC ~~chapter~~ 17G.061.
- D. General Regulations.
1. ~~A n alternative residential unit lot~~ subdivision shall meet development standards applicable to the ~~parent lot’s zoning underlying site development plan approval, if any, the basic development standards and design standards of SMC 17C.110.350 Cottage Housing, SMC 17C.110.360 Pocket Residential Development, or design standards of SMC 17C.110.400 through 17C.110.465 for attached housing in RMF and~~

- RHD zones, and the provisions of this section. As a result of the alternative residential subdivision, development on individual lots may be nonconforming as to some or all of the development standards based on analysis of the individual lot. So long as the parent site meets the criteria of the underlying site development plan or the dwelling units are already in existence, each lot will be deemed to be in conformance. If existing dwelling units do not comply with development standards (i.e.: minimum building setbacks, maximum density, etc.), a lot may be created for each existing dwelling unit. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site;
2. The parent site as a whole shall meet all applicable development standards under its zoning designation, including but not limited to:
 - a. Setbacks;
 - b. Building coverage;
 - c. Street frontage; and
 - d. Floor area ratio
 3. So long as the parent site meets the applicable standards under its zoning designation as described in subsection (2), each child lot may deviate from site development standards including but not limited to:
 - a. Setbacks;
 - b. Lot size;
 - c. Building coverage;
 - d. Street frontage; and
 - e. Floor area ratio
 4. All buildings shall meet all applicable provisions of the building and fire code.
 25. Alternative residential Lots created through a unit lot subdivisions shall be subject to all applicable requirements of Title 17 SMC, except as otherwise modified by this section.;
 36. Each child lot's area and width for purposes of subdivision may be as small as the footprint of the building situated upon it, subject to the requirements of the building and fire code individual dwelling unit;
 47. Portions of the parent site not subdivided for individual child lots shall be identified as Tracts and owned in common by the owners of the individual child lots. For example, or by a homeowners association comprised of the owners of the individual child lots located within the parent site. This requirement shall be included in deed restrictions as required in paragraph 7 subsection E of this section.;
 8. The parent site and each child lot shall make adequate provisions for ingress, egress, and utility access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan.
 9. Separation requirements for utilities must be met.
 10. Driveways providing vehicle access to lots shall not serve more than nine (9) units unless approved by the City Engineer.
 5. Maximum building coverage of the aggregate buildings located upon the parent site shall not exceed the maximum building coverage permitted by the underlying zone;
 6. Except for existing nonconforming development, building setbacks shall be as required for the zone as applied to the underlying parent site as a whole. There shall be no setback required from individual lot lines which are interior to the perimeter of

~~the parent site; provided, however, that any structure located upon a lot created hereunder shall comply with the setbacks applicable to the underlying site development plan;~~

- ~~7. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the county auditor's office. Separation requirements for utilities must be met. Each alternative residential subdivision shall make adequate provisions for ingress, egress and utilities access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan.~~
- ~~8. Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:~~
 - ~~a. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (stating the subject project file number if applicable);~~
 - ~~b. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;~~
 - ~~c. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;~~
 - ~~d. Additional development of the individual lots may be limited as a result of the application of development standards to the parent site.~~
 - ~~E. Conflicts.~~

~~Any conflicts between the provisions of this section and the text of other sections in the Unified Development Code shall be resolved in favor of the text of this section.~~

E. Recording

1. The plat recorded with the county auditor's office shall include the following:
 - a. Access easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features.
 - b. A note that approval of the subdivision was granted by the review of the site as a whole (stating the subject project file number if applicable);
 - c. A note that subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;
 - d. A note stating that if a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;
 - e. A note that additional development of the individual lots may be limited as a result of the application of development standards to the parent site.

2. The legal description of each lot shall identify it as part of a unit lot subdivision.

F. Accessory Dwelling Units

A lot with an accessory dwelling unit may be subdivided under this section with the following additional requirements:

1. All utility lines for the accessory dwelling unit must branch from a common line on a portion of the parent site owned in common. A utility line for the accessory dwelling unit shall not cross another child parcel without approval of the City Engineer.
2. The plat recorded with the county auditor's office shall further specify the following:
 - a. The child lot that is associated with the accessory dwelling unit;
 - b. That the child lot associated with the accessory dwelling unit is subject to any and all additional regulations of an accessory dwelling unit under the Spokane Municipal Code.
3. The legal description of a lot for an accessory dwelling unit shall identify the lot as an accessory dwelling unit within a unit lot subdivision.

Section 17G.080.080 Severability

Commentary

This section is REPEALED, with the content relocated to 17G.080.000.

[Repealed]