

**City of Spokane Plan Commission**  
**Findings of Fact, Conclusions, and Recommendations**  
**Proposed Amendment of Section 17E.050.070, Flexible Thresholds for**  
**Categorical Exemptions within the**  
**Spokane Municipal Code**

**A recommendation from the City Plan Commission to the City Council to approve an ordinance relating to the adoption of the maximum State Environmental Policy Act exemption levels for new construction allowed by the Washington Administrative Code 197-11-800(1)(d); amending the Spokane Municipal Code (SMC) Title 17 Land Use Standards, Section 17E.050.070, Flexible Thresholds for Categorical Exemptions.**

**Findings of Fact:**

**A.** The Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A).

**B.** The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act.

**C.** Under the Growth Management Act, comprehensive plans may be amended no more frequently than once a year. However, pursuant to SMC 17G.020.040 Amendment Exceptions, subsection G, “Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan” may be considered more frequently than once a year.

**D.** Spokane Municipal Code, Title 17G, Administration and Procedures, Chapter 17G.025 Unified Development Code Amendment Procedures were used to prepare this proposed amendment to the Unified Development Code.

**E.** City of Spokane Comprehensive Plan, Economic Development Chapter, Goal ED7, Regulatory Environment and Tax Structure states: *Create a regulatory environment and tax structure that encourage investment, nurture economic activity, and promote a good business climate.* Policy ED7.6 Development Standards and Permitting Process states: *Periodically evaluate and improve the City of Spokane’s development standards and permitting process to ensure that they are equitable, cost-effective, timely, and meet community needs and goals.*

**F.** The Washington Administrative Code (WAC) 197-11-800 allows local governments to raise the exemption levels for minor new construction up to the maximum specified in WAC 197-11-800. Attached is *Exhibit A, SEPA Category and Corresponding City, State and Federal Regulations* in compliance WAC 197-11-800(1)(c)(i); and *Exhibit B, City of Spokane Project Level Public Comment Opportunities* in compliance with WAC 197-11-800(1)(c)(ii).

**G.** The Spokane City Plan Commission held a workshop to study the proposed amendment on March 12, 2014.

**H.** The Planning, Community & Economic Development subcommittee of the City Council reviewed this proposal at their meeting on March 17, 2014.

**I.** Notice of the proposed amendment of SMC section 17E.050.070 and announcement of the Plan Commission's March 26, 2013 hearing was published in the Spokesman Review on March 12, 2014 and March 19, 2014.

**J.** Notice of Plan Commission Public Hearing on this proposed amendment provided to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology and the public on March 11, 2014 as well as posted on the City of Spokane Planning & Development Services website in compliance with WAC 197-11-800(1)(c)(iii).

**K.** On March 7, 2014, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Spokane Municipal Code. An acknowledgement letter from the Department of Commerce was received by the City on March 10, 2014.

**L.** The City Plan Commission held a Public Hearing on March 26, 2014 to obtain public comments on the proposed amendments; deliberations followed.

**Conclusions:**

**A.** The Plan Commission has reviewed all public testimony received during the public hearings and has made changes to the draft documents during deliberations to address the testimony as considered appropriate.

**B.** The Plan Commission has found that the proposed amendments meet the approval criteria for text amendments to the Unified Development Code:

SMC 17G.025.010 (F) Approval Criteria:

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.

**C.** The proposed amendments have been reviewed by the City Plan Commission and found to be in conformance with the goals and policies of the City's 2001 Comprehensive Plan, as well as the Spokane Municipal Code Chapter 17G.025.

**Recommendations:**

By a vote of \_\_ to \_\_, the Plan Commission recommends to the City Council the approval of the proposed amendment to the Unified Development Code, with changes as deliberated.

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**Dennis Dellwo, President  
Spokane Plan Commission  
March 26, 2014**

## DRAFT Exhibits for Findings for March 12, 2014 Plan Commission Workshop

### EXHIBIT A

*City, State, and Federal Regulations that address protection and mitigation for elements of the environment listed in WAC 197-11-444*

| <b>SEPA CHECKLIST CATEGORY</b> | <b>CITY OF SPOKANE REGULATION (SMC)</b>   | <b>STATE/FEDERAL REGULATION</b>  |
|--------------------------------|---|--|
| <b>Earth</b>                   | Title 17E Environmental Standards; Chapter 17D.090 Erosion and Sediment Control   |  |
| <b>Air</b>                     |   | Permitting and registration programs; Spokane County Regional Clean Air Agency   |
| <b>Water</b>                   | Title 17E Environmental Standards; 17E.060 Shoreline Regulations; 17E.010 Critical Aquifer Recharge Areas-Aquifer Protection; Chapter 17E.020 Fish and Wildlife Conservation Areas; Chapter 17E.030 Floodplain Management; Chapter 17E.070 Wetlands Protection; Chapter 17D.060 Stormwater Facilities | Hydraulic Project Approval (HPA), WDFW; 401 Water Quality Certification, DOE; Section 404 Permit, Corps; Section 10 Permit, Corps; National Pollution Discharge Elimination System Permit, DOE |
| <b>Plants</b>                  | Title 17E Environmental Standards; 17E.060 Shoreline Regulations; Chapter 17C.200 Landscaping and Screening   | Forest Practices Permit, DNR   |
| <b>Animals</b>                 | Chapter 17E.020 Fish and Wildlife Conservation Areas  | Endangered Species Act Sections 4, 7, & 10 Regulations, WDFW   |

| <b>SEPA CHECKLIST CATEGORY</b>      | <b>CITY OF SPOKANE REGULATION (SMC)</b>   | <b>STATE/FEDERAL REGULATION</b>                                     |
|-------------------------------------|---|---|
| <b>Energy and Natural Resources</b> | Title 17F Construction Standards;   |   |
| <b>Environmental Health</b>         | Chapter 10.08D Noise Control; Title 17E Environmental Standards; 17E.060 Shoreline Regulations; 17E.010 Critical Aquifer Recharge Areas-Aquifer Protection  | Model Toxics Control Act, DOE; Underground Storage Tank Permit, DOE |
| <b>Land and Shoreline Use</b>       | Title 17C Land Use Standards; Title 17D City-wide Standards; Chapter 17E.060 Shoreline Regulations; Title 17E Environmental Standards   | Shoreline Management Act, DOE                                       |
| <b>Housing</b>                      | Chapter 17C.110 Residential Zones   |   |
| <b>Aesthetics</b>                   | Section 17C.110.510 Design Standards Implementation (residential); Section 17C.120.500 Design Standards Implementation (commercial); Section 17C.122.060 Initial Design Standards and Guidelines for Centers and Corridors; Section 17C.124.500 Design Standards Implementation (downtown); Section 17C.130.500 Design Standards Implementation (industrial); Chapter 17G.040 Design Review Board Administration and Procedures |   |
| <b>Light and Glare</b>              | Section 17C.220.080 Glare   |   |
| <b>Recreation</b>                   | Chapter 17G.080 Subdivisions; Chapter 17D.080 Voluntary Impact  |   |

| <b>SEPA CHECKLIST CATEGORY</b>            | <b>CITY OF SPOKANE REGULATION (SMC)</b>  | <b>STATE/FEDERAL REGULATION</b>                                    |
|---|--|--|
|   | Fees   |  |
| <b>Historic and Cultural Preservation</b> | Chapter 17D.040 Landmarks Commission; Chapter 17C.335 Historic Structures – Change of Use  | Section 106 Review, Dept. of Archaeology and Historic Preservation |
| <b>Transportation</b>                     | Chapter 17H.010 Street Development Standards; Chapter 17H.020 Complete Streets Program; Chapter 17D.080 Voluntary Impact Fees; Chapter 17D.030 Interim Voluntary Transportation Impact Fees; Chapter 17D.010 Concurrency Certification |  |
| <b>Public Services</b>                    | Chapter 17D.080 Voluntary Impact Fees; Chapter 17D.030 Interim Voluntary Transportation Impact Fees; Chapter 17D.010 Concurrency Certification   |  |
| <b>Utilities</b>                          | Chapter 17D.010 Concurrency Certification  |  |

# EXHIBIT B

## City of Spokane Project Level Public Comment Opportunities\*

| Permit Process Type | Examples of typical land use project "permits"  | Decision Maker                         | Notice of Community Meeting | Notice of Application                                    | Notice of Open Record Public Hearing | Notice of Decision  | Appeal Process  |
|---------------------|---|--|-----------------------------|--|--------------------------------------|---|---|
| <b>Type I</b>       | Building Permit, Demolition Permit, Fence Permit, Grading Permit, Remodel Permit, Sign Permit | Building Official or Planning Director | Not required                | Posted on City of Spokane Building & Development webpage | Not required                         | Permit serves as Notice (applicant, anyone requesting a copy and the County Assessor receive) | Appealable to Hearing Examiner or Building Construction Review Board (for building code matters) or Fire Code Advisory Board (for fire code matters). See 17G.020.210 |

| Permit Process Type              | Examples of typical land use project "permits"  | Decision Maker  | Notice of Community Meeting  | Notice of Application   | Notice of Open Record Public Hearing  | Notice of Decision              | Appeal Process   |
|----------------------------------|---|---|--|---|---|---------------------------------|--|
| <b>Type II (Admin.)</b>          | Short plat, Conditional Use Permit, Shoreline Substantial Development Permit, Binding Site Plan       | Planning Director   | 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. | 15 days prior to decision<br>Mailed to property owners within 400 feet of site<br>Posted notice on site (sign)<br>Posted notice at City Hall and library  | Administrative Approval;<br>Hearing not required for this permit process type   | Mailed to all parties of record | Parties of record can appeal decision                                      |
| <b>Type III (Quasi-Judicial)</b> | Preliminary plat, variance, Hearing Examiner Conditional Use Permit, Shoreline Conditional Use Permit | Hearing Examiner (or in case of shoreline conditional use permits WA Department of Ecology) | Required For Type III applications<br>Notice given in same manner as notice of application   | 15 day public comment period – may be combined with the notice of public hearing<br>Mailed to property owners within 400 feet of site<br>Posted notice on site (sign)<br>Posted notice at City Hall and library | 15 days prior to hearing<br>mailed to Property owners within 400 feet of site<br>Posted notice on site (sign)<br>Posted notice at City Hall and library | Mailed to all parties of record | Parties of record can ask for reconsideration and can also appeal decision |

| Permit Process Type   | Examples of typical land use project "permits" | Decision Maker | Notice of Community Meeting | Notice of Application | Notice of Open Record Public Hearing | Notice of Decision | Appeal Process |
|---|--|----------------|-----------------------------|-----------------------|--------------------------------------|--------------------|----------------|
| *This is a generalized summary of notification requirements. Please see SMC 17G.060 for detailed notification requirements. |  |                |                             |                       |                                      |                    |                |