

Memo

City of Spokane
Planning and
Development

To: City Plan Commission Members
From: Tami Palmquist, Associate Planner
Date: **11/5/2015**
Re: UDC Maintenance Project

Please see the attached document which contains the items that are included in the Unified Development Code Maintenance Project for 2015.

Please let me know if you have any questions. Thank you.

625-6157 or tpalmquist@spokanecity.org

Unified Development Code Maintenance Project

Introduction:

The attached document represents the list of recommended amendments to the Spokane Municipal Code.

To help understand the types of changes that are recommended, the amendments are generally categorized under three types.

The three types are:

Minor: These include changes such as corrections to cross references or moving code sections directly from chapter 11.19 to Title 17 without changing their substance.

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

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

TABLE OF CONTENTS

TITLE 7	4
07.02.070 STREET OBSTRUCTION	4
 TITLE 8	 4
08.02.0220 SIDEWALK CAFES	4
08.02.038 SHORELINES MANAGEMENT	5
08.02.065 STREETS AND AIRSPACE.....	6
 TITLE 10	 7
10.26 BUILDING MOVING AND RELOCATION	7
10.28 SIDEWALK CAFES.....	10
 TITLE 12	 12
12.02 OBSTRUCTION, ENCROACHMENT OF PUBLIC WAYS	12
 TITLE 17	 19
17A.010 GENERAL ADMINISTRATION	19
17A.020.030 “C” DEFINITIONS.....	20
17C.110.230, .120.310, .122.135, .124.310, 130.310, .200.040, .200.050 FENCES	29
17C.200.040(B) TABLE	47
17C.230.140 DEVELOPMENT STANDARDS.....	48
17D.075 TRANSPORTATION IMPACT FEES.....	48
17G.010.070 ELIGIBILITY OF APPLICANTS	52
17G.010.160 BUILDING AND CONSTRUCTION PERMITS	53
17G.025.010 TEXT AMENDMENTS TO THE UDC.....	54
17G.060.240 EXPIRATION OF PERMITS.....	55
17G.080.040 SHORT SUBDIVISIONS.....	55

TOPICS, COMMENTARIES, PROPOSED AMENDMENTS

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Title 07 Finance Chapter 07.02 Bonds in Favor of City			
SMC 07.02.070	Clarification	Update functions that have been reassigned from the director of engineering services/building services to the development services center manager.	
<p>Chapter 07.02 Bonds in Favor of City</p> <p>Section 07.02.070 Street Obstruction</p> <p>An applicant for a street obstruction permit, as provided in SMC 17G.010.210(D) must furnish a bond, which may be combined with another bond and cover all activities on an annual basis, approved by the director of engineering services <u>development services center manager</u>, in the minimum amount of ten thousand dollars, conditioned that the permittee shall:</p> <ul style="list-style-type: none"> A. indemnify and hold harmless the City against all claims, costs, and losses arising from the obstruction of the public way; B. conduct all activities in strict compliance with the requirements of law and the permit; restore all public property and facilities to their original condition and guarantee the restoration for a period of two years; and comply with requirements of SMC 12.02.720. 			
CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
SMC 08.02.0220 – Sidewalk Cafes			
SMC 08.02.0220 – Sidewalk Cafes	Clarification	The above changes to the Sidewalk Café codes are being recommended to encourage compliance, promote sidewalk cafés to local businesses, reduce processing time for new applicants, and provide correct references and code clarification.	

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Section 08.02.0220 – Sidewalk Cafes

- A. An annual fee of ~~two hundred fifty~~ one hundred dollars shall be paid for operation of a sidewalk café as long as the original approved site plan is implemented. Modifications of the sidewalk café which extend beyond the original approved plan shall require a new review and a review fee of two hundred fifty dollars.
- B. The application fee for a new sidewalk café is fifty dollars (\$50).
- ~~B-C.~~ The review fee for a new sidewalk café is three hundred dollars.

**Sidewalk Café renewals are less involved than new applications. We recommend reducing the annual fee to encourage greater compliance while increasing the new application review fee.*

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Section 08.02.038 Shorelines Management
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Section 08.02.038 Shorelines Management	Clarification	There is currently not a fee for Shoreline Exemptions, and we have been charging the pre-submittal fee of \$555	
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Section 08.02.038 Shorelines Management

- A. The application fees for new projects are as follows:

PROJECT VALUATION	FEE
\$2,500 - \$10,000	\$1,020
\$10,001 - \$50,000	\$1,420
\$50,001 - \$250,000	\$2,700
\$250,001 - \$1,000,000	\$5,400
Over \$1,000,000	\$6,750 plus 0.1% of project value

For Variance Add	\$2,160
For Conditional Use Add	\$1,860

B. The fee for presubmittal review is five hundred fifty-five dollars.

C. The fee for a shoreline exemption is five hundred fifty-five dollars.

~~C.~~ D. The fee for a permit amendment is eighty percent of the fee under this schedule.

~~D.~~ E. The fee should accompany the formal application for a permit or amendment.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Title 08 Taxation and Revenue Chapter 08.02 Fees and Charges Article VI. Land Use and Occupancy
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Section 08.02.065 Streets and Airspace	Clarification	Remove Fee	
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Title 08 Taxation and Revenue

Chapter 08.02 Fees and Charges

Article VI. Land Use and Occupancy

Section 08.02.065 Streets and Airspace

A. The fees in connection with skywalks are:

1. Seven thousand one hundred sixty dollars for the application to the hearing examiner.
2. Three hundred thirty-five dollars for annual inspection; and
3. Two thousand two hundred ninety dollars for renewal if the renewal is sought within twenty years from date of issuance of the permit.

For the use of public airspace other than pedestrian skywalk, the fee will be as provided in the agreement.

B. ~~The landowner must pay a twenty five dollar fee plus the actual recording costs for the covenant to remove encroaching improvements in unused street right of way, as provided in SMC 17G.010.160~~

C. The fee for a street address assignment as provided in SMC 17D.050.030 is ten dollars. The fee for a street address change is twenty-five dollars.

D. The street obstruction permit fees are as follows. All fees are minimum charges for time periods stated or portions of said time periods:

1. when the public way is obstructed by a dumpster or a temporary storage unit the fee is one hundred dollars per fifteen-day period.
2. for long-term obstruction (longer than twenty-one days) in the central business district or other congested area the fee is twenty cents per square foot of public right-of-way obstructed for each month period. The director of engineering services may adjust these boundaries in the interests of the public health, safety, and convenience, considering the need to promote traffic flows and convenience in administrative enforcement needs. ~~(See Central Business District Zone SMC 11.19.194)~~

3. for an obstruction not provided for in subsections (1) or (2) of this section, the fees are stated below:
 - a. When the public way is excavated for:
 - i. the first three working days: One hundred dollars;
 - ii. each additional three-working-day period: Forty dollars.
 - b. When no excavation for:
 - i. the first three days: Twenty-five dollars per day;
 - ii. each additional three-day period: Forty dollars.
 - c. Master annual permit fee set by the [director of engineering services development services center manager](#) based on a reasonable estimate of the expense to the City of providing permit services. Permit fees are payable at least quarterly. If a master annual permit fee is revoked, the party may apply for a refund of unused permit fees;
 4. a parking meter revenue loss fee of thirteen dollars per meter per day within the City central business district and six dollars fifty cents per meter per day for all other meters shall be paid for each meter affected by an obstruction of the public right-of-way;
 5. a charge of five hundred dollars is levied whenever a person:
 - a. does work without a required permit; or
 - b. exempt from the requirement for a permit fails to give notice as required by SMC 12.02.0740(B);
 6. a charge of two hundred fifty dollars is levied whenever a permittee does work beyond the scope of the permit;
 7. no fee is charged for street obstruction permits for activities done by or under contract for the City.
- E. The review fee for a traffic control plan is fifty dollars.
- F. The fee for a building moving permit is one hundred dollars.
- G. The annual permit fee for applicators of road oil or other dust palliatives to public ways and places of public travel or resort is one hundred dollars. A contractor must notify the department of engineering services in accordance with SMC 12.02.0740(B).
- H. Street vacation application fee is four hundred dollars.
- I. The fees for approach permits are:
 1. For a commercial driveway: Thirty dollars; and
 2. For a residential driveway: Twenty dollars.

Date Passed: Monday, June 29, 2009

Effective Date: Saturday, August 1, 2009

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Chapter 10.26 Building Moving and Relocation

<p>Section 10.26.010 Relocation Permit Required</p>	<p>Minor</p>	<p>Update the name of the department.</p>	<p>The name of the department was changed from “building services” to “development services center”.</p>
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Chapter 10.26 Building Moving and Relocation

Section 10.26.010 Relocation Permit Required

A. A person needs a relocation permit issued by the ~~building services department~~ development services center to relocate or place a building or structure upon any property in the City.

B. The applicant must be either the owner of the building or a state-registered contractor.

C. The relocation permit is in addition to the building moving permit and the street obstruction permit as provided in SMC 17G.010.210(B) and (D) and chapter 12.02 SMC. While the moving and street obstruction permits are class III licenses under chapter 4.04 SMC, the relocation permit is a species of building permit.

<p>Section 10.26.020 Condition of Building</p>	<p>Minor</p>	<p>Update out-of-date code references.</p>	<p>Update functions that have been reassigned from the director of building services to the building official.</p>
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Section 10.26.020 Condition of Building

A. The ~~director of building services~~ building official inspects the building to determine whether it complies with the current building code.

B. If the building does not meet current code, the ~~director~~ building official either denies the relocation permit application or conditions the permit on rehabilitation, repair or alteration.

C. All work of rehabilitation, repair or alteration required by a relocation permit is subject to the normal permit requirements of Title ~~11~~ 17 SMC.

<p>Section 10.26.030 Compliance with Zoning</p>	<p>Minor</p>	<p>Update out-of-date code references.</p>	<p>Update functions that have been reassigned from the director of building services to the building official.</p>
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Section 10.26.030 Compliance with Zoning

A. The ~~director of building services~~ building official inspects the site to which the building is to be moved and determines whether the relocated building would comply with the zoning code and all other applicable

provisions of Title 147 SMC.

1. If some approval, such as special permit from the hearing examiner, is required, the ~~director~~ building official may make such approval a precondition to the issuance of the relocation permit.

Section 10.26.040 Conditions of Permit	Minor	Update functions.	Update functions that have been reassigned from the director of building services to the building official.
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Section 10.26.040 Conditions of Permit

- A. The ~~director of building services~~ building official imposes such conditions on the relocation permit as are reasonable and necessary to assure code compliance and promote the general welfare.
- B. Such conditions may include that all work in connection with the required rehabilitation, repair or alteration be completed within a certain time and that the owner of the building post a bond to secure the completion of such work.

Section 10.26.060 Default	Minor	Update out-of-date code references.	
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Section 10.26.060 Default

- A. If a default in the conditions of the permit is not timely cured, the building official applies the bond to either complete the work required to satisfy the permit conditions or demolish and remove the building, taking into account the standards and criteria contained in ~~chapter 11.11 SMC~~ 17F.070 SMC.
- B. After paying the costs of the work of completion or demolition, the building official retains twenty-five percent of the costs by way of reimbursement of administrative expense. Any money remaining is returned to the person who paid on the bond.

Section 10.26.070 Building Moving – Additional Provisions	Minor	Update the name of the department.	The department name was changed from “building services” to “development services center”. Add language to allow for reimbursement to the City for inspection costs.
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Section 10.26.070 Building Moving – Additional Provisions

- A. Notwithstanding and in addition to the provisions of chapter 4.04 SMC, chapter 12.02 SMC and chapter 17G.010 SMC with respect to the permits for relocating a building, moving a building and obstructing a street, the moving of the building is subject to the further provisions of this section.
- B. The building official coordinates review and comment on the proposal among the City departments of police, development services center, engineering services, street, and among all utility companies

having lines or other facilities along the proposed route.

- C. Before the moving permit is issued the building official incorporates, by endorsement or attachment, a written description of the approved route and the time and date of the move. At least fifteen days before the move the applicant must sign the permit thereby agreeing to:
1. the route and time frame;
 2. notifying the police department, the street department and affected utilities at least twenty-four hours in advance of the move; and
 3. reimburse the affected departments and utility companies for the actual costs of **inspection**, moving lines or otherwise enabling the move.
- D. When the holder of a building moving permit gives notice as provided in this section, every owner of utility facilities is required to raise, remove and replace, bypass or take other reasonable action regarding such facilities to accommodate the moving of the building.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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<p>SMC 10.28.070 – Liquor Use and Sale SMC 10.28.020 – License Class SMC10.28.080 – Insurance Required SMC 10.28.040 - Application SMC 10.28.050 – Notice to Abutting Property Owners</p>			
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<p>SMC 10.28.070 – Liquor Use and Sale SMC 10.28.020 – License Class SMC10.28.080 – Insurance Required SMC 10.28.040 - Application SMC 10.28.050 – Notice to Abutting Property Owners</p>	<p>Clarification</p>	<p>The above changes to the Sidewalk Café codes are being recommended to encourage compliance, promote sidewalk cafes to local businesses, reduce processing time for new applicants, and provide correct references and code clarification.</p>	
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Section 10.28.020 – License Class

Sidewalk café licenses are Class III E licenses [and are subject to SMC Chapter 04.04.](#)

**Add reference to appropriate SMC regarding licenses to increase clarity.*

Section 10.28.040 – Application

- A. In addition to the information required by SMC 10.28.060 an application for a sidewalk café permit shall state:
1. The anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays and holidays; and
 2. Whether any liquor as defined in RCW 66.04.010 ~~(6)~~ will be sold or consumed in the area to be

covered by the permit.

- B. At the time of application the city engineer shall set a time ~~and place~~ for an [administrative](#) hearing ~~at~~[before](#) which the public may offer objections to the issuance of the license.

**Correct code to reflect the proper RCW. Public hearings for new sidewalk cafés are generally unattended by persons other than the applicant. Changing the public hearing to an administrative hearing will reduce processing time and cost to the City. Comments from the public can still be submitted for review during the administrative review time.*

Section 10.28.050 – Notice to Abutting Property Owners

- A. The applicant shall mail or serve a notice stating the:
1. Nature of the application;
 2. Sidewalk area sought to be used; and
 3. Date, time and place at which the city engineer will consider such application

At least ten days prior thereto, upon the owners, building managers and street level tenants of the properties that abut on the street segment that contains the sidewalk area sought to be used and that lie within the nearest intersections or depend upon such street segment for access, and shall file with the city engineer

Section 10.28.020 – License Class

Sidewalk café licenses are Class III E licenses [and are subject to SMC Chapter 04.04](#).

**Add reference to appropriate SMC regarding licenses to increase clarity.*

Section 10.28.040 – Application

- C. In addition to the information required by SMC 10.28.060 an application for a sidewalk café permit shall state:
1. The anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays and holidays; and
 2. Whether any liquor as defined in RCW 66.04.010~~(6)~~ will be sold or consumed in the area to be covered by the permit.
- D. At the time of application the city engineer shall set a time ~~and place~~ for an [administrative](#) hearing ~~at~~[before](#) which the public may offer objections to the issuance of the license.

**Correct code to reflect the proper RCW. Public hearings for new sidewalk cafés are generally unattended by persons other than the applicant. Changing the public hearing to an administrative hearing will reduce processing time and cost to the City. Comments from the public can still be submitted for review during the administrative review time.*

Section 10.28.050 – Notice to Abutting Property Owners

- B. The applicant shall mail or serve a notice stating the:
1. Nature of the application;
 2. Sidewalk area sought to be used; and
 3. Date, time and place at which the city engineer will consider such application

At least ten days prior thereto, upon the owners, building managers and street level tenants of the properties that abut on the street segment that contains the sidewalk area sought to be used and that lie within the nearest intersections or depend upon such street segment for access, and shall file

with the city engineer a copy of the notice mailed and a list of the persons to whom it was sent.

- C. The city engineer shall prepare ~~and post notices~~ notices containing the aforesaid information ~~upon any utility poles or other prominent place in the immediate vicinity and at the nearest intersection,~~ and shall deliver to the applicant a public notice, which shall be posted in a window or on the building exterior of the adjacent property.

**Current practice is to delegate the posting of notices to the applicant.*

Section 10.28.070 – Liquor Use and Sale

Liquor, as defined in RCW 66.04.010~~(16)~~, as now existing or hereafter amended, may be used and sold at a sidewalk café when authorized in both the use permit provided for herein and by permit of the Washington State liquor control board, and not otherwise.

**Correct reference to proper RCW.*

Section 10.28.080 – Insurance Required

An applicant for a permit for a sidewalk café shall, prior to issuance of such a permit, provide and maintain in full force and effect while the permit is in effect, public liability insurance in the amount specified by SMC ~~7.02.070~~ 12.02.0718 to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to the use of sidewalk area for sidewalk café purposes, naming the City as an additional insured.

**Correct reference to proper SMC.*

r a copy of the notice mailed and a list of the persons to whom it was sent.

- D. The city engineer shall prepare ~~and post notices~~ notices containing the aforesaid information ~~upon any utility poles or other prominent place in the immediate vicinity and at the nearest intersection,~~ and shall deliver to the applicant a public notice, which shall be posted in a window or on the building exterior of the adjacent property.

**Current practice is to delegate the posting of notices to the applicant.*

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**Correct reference to proper RCW.*

Section 10.28.080 – Insurance Required

An applicant for a permit for a sidewalk café shall, prior to issuance of such a permit, provide and maintain in full force and effect while the permit is in effect, public liability insurance in the amount specified by SMC ~~7.02.070~~ 12.02.0718 to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to the use of sidewalk area for sidewalk café purposes, naming the City as an additional insured.

**Correct reference to proper SMC.*

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Title 12 Public Ways and Property Chapter 12.02 Obstruction, Encroachment of Public Ways			
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<p>SMC 12.02.060, 12.02.0706, 12.02.0707, 12.02.0708, 12.02.00716, 12.02.0718, 12.02.0720, 12.02.0724, 12.02.0730, 12.02.0740, 12.02.0745, 12.02.0750, 12.02.0755, 12.02.704</p>	<p>Clarification</p>	<p>These code changes are needed to: Update out-of-date code references. Update functions that have been reassigned from the director of engineering services/building services to the development services center manager Update the name of the department which was changed from “building services” to “development services center” Clarify the city’s policy for extensions on obstruction permits. Update bond and insurance requirements for obstruction permit contractors</p>	
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Title 12 Public Ways and Property

Chapter 12.02 Obstruction, Encroachment of Public Ways

Article IV. Obstruction of Public Right-of-way

Section 12.02.060 Fences and Hedges – Incidental Encroachments

Incidental encroachments upon the public right-of-way from private property not obstructing the use of the right-of-way may be permitted by ~~the director of building services~~ development services center manager as provided in SMC 17G.010.160. Such encroachments are revocable without compensation and create no vested rights.

Section 12.02.0706 Permits Required

A. Obstruction of the public way is forbidden except by permit as provided in SMC 17G.010.210(D) and this article. Special uses for sidewalks are specifically treated in SMC 12.02.0730, et seq.

B. In case of an emergency situation endangering the public health or safety requiring immediate

obstruction and/or work in a public way, such obstruction and/or work may be accomplished without a permit, providing the director is notified as soon as practicable of the emergency situation and the activity necessary to correct the adverse condition. In such cases, permits will be required and issued for such activity, as may have been necessary, after the fact.

- C. City employees obstructing public ways in the performance of their official duties must first coordinate with the ~~division of public works and utilities~~ development services center in a manner prescribed by the director.

Section 12.02.0707 Master Annual Permit for High Volume Users

- A. In lieu of an individual permit for users whose estimated annual permit need is in excess of seven hundred permits per year under SMC 12.02.0706, an annual master permit may be issued as provided in this section and SMC 17G.010.210(D). Except as otherwise provided, all conditions of an individual permit apply to a master permit. A master annual permit is individually approved by the ~~director of engineering services~~ development services center manager.
- B. If the ~~director of engineering services~~ development services center manager deems in his sole discretion that the public convenience is not served by a master permit, an application may be denied or a master permit revoked. Denial or revocation of a master permit does not affect eligibility for an individual permit under SMC 12.02.0706.

Section 12.02.0708 Conditions of Permission

Permits to obstruct public ways are issued on the condition that:

- A. Permittees must repair, replace, and fully restore all portions of the public way affected by their activities.
- B. Activity permitted hereunder may be suspended, terminated, or conditioned upon such terms as the director may require in the exercise of his responsibilities for the protection of the public safety and convenience of other public uses.
- C. The original permit granted to a permittee functioning as a prime contractor shall cover the permittee's work and work to be done by all the permittee's subcontractors. If the work is not completed within the time constraints of the original permit, the permittee must obtain ~~a new permit specifically an extension of the original~~ permit for the work yet to be accomplished.
- D. All repairs, replacement, and restoration of a disturbed public way must be completed within the time specified on the permit. ~~One extension of the permit up to a maximum of three working days, without charge, may be authorized, for reasonable cause, at the discretion of the director. Thereafter, a new permit will be required.~~

Section 12.02.0710 Director May Restore Public Way

- A. Where repair or restoration of a public way remains uncompleted, is unsatisfactory, or where deemed necessary, in the discretion of the director for the protection of the public health and safety and the convenience of the public, the director may do all work needed to repair and restore the public way to its original and proper condition. Issuance of the street obstruction permit is notice to

the permittee of this section.

- B. Such repair and restoration is at the expense and liability of the permittee and/or of any surety required as a condition of the permit or continued enjoyment of permit privileges.

Section 12.02.0712 Temporary Repairs

- A. If, in the judgment of the director, it is not appropriate to patch or otherwise restore the public way, in part or in whole, in a permanent manner, because of soil conditions, weather, or other causes, the director may direct that the permittee lay a temporary patch of suitable material designated by the director until such time as a permanent repair is appropriate.
- B. Temporary repair measures ordered by the director must be promptly commenced, in no event longer than twenty-four hours after the notice of an order is given, or earlier, if the director deems it required by imminent circumstances. Such repairs must be promptly completed.
- C. In default of prompt accomplishment of temporary repairs in the manner directed, the City may proceed at once to accomplish the same at the permittee's expense and liability.

Section 12.02.0714 Notice of Completion – Penalty for Delay

Upon completion of the permitted activities, the permittee shall give notice to the director within one working day. Time of receipt of this notification shall be used to determine compliance with the time limits of the permit.

Section 12.02.0716 Long Term Permits – Temporary Passageway

- A. Where a permit allows the obstruction, disturbance, or other such use of a public street, highway, or alley (including the sidewalk, if any) for an extended period of time and affecting a substantial portion of the public ways, as determined by the ~~director of engineering services~~ development service center manager, said permit privileges will be established by the director in coordination with the street director. Each such request for an obstruction permit will be considered on its own merit and the limits established with due consideration for the needs of the permittee and for the interests of the public.
- B. Permits issued under this section are conditioned upon the permittee's continued safe maintenance of a temporary passageway for pedestrian use along the public way.
- C. Said temporary passageway shall be a minimum of four feet wide and shall extend from available permanent sidewalks, walkways, or specified pedestrian routes in the areas immediately adjacent to the permit area.
- D. Said temporary passageway shall be constructed of two-inch plank or other approved material laid lengthwise upon good and sufficient supports laid not more than three feet apart.
- E. The location of joining the temporary passageway to the regular sidewalk or pedestrian route must be even. The entire passageway must have a sturdy barrier or railing at least four feet high or other safe design approved by the ~~director of building services~~ building official.

- F. Where the temporary passageway abuts property with construction of structures higher than twenty feet, the passageway must be completely covered at a height of at least ten feet with two-inch plank or other approved material resting upon strong supporting joists well fastened and braced to strong posts on both sides.
- G. Chapter ~~44 of the Uniform~~ 33 of the International Building Code as adopted by the City controls over this section.

Section 12.02.0718 Insurance

- A. Permit applicants must furnish ~~public general~~ liability insurance ~~with combined bodily injury and property damage limits in the amount of five hundred thousand dollars~~ that meets the insurance requirements in a particular year to insure the applicant's operations to the extent they impinge upon or affect the public way and to protect the City. This shall not apply to public or private utilities certifying in writing that they are self-insured and pledging to fully defend and protect the City against any and all claims arising from or by reason of any negligent act or omission by the utility, in a like manner as an insurer.
- B. At the time of application, the applicant must furnish proof of such insurance, naming the City as an additional insured. The director shall require that such insurance be continuously maintained for a period of two years from project completion, with thirty days' notice of cancellation or material change given to the director.
- C. The director may allow insurance coverage to be provided on an annual basis for master permit holders. The director may reduce or increase the amount of insurance coverage for smaller or larger jobs as the public interest requires.

Section 12.02.0720 Performance Bond Requirements

Street obstruction bonds are specified in SMC 7.02.070 except:

- A. ~~Where permitted activities involve cutting into or under any public way or removal of any portion of the same, a performance bond in the sum of ten thousand dollars is required prior to issuance of the permit. Said~~ The performance bond shall provide surety for the performance of any and all necessary maintenance and repairs as may be required by the director at least two years after authorized activities are complete, or for such longer time as the director may determine to be reasonably necessary considering the degree and extent of permitted activities. In addition, the director may adjust the bond for larger or smaller jobs as the director may deem necessary and sufficient to protect the public interest in recurring repair and maintenance costs.
- B. ~~The bond sum is five thousand dollars for permitted activities not involving cutting into or under any public way or removal of any portion of the same.~~
- C. The director may allow the posting of an annual bond in the amount of ten thousand dollars in lieu of other bonds required in this section. In addition, the director may adjust the bond for larger or smaller jobs as the director may deem necessary and sufficient to protect the public interest in recurring repair and maintenance costs or for other appropriate reasons.
- D. This shall not apply to private or public utilities certifying in writing that they are self-insured and pledging to be liable in similar manner and like amount for their acts and the acts of their agents.

- E. This section shall not apply to owners and/or occupants of residential premises performing yard maintenance and minor tree trimming work in the public way abutting their real property, so long as the public way is not an arterial or in the central business district.

Section 12.02.0722 Indemnification

Every permit shall provide that the permittee agrees to fully defend, indemnify, and hold harmless the City against all claims, losses, or liabilities arising out of, or in connection with, intentional or negligent acts, errors, or omissions of the permittee, its agents, employees and/or business invitees in the course of enjoyment of permit privileges granted under this article.

Section 12.02.0723 Excavations

In cases where a trench excavation in the public way will exceed a depth of four feet, the permittee and/or person causing the same shall maintain adequate safety systems for the trench excavation that meet the requirements of the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

Section 12.02.0724 Barriers and Traffic Control

- A. In case any public way is dug up, excavated, undermined, disturbed, or obstructed, or any obstruction placed thereon, the permittee and/or person causing the same shall erect and maintain around the site a good and sufficient barrier, and shall also maintain lighted amber lights during every night from sunset to daylight, at each end and safely around such obstruction.
- B. In cases where a permit allows for the encroachment upon or the closure of a traffic lane, the permittee will provide traffic-control measures as may be established by the [engineering services director](#) [the development services center manager](#) and/or [the director of the street department](#).

Section 12.02.0726 Denial – Revocation of Permits

The director may decline to issue a permit or revoke a permit issued to any person who is or has been delinquent in the payment of any fees or charges fixed under the authority of this article or who refuses or neglects to comply with any of the provisions of this article. At the discretion of the director, permittees disqualified from applying hereunder will be ineligible to apply for any permits.

Section 12.02.0730 Permits – Sidewalk Special Use

- A. Upon approved plans and specifications ~~approved by the city council~~, the director may issue a permit for the placing in or upon the sidewalks of the City, plantings, ornamentals, or other beautification as the council may approve, or racks, stalls, or brackets for the parking, storage, or securing of bicycles or similar vehicles. Sidewalk cafes are permitted as provided in chapter 10.28 SMC. Signs are permitted as provided in chapter 17C.240 SMC.
- B. Before a sidewalk special use permit shall be issued, the person proposing to make such installation shall furnish proof of liability insurance coverage for such sidewalk use and the proposed installation, wherein the City is a named insured, for liability limits of not less than one hundred thousand dollars for any one personal injury, three hundred thousand dollars for all personal injury claims in any one accident and twenty-five thousand dollars for property damage.

- C. The director may reduce or increase the amounts of required insurance coverage as the public interest requires, depending on the size and nature of the permitted activity.

Section 12.02.0735 Regulations

- A. The director promulgates and interprets regulations to implement this article.
- B. Regulations to enforce or implement this chapter are approved by the director and published in the *Official Gazette*. They shall have the force of law thirty days after publication.

Section 12.02.0737 Obstruction of the Public Right of Way

- A. Owners and occupants of property within the City shall not obstruct the public right of way, hinder the normal flow of pedestrian or street traffic or render the public right of way unsafe. The creation of an obstruction is considered a nuisance pursuant to SMC 12.02.0208.
- B. The City may cause the removal or destruction of such obstruction of the public way by notice of violation and, as appropriate in each case:
 - 1. issuance of a class 1 civil infraction for the violation; or
 - 2. direct action by City forces or contract, the cost of which will be billed to the owner of the property or as a utility service to the property. Fees for abatement are contained in SMC 8.02.068.

Article IV. Obstruction of Public Right-of-way

Section 12.02.0740 Fees – Notice of Commencing Work

- A. Fees are specified in SMC 8.02.065.
- B. The permittee shall give the ~~engineering services department~~ development services center twenty-four hours' notice of the permittee's intention to begin such work. Penalty for not notifying, in advance, to begin work will be considered the same as working without a permit.

Section 12.02.0755 Bus Benches/Transit Shelter Located in the Public Right-of-way

- A. Bus benches, transit shelters and other similar facilities utilized for the benefit of patrons of public transportation may be placed in the public right-of-way pursuant to the approval of the City and under the direction of the ~~director of engineering services~~ development services center manager.
- B. Bus bench signs at designated public transportation stops located in the public right-of-way shall be permitted, provided, however, that such signs shall have any necessary permits and comply with all applicable regulations set forth in the Spokane Municipal Code, interlocal agreements with a public transportation authority, and/or other rules or requirements.

Section 12.02.704 Definitions

- A. “Public way” means any publicly dedicated or used highway, street, alley, or sidewalk.
- B. “Permittee” means any person to whom an obstruction permit is issued. Permits are not transferable and have no property value.
- C. “Office of primary responsibility” means the ~~director of engineering services~~ development services center manager, hereafter referred to as the director, who is the City official designated to administer this article. The director functions directly or through authorized agents, in coordination with other appropriate City agencies. The director is authorized to grant exceptions to, or impose conditions on, requirements herein, in the exercise of sound discretion, considering the requirements of permittees and the purpose of this article.
- D. “Obstruction of a public way” includes, but is not limited to, obstructions that may hinder the normal flow of pedestrian or street traffic or render the public way unsafe for current and necessary use such as:
 - 1. trees, bushes, weeds or grass; and
 - 2. accumulations of trash and debris including but not limited to litter, glass, and scrap materials.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Chapter 17A.010 General Administration

17A.010.070 Delegation of Administration	Minor	Duplicate sections of code	Refers to the responsibility of administration for each chapter of the SMC.
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Section 17G.060.020 Administration

- A. Responsibility for the administration, application and interpretation of these procedures pursuant to this ordinance is as is set forth below:
 - 1. The director of building services or his designee is responsible for chapter 17E.050 SMC, Division F; chapter 17G.010 SMC, Division I; and the development codes.
 - 2. The director of engineering services or his designee is responsible for chapter 17D.020 SMC, chapter 17D.070 SMC, chapter 17E.010 SMC, chapter 17E.050 SMC, chapter 17G.080 SMC, Division H and the development codes.
 - 3. The director of planning services or his designee is responsible for SMC Division B, Division C, and chapter 11.15 SMC, chapter 11.17 SMC, chapter 11.19 SMC, chapter 17D.010 SMC, chapter 17D.060 SMC, chapter 17D.080 SMC, chapter 17D.090 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.050 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, chapter 17G.020 SMC, chapter 17G.030 SMC, chapter 17G.040 SMC, chapter 17G.060 SMC, chapter 17G.070 SMC and chapter 17G.080 SMC.
- B. The procedures for requesting interpretations of the land use codes and development codes shall be

made by the department and may be contained under the specific codes.

Section 17A.010.070 Delegation of Administration

Except to the extent that state law requires municipal code enforcement personnel to be specifically qualified, every function, authority and responsibility vested by this title in a particular officer is delegable.

- A. Responsibility for the administration, application, and interpretation of these procedures pursuant to this title is as is set forth below.
 - 1. The director of building services or his/her designee administers chapter 17E.050 SMC, Title 17F SMC, chapter 17G.010 SMC, Title 17I SMC, and the development codes.
 - 2. The director of engineering services or his/her designee administers chapter 17D.020 SMC, chapter 17D.080 SMC, chapter 17E.010 SMC, chapter 17E.050 SMC, chapter 17G.080 SMC, Title 17H SMC, and the development codes.
 - 3. The director of planning services or his/her designee administers Title 17B SMC, Title 17C SMC, and chapter 17D.010 SMC, chapter 17D.080 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.050 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, chapter 17G.020 SMC, chapter 17G.030 SMC, chapter 17G.040 SMC, chapter 17G.060 SMC, chapter 17G.070 SMC, and chapter 17G.080 SMC.
 - 4. The historic preservation officer or his/her designee administers chapter 17D.040 SMC and chapter 17E.050 SMC.

The director of wastewater management administers chapter 17D.060 SMC and chapter 17D.090 SMC.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Chapter 17A.020 Definitions

Section 17A.020.030 "C" Definitions	Clarification	Adds an upper limit to the definition of Clear View Triangle for overhanging vegetation such as trees within a clear view triangle. Adds Clear View Triangle to Definitions to provide a consistent application of the SMC.	
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Section 17A.020.030 "C" Definitions

- A. Candidate Species.
A species of fish or wildlife, which is being reviewed, for possible classification as threatened or endangered.
- B. Carport.
A carport is a garage not entirely enclosed on all sides by sight-obscuring walls and/or doors.
- C. Cellular Telecommunications Facility.
They consist of the equipment and structures involved in receiving telecommunication or radio

signals from mobile radio communications sources and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.

D. Central Business District.

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

E. Certificate of Appropriateness.

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

F. Certificate of Capacity.

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

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

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

1. site conditions and construction activities that could impact the quality of stormwater, and
2. effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.

The CESCL shall have current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State department of ecology.

H. Change of Use.

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

I. Channel Migration Zone (CMZ).

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

J. Channelization.

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

K. City.

The City of Spokane, Washington.

L. Clear Street Width.

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

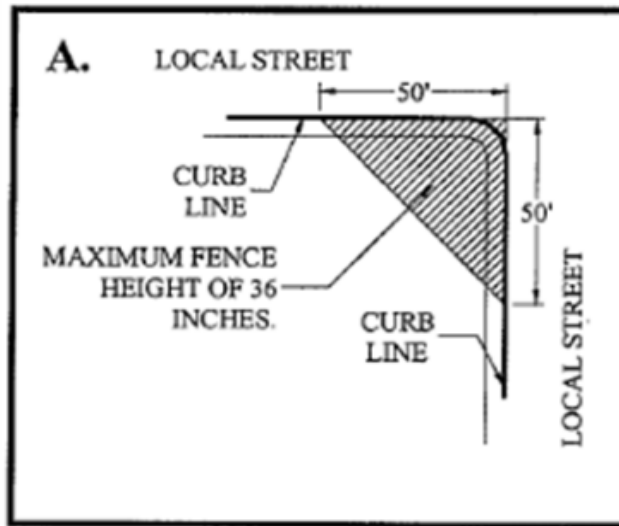
M. Clear Pedestrian Zone

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

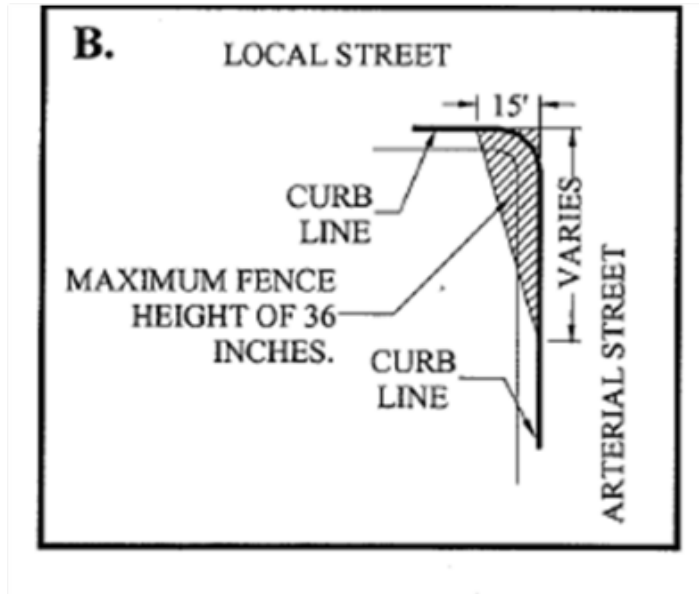
N. Clear View Triangle

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

1. A right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or

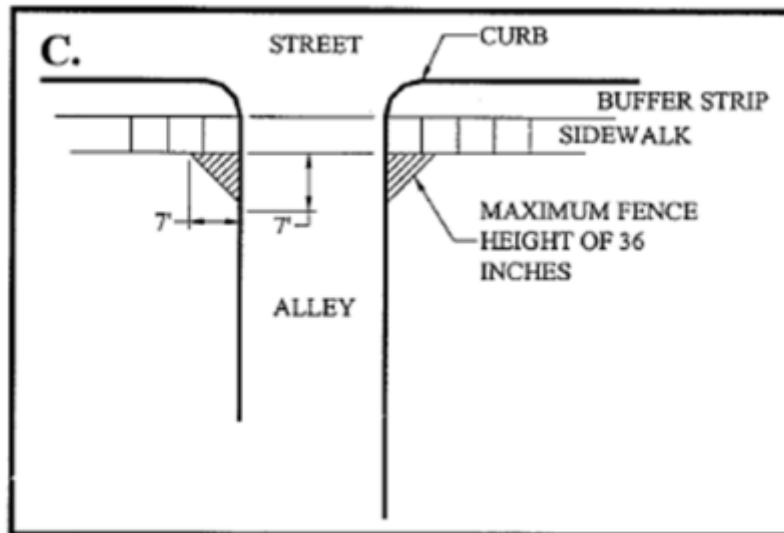


2. A right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along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



A right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:

- a. the inside line of the sidewalk; or
- b. if there is no sidewalk, a line seven feet inside the curb line.



O. Clear Zone.

An unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles.

P. Clearing.

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

Q. Cliffs.

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

R. Closed Record Appeal Hearing.

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

S. Collector Arterial.

A relatively low speed street serving an individual neighborhood.

1. Collector arterials are typically two-lane roads with on-street parking.
2. Their function is to collect and distribute traffic from local access streets to principal and minor arterials.

T. Co-location.

Is the locating of wireless communications equipment from more than one provider on one structure at one site.

U. Colony.

A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen, and brood.

V. Commercial Driveway.

Any driveway access to a public street other than one serving a single-family or duplex residence on a single lot.

W. Commercial Vehicle.

Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.

X. Commission – Historic Landmarks.

The City/County historic landmarks commission.

Y. Community Banner.

A temporary banner made of sturdy cloth or vinyl that is not commercial advertising that has the purpose of the promotion of a civic event, public service announcement, holiday decorations, or similar community and cultural interests and is placed on a structure located in the public right-of-way, subject to procedures authorized by city administrator.

Z. Community Meeting.

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

1. A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public, and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.
2. A community meeting does not constitute an open record hearing.
3. The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

AA. Compensatory Mitigation.

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

1. Restoration.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.
2. Re-establishment.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
3. Rehabilitation.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.
4. Creation (Establishment).
The manipulations of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

5. Enhancement.

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

6. Protection/Maintenance (Preservation).

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

AB. Comprehensive Plan.

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

AC. Conceptual Landscape Plan.

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

7. The type of landscaping, L1, L2, or L3, is required to be labeled.

8. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.

AD. Concurrency Certificate.

A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to chapter 17D.010 SMC, Concurrency Certification.

AE. Concurrency Facilities.

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

1. transportation,
2. public water,
3. fire protection,
4. police protection,
5. parks and recreation,
6. libraries,
7. solid waste disposal and recycling,
8. schools, and
9. public wastewater (sewer and stormwater).

AF. Concurrency Test.

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

AG. Conditional Use Permit.

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

AH. Condominium.

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

AI. Confidential Shelter.

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

AJ. Congregate Residence.

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

AK. Conservancy Environments.

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

AL. Container.

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

AM. Context Areas

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

AN. 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.

AO. Conveyance System.

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, and most flow control and water quality treatment facilities.

AP. Copy.

Letters, characters, illustrations, logos, graphics, symbols, writing, or any combination thereof designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental, or lease of premises.

AQ. Cottage Housing.

1. A grouping of individual structures where each structure contains one dwelling unit.
2. The land underneath the structures is not divided into separate lots.
3. A cottage housing development may contain no less than six and no more than twelve individual structures in addition to detached accessory buildings for storing vehicles. It may also include a community building, garden shed, or other facility for use of the residents.

AR. Council.

The city council of the City of Spokane.

AS. County.

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

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

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

AU. Creep.

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

AV. Critical Amount.

The quantity component of the definition of critical material.

AW. 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.

AX. Critical Facility.

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

1. schools;
2. nursing homes;
3. hospitals;
4. police;
5. fire;
6. emergency response installations; and
7. installations which produce, use, or store hazardous materials or hazardous waste.

AY. Critical Material.

1. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:
 - a. domestic and industrial water supply,
 - b. agricultural irrigation,
 - c. stock water, and
 - d. fish propagation.

Used herein, the designation is distinguished from state or other designation.

2. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto.

AZ. Critical Material Activity.

A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials.

A list of critical materials activities is contained in the Critical Materials Handbook.

BA. Critical Materials Handbook.

1. The latest edition of a publication as approved and amended by the division director of public works and utilities from time to time to accomplish the purposes of this chapter. 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.
2. The handbook, as approved and modified by the division director of public works and utilities , contains:
 - a. a critical materials list,
 - b. a critical materials activities list, and
 - c. other technical specifications and information.
3. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.

BB. Critical Review.

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

BC. Critical Review Action.

1. An action by a municipal official or body upon an application as follows:
 - a. 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).
 - b. Application for a shoreline substantial development permit (SMC 17G.060.070(B)(1)).
 - c. Application for a certificate of occupancy (SMC 17G.010.170).
 - d. Application for a variance or a certificate of compliance (SMC 17G.060.070(A) or SMC 17G.060.070(B)(1)).

- e. Application for rezoning (SMC 17G.060.070(A)).
 - f. Application for conditional permit (SMC 17G.060.070(A)).
 - g. Application for a business license (SMC 8.01.120).
 - h. Application for a permit under the Fire Code (SMC 17F.080.060).
 - i. Application for a permit or approval requiring environmental review in an environmentally sensitive area (SMC 17E.050.260).
 - j. Application for connection to the City sewer or water system.
 - k. Application for construction or continuing use of an onsite sewage disposal system (SMC 13.03.0149 and SMC 13.03.0304).
 - l. Application for sewer service with non-conforming or non-standard sewage (SMC 13.03.0145, SMC 13.03.0314, and SMC 13.03.0324).
 - m. Application involving a project identified in SMC 17E.010.120.
 - n. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.
 - o. Application for an underground storage tank permit (SMC 17E.010.210); and
 - p. Application for permit to install or retrofit aboveground storage tank(s) (SMC 17E.010.060(A) and SMC 17E.010.400(D)).
2. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

BD. Critical Review Applicant.

A person or entity seeking a critical review action.

BE. Critical Review Officer – Authority.

- 1. The building official or other official designated by the director of public works and utilities.
- 2. For matters relating to the fire code, the critical review officer is the fire official.
- 3. The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Chapter 17C			
<p>Section 17C.110.230 Fences (Residential)</p> <p>17C.110.230 G Fences, Visibility at Intersections (Residential)</p> <p>17C.120.310 E (Commercial)</p>	Clarification	Adds an upper limit to the definition of Clear View Triangle for overhanging vegetation such as trees within a clear view triangle.	

<p>17C.122.135 E. (Centers and Corridors)</p> <p>17C.124.310 E (Downtown)</p> <p>17C.130.310 E (Industrial)</p> <p>17C.200.040 A2 Site Planting Standards, Street Frontages</p> <p>17C.200.050 F Street Tree Requirements, Clear View Zone</p>		<p>Adds Clear View Triangle to Definitions to provide a consistent application of the SMC.</p>	
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Section 17C.110.230 Fences (Residential)

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.110-3.

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, Constantine, 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.

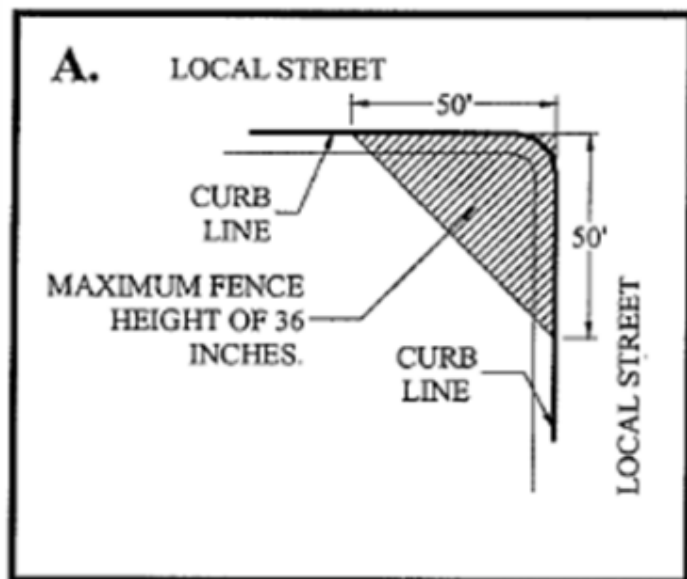
F. Enclosures for Pools, Hot Tubs, or Ponds.

1. A person maintaining a swimming pool, hot tub, pond or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible by small children.
2. 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.
3. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
4. No opening, except a door or gate, may exceed four inches in any dimension.
5. 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.

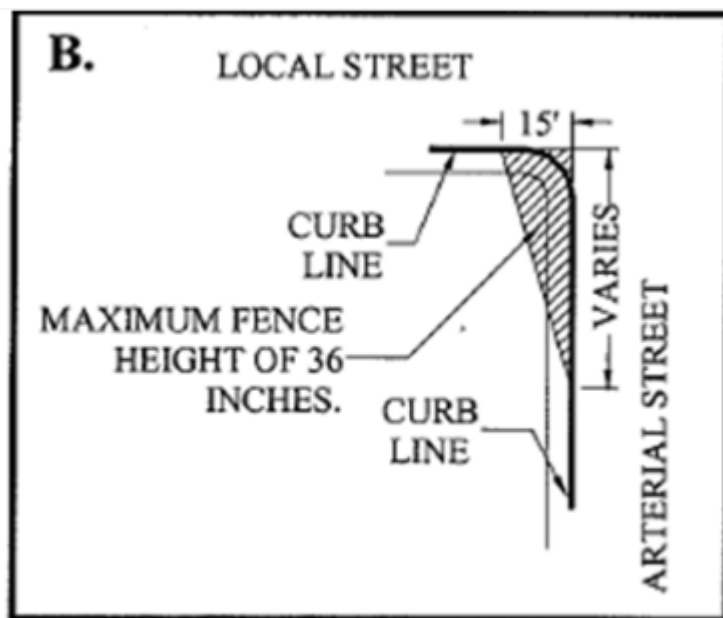
A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.

- ~~1. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no 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 exceeding a height of thirty-six inches above the curb. may be inside the:~~
- ~~2. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~



3. ~~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~~

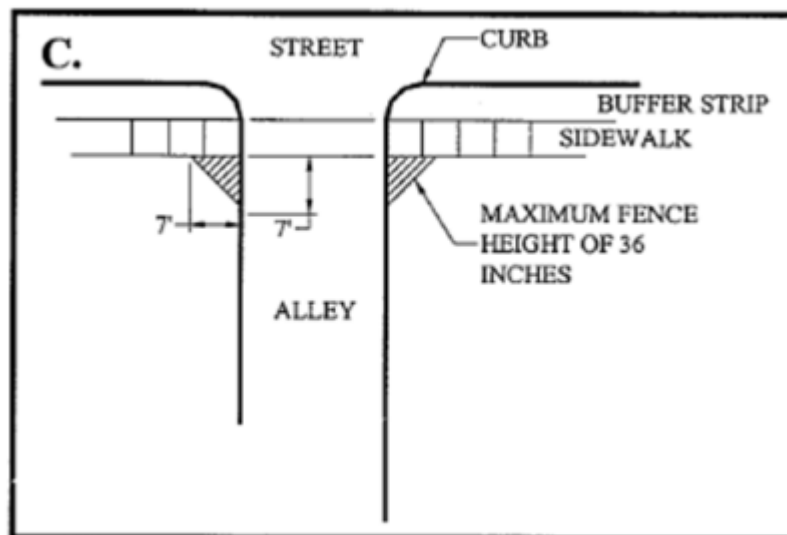
~~3.~~



~~4.~~

5. ~~right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:~~
6. ~~the inside line of the sidewalk; or~~
7. ~~if there is no sidewalk, a line seven feet inside the curb line.~~

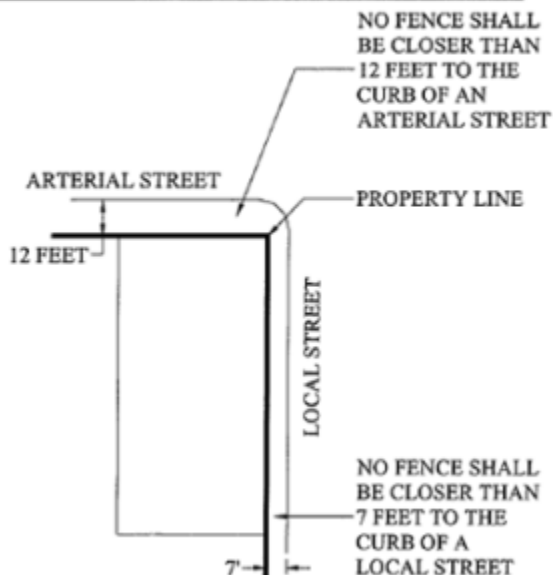
~~8.~~



9.

1.

Curb to Fence Dimensions



Section 17C.120.310 Fences (Commercial)

A. Purpose.

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Types of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design.

1. Street Setbacks.

No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.120.230.

a. Measured from Front Lot Line.

Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.

b. Measured from a Side Lot Line.

Fences up to six feet high are allowed in a required setback that is measured from a side lot line.

2. Side and Rear Structure Setbacks.

Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.

3. Not in Setbacks.

The height for fences that are not in required setbacks is the same as the regular height limits of the zone.

4. Sight-obscuring Fences and Walls.

Sight-obscuring fences, walls and other structures over three and one-half feet high, and within fifteen feet of a street lot line are subject to SMC 17C.120.570, Treating Blank Walls – Building Design.

D. Prohibited Fences.

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that in a CB or GC zone up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.

2. No person may maintain a fence or barrier charged with electricity.

3. A fence, wall or other structure shall not be placed within a 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. No fence may be closer than twelve feet to the curb.

E. Visibility at Intersections.

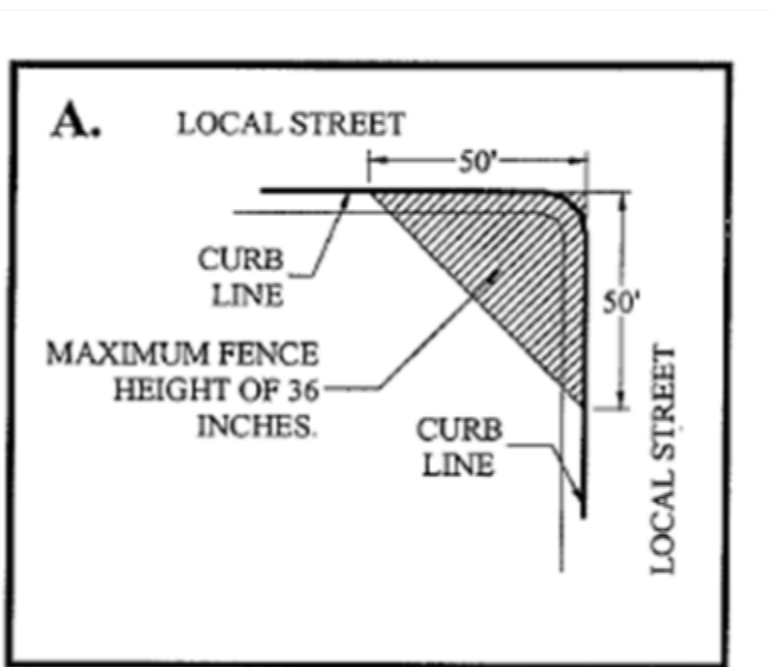
A fence, wall, hedge or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.

1. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, ~~no~~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 ~~exceeding a height of thirty-six inches~~ above the curb.

~~2. may be inside the:~~

~~3. a. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~

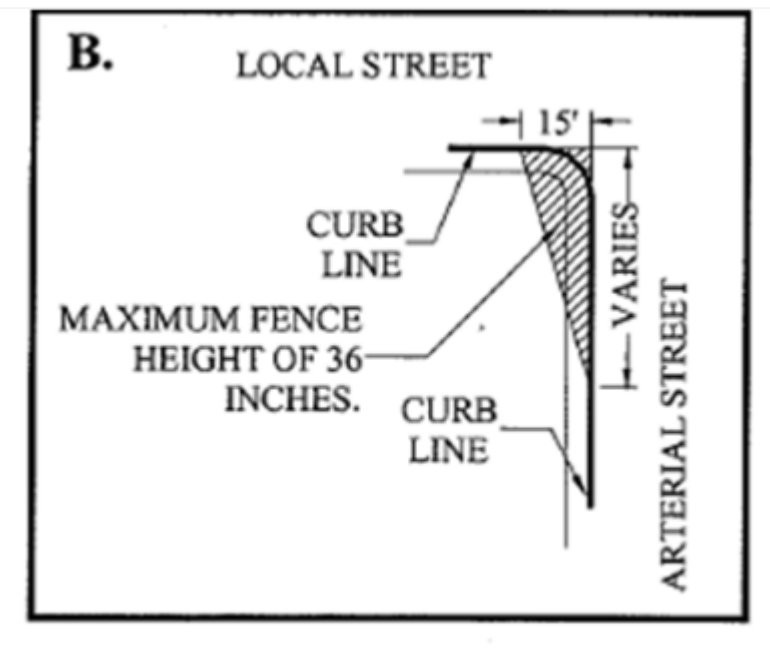
4.



5.

6. 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

7.



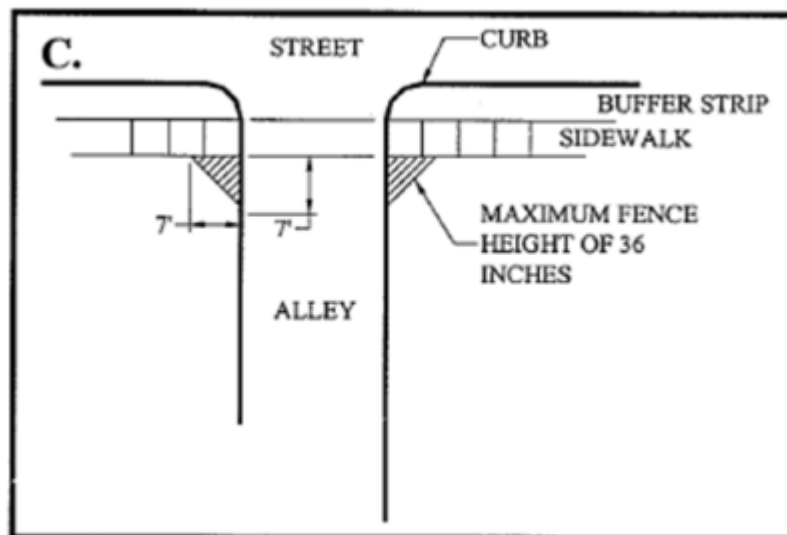
8.

9. right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:

10. the inside line of the sidewalk; or

11. if there is no sidewalk, a line seven feet inside the curb line.

12.



13.

Section 17C.122.135 Fences (Centers and Corridors)

A. Purpose.

The fence standards promote the positive benefits of fences without adversely impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Type of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design.

1. Street Setbacks.

No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.130.230.

a. Measured From Front Lot Line.

Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.

b. Measured From a Side Lot Line.

Fences up to six feet high are allowed in required setback that is measured from a side lot line.

c. Fences shall not reduce the required setback width of SMC 17C.130.210.

2. Side or Rear Structure Setbacks.

Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.

3. Not In Setbacks.

The height for fences that are not in required setbacks is the same as the regular height limits

of the zone.

4. Sight-obscuring Fences and Walls.

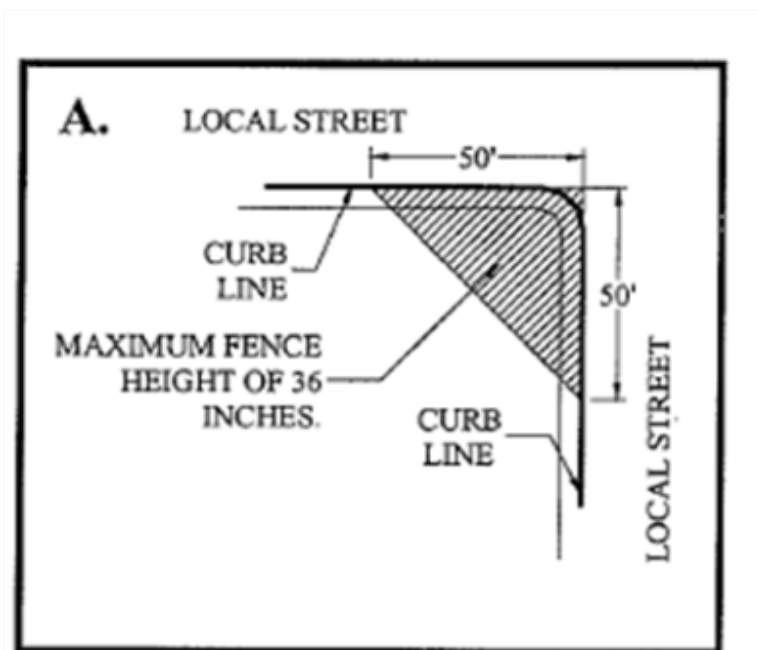
Any required or nonrequired sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall either be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening), or meet the treatment of blank walls intent outlined in SMC 17C.122.060 – Initial Design Standards and Guidelines for Center and Corridors.

D. Prohibited Fences.

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.
2. No person may maintain a fence or barrier charged with electricity.
3. A fence, wall, or other structure shall not be placed within a 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. No fence may be closer than twelve feet to the curb.

E. Visibility at Intersections.

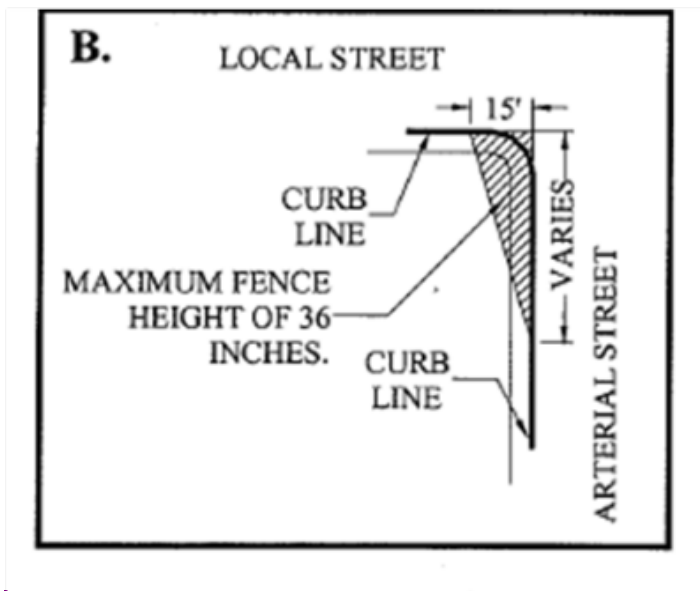
A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.



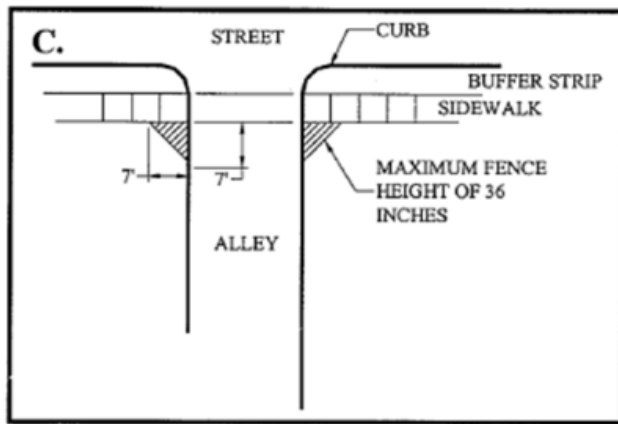
1. Subject to the authority of the traffic engineer to make adjustments and special requirements in

particular cases, ~~no~~ 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 exceeding a height of thirty-six inches above the curb, may be inside the:

- a. ~~right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~
- b. ~~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~~



- c. ~~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.~~



Section 17C.124.310 Fences (Downtown)

A. Purpose.

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists.

B. Types of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design.

1. Fencing along streets, alleys, and pedestrian connections. No fence over three and one-half feet in height is allowed within the right-of-way or the required sidewalk width of SMC 17C.124.230.
 - a. Measured from the lot line or required sidewalk width, fencing up to six feet high is allowed within the first two feet behind the lot line or required sidewalk width. Greater than two feet back from the street lot line and the required sidewalk width; fencing is subject to the building heights for the zone.
 - b. Within two feet of a pedestrian connection through the interior of a site or block, fences are limited to three and one-half feet in height.
2. Fencing shall be behind any required parking lot or site perimeter landscaping.
3. Fencing Material and Color.

Colors shall complement the primary color of the development and shall not be so extreme in contrast or intensity that the color competes with the building for attention. Proposed fencing materials and colors that differ from these standards are subject to an administrative design review process.

 - a. Fence color within the public right-of-way or visible from streets shall be a dark material, preferable black or dark matte finish earth tones. Dark earth tone colored fence materials are preferred. (P)
 - b. Fencing shall be of a durable material. (P)
 - c. Fence materials within the public right-of-way or within eight feet of a street lot line

may be wrought iron or similar in appearance, aluminum, metal, or other durable material that meets the objective. (P)

- d. Walls visible from streets shall be masonry, stone, or brick construction. Masonry walls shall have a stucco finish or a textured manufactured finish such as “split face” or “fluted” block. (P)
- e. Chain link fencing is not allowed that is visible from and/or adjacent to a public street. Chain link fencing must be painted or vinyl coated and all part must be a uniform dark matte color such as black or other dark color.

4. Sight-obscuring Fences and Walls.

Sight-obscuring fences, walls, and other structures over three and one-half feet high and visible from a street are subject to SMC 17C.124.570, Treating Blank Walls – Building Design.

D. Prohibited Fences.

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire. Three strands of barbed wire may be placed atop a lawful fence if the fence is not visible from an adjacent street or is placed behind a sight-obscuring fence or wall. The fence must be placed upon private property.
2. No person may maintain a fence or barrier charged with electricity.
3. A fence, wall, or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160.
4. No permanent fence may reduce the required sidewalk width.

E. 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, ~~no~~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 exceeding a height of thirty inches above the curb may be inside the:
 - ~~a. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~
 - ~~b. 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~~
 - ~~c. 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.~~~~

A. Purpose

The fence standards promote the positive benefits of fences without adversely impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Type of Fences

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design

1. Street Setbacks.

No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.130.230.

a. Measured from Front Lot Line.

Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.

b. Measured from a Side Lot Line.

Fences up to six feet high are allowed in required setback that is measured from a side lot line.

c. Fences shall not reduce the required setback width of SMC 17C.130.210.

2. Side or Rear Structure Setbacks.

Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.

3. Not in Setbacks.

The height for fences that are not in required setbacks is the same as the regular height limits of the zone.

4. Sight-obscuring Fences and Walls.

Any required or non-required sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening).

D. Prohibited Fences

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.

2. No person may maintain a fence or barrier charged with electricity.

3. A fence, wall or other structure shall not be placed within a 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. No fence may be closer than twelve feet to the curb.

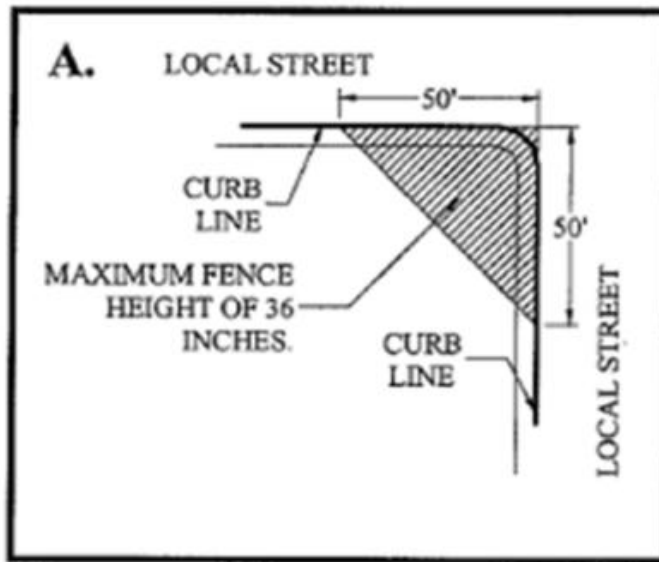
E. Visibility at Intersections

A fence, wall, hedge or other improvement may not be erected or maintained at the corner of a lot

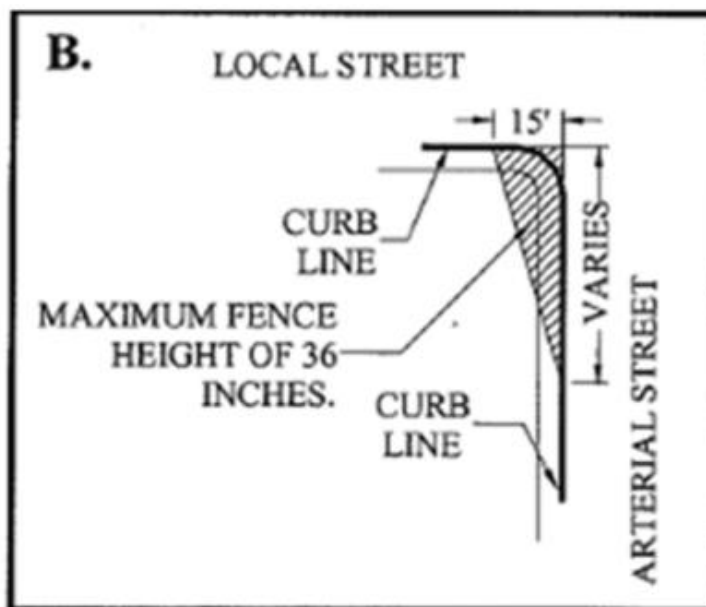
so as to obstruct the view of travelers upon the streets.

1. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, ~~no~~ 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 exceeding a height of thirty-six inches above the curb, may be inside the:

- a. ~~right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~



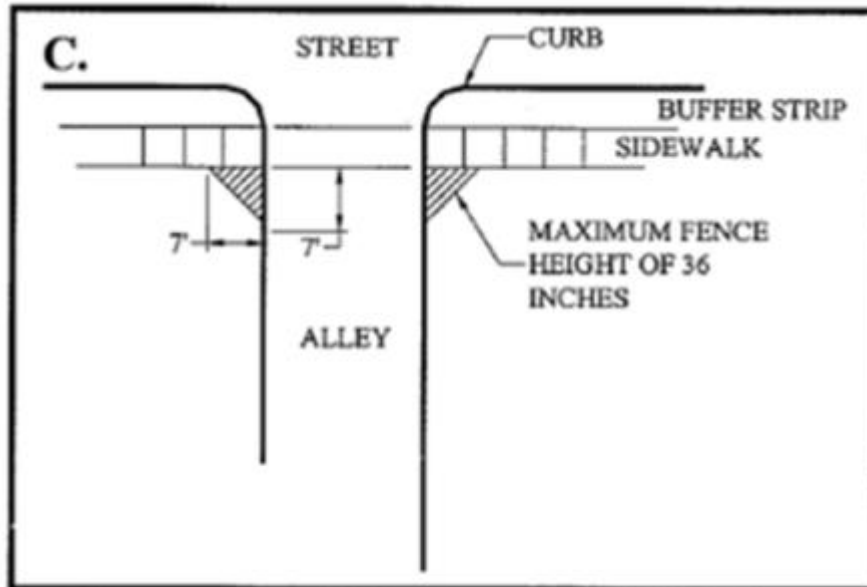
- b. ~~right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty two feet; or~~



- c. ~~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.



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:
 - 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, Street Tree Requirements. 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
 - d. 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.
 - e. 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.
 - f. along all RA, RSF, RTF, RMF, and RHD zones, except for single-family residences and duplexes: six feet of L3 open area landscaping, including street trees as prescribed in

SMC 17C.200.050. 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. ~~Except for attached and detached single-family residences and duplexes,~~ plantings may not exceed thirty-six inches in height or hang lower than ninety-six inches within the clear view triangle at street intersections on corner lots and at driveway entries to public streets. The clear view triangle is defined in ~~SMC 17A.020.030-SMC 17C.120.310~~. The director of engineering services may further limit the height of plantings, landscaping structures, and other site development features within the clear view triangle or may expand the size of the clear view triangle as conditions warrant.



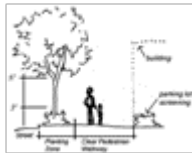
Section 17C.200.050 Street Tree Requirements

A. Purpose.

To provide consistent street frontage character within the street right-of-way. The street tree standards also maintain and add to Spokane's tree canopy and enhance the overall appearance of commercial and neighborhood development. Trees are an integral aspect of the Spokane landscape and add to the livability of Spokane. They provide aesthetic and economic value to property owners and the community at large.

B. Street Tree Implementation.

1. Street trees are required along all city streets in downtown, commercial, center and corridor, industrial zones, residential zones, and in FBC zones.
2. Street trees shall be planted between the curb and the walking path of the sidewalk.



3. Street trees and other landscaping shall be maintained and irrigated by the adjacent property owner.
4. If a street has a uniform planting of street trees or a distinctive species within the right-of-way, then new street trees should be of a similar form, character and planting pattern.
5. For a full list of approved trees in the city of Spokane, see the urban forestry program's approved street tree list. Species selection should be guided by individual site conditions including hydrology, soil, solar orientation, and physical constraints.

C. Planting Zones.

1. Provide continuous planting strips or individual planting areas per Table 17C.200.050-1, Tree Planting Dimensional Standards.

TABLE 17C.200.050-1

Tree Planting Dimensional Standards [1]

ZONE	CONTINUOUS PLANTING STRIP (minimum width as measured from back of curb)	INDIVIDUAL PLANTING AREA (width as measured from back of curb)
Downtown	Individual Planting Areas (tree vaults) required [1]	4 ft. minimum 6 ft. maximum [2]
CC	5 ft.	4 ft. minimum 6 ft. maximum [2]
FBC	Individual Planting Areas (tree vaults) required [1]	5 ft [2]
Commercial	5 ft.	4 ft. minimum 6 ft. maximum [2]
Industrial	6 ft.	Continuous Planting Strip required [3]
RA, RSF, RTF	6 ft.	Continuous Planting Strip required [3]
RMF, RHD	6 ft.	Continuous Planting Strip required [3]
School/Church Loading Zone	Not Applicable	4 ft. minimum 6 ft. maximum [2, 4]

Notes:

- [1] Individual Planting Areas (tree vaults) are the standard for the Downtown and FBC Zones. Proposals for Continuous Planting Strips may be evaluated on a case by case basis.
- [2] Un-compacted soils are necessary for street trees. Individual planting areas (or tree vaults) must be of a size to accommodate a minimum of 100 cubic feet of un-compacted soils per tree at a maximum depth of three feet. Refer to the Engineering Design Standards for examples of potential options in individual planting areas.
- [3] Continuous Planting Strips are the standard for Industrial and Residential Zones. However, individual planting areas meeting the CC standard may be proposed and evaluated on a case by case basis in Industrial, RMF and RHD Zones.
- [4] In all zones, within a school/church loading zone, street tree location may vary from the standard as long as street trees are located within the right-of-way.
- [5] In all zones, when a continuous planting strip will double as a stormwater swale, the minimum width shall be 6.5 feet.

2. Continuous Planting Strips.

- a. Continuous planting strips may be planted with living ground cover or low plantings that are maintained at a height less than three feet from ground level.
- b. When auto traffic is immediately adjacent to the curb, new street trees must be planted at least three feet from the edge of the automobile travel way.



3. Individual Planting Areas.

- a. When an individual planting area is not symmetrical, the longer dimension shall run

along the curb.

- b. Tree grates or plantings are acceptable. However, when there is on-street parking, a tree grate or a paved walk eighteen inches wide behind the curb are encouraged to help avoid conflicts with car doors and foot traffic. The minimum clear pedestrian walking path as required for the zone shall be maintained.

Tree Grates



Street Trees with plantings up to 3 ft.



- c. Where tree grates are used, they shall be ADA accessible and have a similar size and material as tree grates found in adjacent developments. Where tree grates are used, tree guards are encouraged for tree protection.

Tree Grate with Tree Guard



- d. Un-compacted soils are necessary for street trees. A minimum of one hundred cubic feet per tree at a maximum depth of three feet is required. See Engineering Design Standards for examples of potential options in individual planting areas and for retrofitting sidewalks.



D. Size Requirements for New Street Trees.

- 1. Street trees shall meet the most recent ANSI standards for a two-inch caliper tree at the time of planting
- 2. Larger shade trees with spreading canopies or branches are desirable where possible. Species of street trees within the public rights-of-way shall be approved by the City urban forester and reviewed by the director of engineering services.
- 3. If overhead power lines are present, street trees shall be limited to a mature height of twenty-five feet to avoid conflict with utility lines and maintenance crews.

E. Spacing Requirements for Street Tree Spacing.

The objective is to create a continuous tree canopy over the sidewalk.

1. Continuous planting strips.
Average spacing shall be twenty five feet for small and columnar trees and thirty feet for canopy trees. The planning director may allow increased spacing for exceptionally large trees or upon the recommendation of the urban forester.
2. Individual planting areas.
Average spacing for all tree sizes and types shall be twenty-five feet. Trees planted adjacent to parallel parking stalls with meters may be spaced twenty feet apart.
3. Street tree plantings shall consider the location of existing utilities, lighting, driveways, business entrances and existing and proposed signs. See the Engineering Design Standards for required dimensions.

F. Clear View Zone.

Landscaped areas between the curb and sidewalk, as well as landscaped areas within the clear view triangle as defined in [SMC 17A.020.030-SMC 17C.120.310](#) shall be maintained or plant material chosen to maintain a vertical clear view zone between three and eight feet from ground level [above the curb](#).



CODE SECTION	TYPE OF AMENDMENT	SUMMARY	COMMENTARY
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17C.200.040(B) Table

17C.200.040(B) Table	Minor	Wrong footnote number	
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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. 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. The owners of adjacent properties may agree to consolidate their perimeter plantings along shared boundaries. Therefore, instead of each property providing a five-foot wide planting strip, they together could provide one five-foot wide planting strip, so long as the required planting type, as indicated in the matrix, is provided. Types of landscaping to be provided in planting strips alongside and rear property lines:

SUBJECT PROPERTY ZONE (vertical)	ADJACENT PROPERTY ZONE (horizontal)												
	R A	R SF	R T F	R M F	R H D	O, OR	NR, NMU	C B	G C	C C	LI, PI	H I	D T
RA	-	--	--	--	--	--	--	-	-	-	--	-	-

	-							-	-	-		-	-
RSF	-	--	--	--	--	--	--	-	-	-	--	-	-
RTF	-	--	--	--	--	--	--	-	-	-	--	-	-
RMF	L 2	L2	L2	L3	L2	L2	L2	L 1	L 1	L 1	--	-	L 1
RHD	L 2	L2	L2	L2	L3	L2	L2	L 2	L 2	L 2	--	-	L 2
O, OR	L 2	L2	L2	L2	L2	L3	L2	L 2	L 2	-	--	-	L 2
NR, NMU	L 2	L1	L2	L2	L2	L2	L3	L 3	L 2	-	--	-	L 3
CB	L 1	L1	L1	L1	L2	L2	L3	L 3	L 3	-	--	-	L 3
GC	L 1	L1	L1	L1	L2	L2	L2	L 3	L 3	-	--	-	L 3
CC, FBC	L 1	L1	L1	L1	L2	--	--	-	-	-	--	-	-
LI, PI [31]	L 1	L1	L1	L1	L1	L1	L2	-	-	-	--	-	-
HI [31]	L 1	L1	L1	L1	L1	L1	L1	-	-	-	--	-	-
DT	L 1	L1	L1	L1	L1	L2	L2	L 3	L 3	-	--	-	-

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.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Section 17C.230.140 Development Standards

Section 17C.230.140 Development Standards	Minor	Missing references and a comma.	
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A. Parking Area Layout

1. Access to Parking Spaces.

All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or

exit without having to move another vehicle.

2. Parking Space and Aisle Dimensions.

- a. Parking spaces and aisles in RA, RSF, RSF-C, RTF, RMF, RHD, FBC CA4, O, OR, NR, NMU, CB, GC, and industrial zones must meet the minimum dimensions contained in Table 17C.230-3.
- b. Parking spaces and aisles in Downtown, CC, and FBC CA1, CA2, CA3 zones must meet the minimum dimensions contained in Table 17C.230-4. In all zones, on dead end aisles, aisles shall extend five feet beyond the last stall to provide adequate turnaround.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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**Title 17D City-wide Standards
Chapter 17D.075 Transportation Impact Fees**

<p>Section 17D.075.020 Definitions</p>		<p>The 9th Edition is the latest version of the Trip Generation Manual.</p>	
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Title 17D City-wide Standards

Chapter 17D.075 Transportation Impact Fees

Section 17D.075.020 Definitions

As used in this chapter, the following words and terms shall have the following meanings unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

- A. "Accessory dwelling unit" means a dwelling unit that has been added onto, created within, or separated from a single-family detached dwelling for use as a complete independent living unit with provisions for cooking, eating, sanitation, and sleeping.
- B. "Act" means the Growth Management Act, as codified in chapter 36.70A RCW, as now in existence or as hereafter amended.
- C. "Applicant" means the owner of real property according to the records of the Spokane County, or the applicant's authorized agent.
- D. "Baseline study" means the 2008 transportation baseline study that has been developed by HDR Engineering and Planning, City Project No. 2005155.
- E. "Building permit" means the official document or certification that is issued by the building department and that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, tenant improvement, demolition, moving or repair of a building or structure.
- F. "Capital facilities" means the facilities or improvements included in the capital facilities plan.

- G. “Capital facilities plan” means the capital facilities plan element of the City’s comprehensive plan adopted pursuant to chapter 36.70A RCW, as amended from time to time.
- H. “Certificate of occupancy” means the term as defined in the International Building Code. In the case of a change in use or occupancy of an existing building or structure which may not require a building permit, the term shall specifically include certificate of occupancy and for residential development the final inspection, as those permits are defined or required by this code.
- I. “City” means the City of Spokane.
- J. “City council” means the city council of the City of Spokane.
- K. “Comprehensive plan” means the City of Spokane comprehensive plan adopted pursuant to chapter 46.70A RCW, as amended from time to time.
- L. “Complete street” means a landscaped, tree-lined street corridor designed for multiple modes of transportation, consistent with SMC 17C.124.035. Complete streets balance the various needs of pedestrian and vehicular use. Some include bicycle and transit improvements as well. Pedestrian amenities on Complete streets may include street furniture, decorative lighting, wide sidewalks with curb extensions (bulb-outs) at street corners, decorative crosswalks, public art, outdoor restaurants, plazas, and improved sidewalk-building interfaces (e.g., awnings, street-oriented retail activity).
- M. “Concurrent” or “concurrency” means that the public facilities are in place at the time the impacts of development occur, or that the necessary financial commitments are in place, which shall include the impacts fees anticipated to be generated by the development, to complete the public facilities necessary to meet the specified standards of service defined in the comprehensive plan within six years of the time the impacts of development occur.
- N. “Department” means the department of engineering services.
- O. "Development activity" means any construction or expansion of a building, structure, or use, or any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.
- P. “Development approval” means any written authorization from the City that authorizes the commencement of development activity.
- Q. “Director” means the director of engineering services, or the director’s designee.
- R. “Dwelling unit” means a single unit providing complete and independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation needs.
- S. “Encumbered” means to have reserved, set aside or otherwise earmarked the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.
- T. “Feepayer” is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a

land development activity that creates the demand for additional public facilities, and which requires the issuance of a building permit. “Feepayer” includes an applicant for an impact fee credit.

- U. “Gross floor area” is the total square footage of all floors in a structure as defined in chapter 17A.020 SMC.
- V. “Hearing examiner” means the person who exercises the authority of chapter 17G.050 SMC.
- W. “Impact fee” means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. “Impact fee” does not include a reasonable permit fee, an application fee, or the cost for reviewing independent fee calculations.
- X. “Impact fee account” or “account” means the account(s) established for each service area for the system improvements for which impact fees are collected. The accounts shall be established pursuant to this chapter, and shall comply with the requirements of RCW 82.02.070.
- Y. “Independent fee calculation” means the impact fee calculation and or economic documentation prepared by a feepayer to support the assessment of an impact fee other than by the use of schedule set forth in SMC 17D.075.180, or the calculations prepared by the Director where none of the fee categories or fee amounts in the schedules in this chapter accurately describe or capture the impacts of the new development on public facilities.
- Z. “Interest” means the interest rate earned by local jurisdictions in the State of Washington local government investment pool, if not otherwise defined.
- AB. “Interlocal agreement” or “agreement” means a transportation interlocal agreement, authorized in this chapter, by and between the City and other government agencies concerning the collection and expenditure of impact fees, or any other interlocal agreement entered by and between the City and another municipality, public agency or governmental body to implement the provisions of this chapter.
- AC. “ITE manual” means Institute of Transportation Engineers (ITE) Trip Generation Manual (~~7th Edition~~) ([9th Edition](#)), as amended from time to time.
- AD. “Owner” means the owner of real property according to the records of the Spokane County department of records and elections, provided that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.
- AE. “Pass-by trip rates” means those rate study pass-by rates set forth in SMC 17D.075.200.
- AF. “Proportionate share” means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.
- AG. “Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility

included in the City’s capital facilities plan shall be considered a project improvement.

- AH. "Public facilities" means publicly owned streets and roads, including related sidewalk and streetscape improvements required by the City’s comprehensive plan and related development regulations.
- AI. “Rate study” means the 2007 transportation impact fee rate study, dated October 26, 2007, as updated and amended from time to time.
- AJ. “Residential” means housing, such as single-family dwellings, accessory dwelling units, apartments, condominiums, mobile homes, and/or manufactured homes, intended for occupancy by one or more persons and not offering other services.
- AK. “Square footage” means the square footage of the gross floor area of the development as defined chapter 17A.020 SMC.
- AL. “Service area” means one of the four geographic areas defined by the City in which a defined set of public facilities provide service to development within each of the identified areas. The City has identified the service areas, based on sound planning and engineering principles. These service areas are generally referred to as the downtown service area, the northwest service area, the northeast service area, and the south service area. Maps depicting the service areas are set forth in SMC 17D.075.190 and shall also be maintained by the director in the offices of the engineering services department and shall be available for public inspection during regular business hours.
- AM. “System improvements” means public facilities included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.
- AN. “Trip length adjustment factor” means the trip length adjustment factors identified in SMC 17D.075.200.

Date Passed: Monday, January 24, 2011
 Effective Date: Saturday, March 12, 2011
 ORD C34673 Section 2

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Title 17G Administration and Procedures			
17G.010.070 (B) Eligibility of Applicants- Permits Issued Pursuant to the Land Use Codes	Clarification	This proposal makes it easier for property owners to obtain permits and eliminates redundancies between the Spokane Municipal	

		Code (SMC) and the Revised Codes of Washington (RCW) that govern contractor registration requirements.	
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Title 17G Administration and Procedures

Chapter 17G.010 Building and Construction Permits

Section 17G.010.070 Eligibility of Applicants – Permits Issued Pursuant to the Land Use Codes

- A. The laws of various jurisdictions impose requirements upon the persons doing some of the work and conducting some of the activities regulated by this title. Many of the acts regulated by this title affect real property interests. For these reasons applicants for the various permits, licenses, certificates, and other approvals are required to furnish varying data concerning their authority to make the application and perform the acts applied for. The City does not, however, assume responsibility for the accuracy of an applicant's representations concerning entitlement to the approval applied for. The issuance of a permit, license, certificate, or other approval to a person not otherwise authorized does not operate to confer such authority.

B. Building Permits.

To be eligible to obtain any of the various categories of "building" permits, one must be:

1. A contractor with a City of Spokane business license and an active contractor's license from the State of Washington Department of Labor and Industries that is appropriate for the work to be performed; or
2. The property owner as identified by the Spokane County Assessor records on condition that;
 - a. the owner is able to claim exemption from the State of Washington contractor registration requirements; and
 - b. all work is being performed by the owner and others as allowed by law, or by persons duly licensed or certified where required for the nature of the work.
 - c. Exception: Mechanical and boiler permits for any work involving gas piping, equipment, or appliances that are natural gas, liquid propane gas, or oil fueled can only be issued to appropriately licensed contractors unless the property owner is currently licensed by the City of Spokane to install such piping, equipment, or appliances.

~~1. To be eligible for a building permit, a person must be either:~~

- ~~a. a contractor currently holding a valid license or certificate of registration in the appropriate category; or~~
- ~~b. able to claim under any exemption from the contractor registration act, other than that for occupants and owners of residential property, and be otherwise qualified; or~~
- ~~c. the resident owner of a single-family residence.~~

~~2. Exception:~~

~~Additionally, an electrical permit may be issued to the owner of a commercial or industrial building for:~~

- ~~a. the alteration, change, or extension of electrical wiring, apparatus, or fixtures in existing buildings; or~~

~~b. wiring of apparatus, special equipment, or fixtures;
on condition that all work, if not done by an electrical contractor, be done by a licensed electrician who is regularly employed full time in the maintenance of the electrical system of the premises.~~

~~Exception:~~

~~The owner of an existing residential building, of combustible type construction, not exceeding twelve dwelling units nor three stories in height, may for the purpose of occupancy by the owner or a tenant or lessee of the owner, but not for the purpose of sale when the property has been owner-occupied less than twelve months, obtain a permit to repair or remodel the building (including such work as framing, roofing, and sheetrock) and its electrical and plumbing systems, but not any work requiring a mechanical permit, on condition that all work be done by the owner-permittee and others as allowed by law, or persons duly licensed or certificated where required by law for the nature of the work.~~

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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**Title 17G Administration and Procedures
Chapter 17G.010 Building and Construction Permits**

SMC 17G.010.160	Minor	These code changes are needed to: Update building code references from UBC to IBC. Update functions that have been reassigned from the director of engineering services to the development services center manager Update the name of the department which was changed from "building services" to "development services center".	
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Title 17G Administration and Procedures

Chapter 17G.010 Building and Construction Permits

Section 17G.010.160 Application for Approval of Encroachment

- A. When a structure or part thereof or appendage thereto, such as footings, balconies, marquees, awnings and architectural projections, is to project into, above, or below the right of way of any public way, the applicant shall conspicuously show the encroachment on the plans and specifications of the building permit application so as to demonstrate compliance with the requirements of chapter 32-~~UBC~~ IBC.
- B.
- C. Any person who proposes to install any opening in a public sidewalk, such as an elevator or other structure with a door which opens vertically to the sidewalk, must make written application to the ~~engineering services~~

director City Engineer. The applicant shall furnish complete details of the construction and installation, including specifications for the door, hatch or other covering, and drawings showing the precise location of the opening with reference to the curblineline, building line and existing utility lines and facilities.

- D.
- E. A property owner proposing to use such portion of the right-of-way of a public street or alley as is not used or needed presently or in the foreseeable future for public travel, for the purposes of constructing, installing or planting fences, hedges or similar improvements, shall make application to the ~~department of building services~~ Development Services Center in the form of an acknowledged agreement whereby the property owner covenants to remove the encroachment and restore the property to its former condition upon thirty days' notice by the City. ~~The department of building services seeks the approval or disapproval of the application by the director of engineering services.~~ Any department reviewing the application may require the applicant to furnish a plot plan, plans and specifications, or other data required to properly evaluate the proposal.

Date Passed: Monday, November 26, 2007

Effective Date: Wednesday, January 2, 2008

ORD C34135 Section 20

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Section 17G.025.010 Text Amendments to the Unified Development Code
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Section 17G.025.010 Text Amendments to the Unified Development Code	Clarification	Clarification of intent	
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- A. Notice of Public Hearing.
Amendments to [this Title 17 code](#) require a public hearing before the plan commission.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Section 17G.060.240 Expiration of Permits
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Section 17G.060.240 Expiration of Permits	Minor	There is no longer an (N) in 17G.080.020.	
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Section 17G.060.240 Expiration of Permits

- A. Table 17G.060-3 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) ~~and (N)~~.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Section 17G.080.040 Short Subdivisions

Section 17G.080.040 Short Subdivisions	Minor	We don't use silverslicks anymore.	
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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:
 - i. A cover letter addressing the corrections, additions or modifications required.
 - ii. 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
 - iii. 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 ~~silverslick~~ mylar and bond copies of the recorded short plat with the director.