

**Spokane City Plan Commission**  
**Findings of Fact, Conclusions, and Recommendations**  
**Proposed Amendment to Existing Building and Conservation Code**  
**Spokane Municipal Code Sections 17F.070.470 and 17F.070.490**

**A Recommendation from the City Plan Commission to the City Council to approve proposed amendments to the Spokane Municipal Code, Existing Building and Conservation Code. This proposal formalizes receivership orders as an alternative to demolition orders by the Building Official by amending Spokane Municipal Code (SMC) Title 17F.070.470, Compliance with Order and 17F.070.490, Enforcement.**

**I. Findings of Fact**

- A.** In 2016, several homes were relocated within the West Central neighborhood in an effort to retain historic residential building stock, provide affordable housing, and promoting new commercial development in West Central Neighborhood. However, these homes remained vacant and without a viable plan for housing redevelopment for several years. In December 2018, demolition orders were issued by the City Building Official as these relocated homes had been deemed substandard, abandoned, unfit, and nuisance properties. Demolition orders were issued only after exhausting administrative options and authorities to resolve the aforementioned issues.
- B.** Demolition results in a large expenditure of tax dollars and vacant lots encumbered with costly liens. The impact of demolition on the City's neighborhoods and their residents, including increasing impediments to redevelopment, led City staff from the Code Enforcement and Spokane Police Departments to partner with City Legal staff to pursue alternatives to carrying out these demolition orders in order to demonstrate the value of alternatives to demolition. As a result City Legal staff pursued legal action in Superior Court in order for a receiver to be appointed as the primary responsible party for these properties. A receiver was appointed for the aforementioned properties in 2019.

Appointment of a receiver for these properties resulted in the sale, rehabilitation, and re-use of these homes instead of costly demolition by the City of Spokane. The success of these cases prompted City Code Enforcement staff and City Legal to determine additional steps required to formalize the receivership process. These steps included amendments to the Spokane Municipal Code to establish receivership as an order available to help facilitate resolution to substandard buildings when deemed appropriate by the Building Official. City staff began the code text amendment process in early 2020.

- C.** Thereafter, City staff conducted significant public outreach efforts regarding the Proposal in addition to statutory noticing requirements. The adoption and outreach processes started in the spring of 2020 and were temporarily paused while staff implemented work plan priorities related to the City's COVID-19 pandemic response. This process resumed in the fall of 2020. These outreach efforts included:
- Webpage located at <https://my.spokanecity.org/projects/alternative-to-substandard-building-demolition/>

- Emails sent to mortgage industry professionals through ProChamps foreclosure registry on March 2 and November 23, 2020;
  - Neighborhood Friday Update on March 6, 2020
  - Informational email sent through Spokane Realtor's Association on March 10, 2020
  - Blog post visible on the City's Website beginning February 14, 2020 and later updated on November 5, 2020, and,
  - A presentation to the Community Assembly Land Use Committee on November 19, 2020;
- D.** On February 6, 2020, the City provided the Washington State Department of Commerce and appropriate state agencies with the required 60-day advance notice before adoption of the proposed changes to the City's development regulations.
- E.** Also on February 6, 2020 the City issued a SEPA non-project DNS (Determination of Non-Significance), indicating that the Proposal would not have a significant impact on the environment. City staff included this information in the Washington State Department of Commerce notice.
- F.** On February 12, 2020, The Plan Commission held an introductory workshop to study the Proposal, which would amend the City's Existing Building and Conservation Code chapter of the Spokane Municipal Code to formalize receivership as an alternative to demolition.
- G.** On March 4<sup>th</sup> and 11<sup>th</sup>, 2020 the City published a notice of intent to adopt and SEPA review in the City of Spokane Gazette.
- H.** On March 11, 2020, The Plan Commission held a formal workshop to study the Proposal, which would amend the City's Existing Building and Conservation Code chapter of the Spokane Municipal Code to formalize receivership as an alternative to demolition.
- I.** On November 11, 2020, The Plan Commission held a formal workshop to study the Proposal, which would amend the City's Existing Building and Conservation Code chapter of the Spokane Municipal Code to formalize receivership as an alternative to demolition.
- J.** On November 23<sup>rd</sup>, 2020, the City caused notice to be sent to the SEPA contact registry via email regarding the proposal, the SEPA non-project DNS (Determination of Non-Significance), and the upcoming hearing before the Plan Commission.
- K.** On November 25<sup>th</sup> and December 2, 2020, the City published a notice of intent to adopt and SEPA review in the City of Spokane Gazette.
- L.** On November 25<sup>th</sup> and December 2, 2020 the City caused notice to be published in the Spokesman Review notifying the public of the Plan Commission hearing regarding the Proposal.
- M.** On December 9, 2020, the Plan Commission held a public hearing during which the public had an opportunity to provide written and verbal testimony regarding the Proposal. No public testimony was provided at the hearing and no comments were received prior to the hearing.

N. The Proposal is consistent with and implements the following provisions of the City of Spokane's Comprehensive Plan and the explicit intent in Spokane Municipal Code (SMC) 17F.070.010(D). The proposal also aligns with goals of both the City of Spokane's Joint Strategic Plan related to Urban Experience as well as the draft recommendations of the City of Spokane's Housing Action Plan:

- City of Spokane Comprehensive Plan, Housing Quality, sections H 2.1 Housing Rehabilitation, H 2.2 Property Responsibility and Maintenance, and H 2.3 Housing Preservation.

*Discussion: The Proposal supports the overall goal of this section of the City of Spokane's Comprehensive Plan, which is to "Improve the overall quality of the City of Spokane's Housing." More specifically, this aligns with policies in this section prioritizing rehabilitation and property maintenance and responsibility. Additionally, by providing an alternative to demolition of properties subject to the Building Official process, The Proposal also supports the policy of encouraging preservation of viable housing.*

- Spokane Municipal Code 17F.070.010(D) states, "It is further the policy of the City to put vacant buildings to use, especially residences, by encouraging the rehabilitation of usable structures and to demolish those that are beyond repair so that new development can occur."

*Discussion: The Proposal provides another route to bring substandard, abandoned, unfit, and nuisance structures into compliance by pursuing Superior Court orders to appoint a receiver for appropriate properties following the exhaustion of other administrative remedies. Extensive due process is afforded to these properties through Code Enforcement and Building Official administrative hearing processes and, for appropriate properties, due process is expanded to include Superior Court processes as well. The Proposal aims to resolve distressed properties in a manner more efficient in terms of time and public expense.*

- The Proposal has been discussed extensively in recent internal and stakeholder meetings related to the City of Spokane's Housing Action Plan. The Proposal also aligns with the City of Spokane's Strategic Plan related to Urban Experience and the goal of increasing and improving housing quality and diversity.

*Discussion: The Proposal aims to reduce the amount of time that properties that may be subject to Building Official demolition orders sit in a vacant and distressed state. Further, the Proposal aims to avoid city demolition of these structures when possible, as this results in vacant lots encumbered with liens. Demolition liens can impact development opportunities for these properties. These types of properties and related city actions often result in vacant and under-utilized space that is desperately needed in the context of housing shortage. Similar to the City's efforts in utilizing the receivership process as an alternative to demolition for the relocated houses in the West Central neighborhood, the Proposal may offer additional opportunities to prioritize housing diversity and affordability.*

## II. Conclusions

The Plan Commission concludes that the Proposal to amend Spokane Municipal Code (SMC) Title 17F.070.470, Compliance with Order and 17F.070.490, Enforcement was developed through an open and public process, is consistent with the Growth Management Act, applicable provisions

of the City's Comprehensive Plan, the Spokane Municipal Code, and bears a substantial relation to the public health, safety, and welfare, and protection of the environment.

### III. Recommendations

By a vote of **8** to **0**, the Plan Commission recommends approval of the proposed amendments to the Spokane Municipal Code as they relate to the Existing Building and Conservation Code per the attached.

  
Todd Beyreuther (Dec 22, 2020 18:53 PST)

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**Todd Beyreuther, President**

**Spokane Plan Commission**

Dec 22, 2020