

**CITY OF SPOKANE PLAN COMMISSION  
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS  
REGARDING THE 2021 STORMWATER ORDINANCE UPDATE**

A recommendation of the City of Spokane Plan Commission to the City Council to approve amendments to the Spokane Municipal Code proposed by the 2021 Stormwater Ordinance update. This update to the Spokane Municipal Code is a state mandated review and update to the City's stormwater regulations. The proposed amendment would revise SMC Sections 17D.060.030, 17D.060.050, 17D.060.140, 17D.060.190, 17D.090.030, 17D.090.070, 17D.090.110, and 17D.090.210.

**FINDINGS OF FACT:**

- A. The Stormwater Ordinance update was completed by the City of Spokane (City), and is State mandated in accordance with the National Pollutant Discharge Elimination System (NPDES) Eastern Washington Phase II Municipal Stormwater Permit (permit), issued to the City of Spokane by the Washington State Department of Ecology (Ecology).
  
- A. The permit is applicable to the City of Spokane as the owner/operator of a small Municipal Separate Storm Sewer System (MS4). This amendment was developed by the City to maintain compliance with Sections S5.B.3.b.i, S5.B.3.b.vi, S5.B.4.a, S5.B.4.a.ii, and S5.B.5.b.ii(b)(4) of the permit.
  
- B. The review and update of City regulations ensures the City maintains compliance with the permit.
  
- C. The proposed text amendment aligns with the following adopted Shaping Spokane Comprehensive Plan goals and policies:
  - 1. Chapter 3 Land Use, LU 1.12 Public Facilities and Services – Directs policy to ensure that public facilities and services systems are adequate to accommodate proposed development before permitting development to occur.
  - 2. Chapter 5 – Capital Facilities and Utilities, CFU 5.3 Stormwater - Directs policy to implement a Stormwater Management Plan to reduce impacts from urban runoff.
  - 3. Chapter 5 – Capital Facilities and Utilities, CFU 5.4 Ground Water – Directs policy to protect, preserve, and enhance ground water resources through proactive, aggressive measures.
  - 4. Chapter 9 Natural Environment, NE 1.2 Stormwater Techniques – Directs policy to encourage the use of innovative stormwater techniques that protect ground and surface water from contamination and pollution.
  - 5. Chapter 9 Natural Environment, NE 4.3 Impervious Surface Reduction – Directs policy to continue efforts to reduce the rate of impervious surface expansion in the community.


- D. Amendments to Title 17, Unified Development Code, are subject to review and recommendation by the Plan Commission.
- E. On August 10, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Unified Development Code pursuant to RCW 36.70A.106.
- F. A State Environmental Protection Act (SEPA) Determination of Nonsignificance was issued by Wastewater Management Department on September 2, 2021 and a 14-day comment period commenced September 2 through September 16, 2021. No comments were received during the comment period.
- G. The proposed text amendment was processed pursuant to the process established under RCW 36.70A.370 to ensure that the proposed changes will not result in unconstitutional takings of private property.
- H. The City's stormwater ordinance update was reviewed against the Eastern Washington Phase II Municipal Stormwater Permit.
- I. A legal notice of public hearing was published in the *Spokesman-Review* on September 8 and 15, 2021.
- J. The Plan Commission held a public hearing on September 22, 2021 to obtain public input on the proposed amendments, if any.

**CONCLUSIONS:**

1. The Plan Commission has reviewed all public testimony received during the public hearing.
2. The Plan Commission finds that the proposed amendments are consistent with applicable provisions of the Comprehensive Plan and that the proposed amendment bears a substantial relation to the public health, safety, welfare, and protection of the environment.

**RECOMMENDATION:**

In the matter of the amendment to the Unified Development Code proposed by the 2021 Stormwater Ordinance update, by unanimous vote, the Plan Commission recommends to the Spokane City Council the approval of the proposed amendment to Chapter 17D.060, SMC and Chapter 17D.090, SMC.

  
Todd Beyreuther (Oct 11, 2021 09:35 PDT)

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**Todd Beyreuther, President  
Spokane Plan Commission**

Oct 11, 2021