

**CITY COUNCIL MEETINGS
RULES – PUBLIC DECORUM**

Strict adherence to the following rules of decorum by the public will be observed and adhered to during City Council meetings, including open forum, public comment period on legislative items, and Council deliberations:

- 1. No Clapping!**
- 2. No Cheering!**
- 3. No Booing!**
- 4. No public outbursts!**
- 5. Three-minute time limit for comments made during open forum and public testimony on legislative items!**

In addition, please silence your cell phones when entering the Council Chambers!

Further, keep the following City Council Rules in mind:

Rule 2.2 Open Forum

2.2.4 The open forum is a limited public forum and all matters discussed shall relate to affairs of the City. No person may use the open forum to speak on such matters and in such a manner as to violate the laws governing the conduct of municipal affairs. No person shall be permitted to speak on matters related to the current or advance agendas, potential or pending hearing items, or ballot propositions for a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not make personal comment or verbal insults about any individual.

Rule 5.4 Public Testimony Regarding Legislative Agenda Items – Time Limits

- 5.3.1 Members of the public may address the Council regarding items on the Council's legislative agenda, special consideration items, hearing items and other items before the City Council requiring Council action that are not adjudicatory or administrative in nature. This rule shall not limit the public's right to speak during the open forum.
- 5.3.2 No one may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet and provide his or her address as a condition of recognition. In order for a council member to be recognized by the Chair for the purpose of obtaining the floor, the council member shall either raise a hand or depress the call button on the dais until recognized by the Council President.
- 5.3.3 Each person speaking at the public microphone shall verbally identify him(her)self by name and, if appropriate, representative capacity.
- 5.3.4 Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded and documents submitted for the record are identified and marked by the Clerk.
- 5.3.5 In order that evidence and expressions of opinion be included in the record and that — decorum befitting a deliberative process be maintained, no modes of expression not provided by these rules, such as demonstrations, banners, applause and the like will be permitted.
- 5.3.6 A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.
- 5.3.7 When addressing the Council, members of the public shall direct all remarks to the Council President and shall confine remarks to the matters that are specifically before the Council at that time.
- 5.3.8 When any person, including members of the public, City staff and others are addressing the Council, council members shall observe the same decorum and process, as the rules require among the members inter se. That is, a council member shall not engage the person addressing the Council in colloquy, but shall speak only when granted the floor by the Council President. All persons and/or council members shall not interrupt one another. The duty of mutual respect set forth in Rule 1.2 and the rules governing debate set forth in *Robert's Rules of Order* shall extend to all speakers before the City Council. The council president pro-tem shall be charged with the task of assisting the council president to insure that all individuals desiring to speak, be they members of the public, staff or council members, shall be identified and provided the opportunity to speak.

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, NOVEMBER 2, 2015

MISSION STATEMENT

TO DELIVER EFFICIENT AND EFFECTIVE SERVICES
THAT FACILITATE ECONOMIC OPPORTUNITY
AND ENHANCE QUALITY OF LIFE.

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBER MICHAEL A. ALLEN

COUNCIL MEMBER CANDACE MUMM

COUNCIL MEMBER KAREN STRATTON

COUNCIL MEMBER MIKE FAGAN

COUNCIL MEMBER JON SNYDER

COUNCIL MEMBER AMBER WALDREF

CITY COUNCIL CHAMBERS
CITY HALL

808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201

CITY COUNCIL BRIEFING SESSION

Council will adopt the Administrative Session Consent Agenda after they have had appropriate discussion. Items may be moved to the 6:00 p.m. Legislative Session for formal consideration by the Council at the request of any Council Member.

SPOKANE CITY COUNCIL BRIEFING SESSIONS (BEGINNING AT 3:30 P.M. EACH MONDAY) AND LEGISLATIVE SESSIONS (BEGINNING AT 6:00 P.M. EACH MONDAY) ARE BROADCAST LIVE ON CITY CABLE CHANNEL FIVE AND STREAMED LIVE ON THE CHANNEL FIVE WEBSITE. THE SESSIONS ARE REPLAYED ON CHANNEL FIVE ON THURSDAYS AT 6:00 P.M. AND FRIDAYS AT 10:00 A.M.

The Briefing Session is open to the public, but will be a workshop meeting. Discussion will be limited to Council Members and appropriate Staff and Counsel. There will be an opportunity for the expression of public views on any issue not relating to the Current or Advance Agendas during the Open Forum at the beginning and the conclusion of the Legislative Agenda.

ADDRESSING THE COUNCIL

- No one may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet as a condition of recognition.
- Each person speaking at the public microphone shall print his or her name and address on the sheet provided at the entrance and verbally identify him/herself by name, address and, if appropriate, representative capacity.
- If you are submitting letters or documents to the Council Members, please provide a minimum of ten copies via the City Clerk. The City Clerk is responsible for officially filing and distributing your submittal.
- In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, modes of expression such as demonstration, banners, applause and the like will not be permitted.
- A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.

SPEAKING TIME LIMITS: Unless deemed otherwise by the Chair, each person addressing the Council shall be limited to a three-minute speaking time.

CITY COUNCIL AGENDA: The City Council Advance and Current Agendas may be obtained prior to Council Meetings from the Office of the City Clerk during regular business hours (8 a.m. - 5 p.m.). The Agenda may also be accessed on the City website at www.spokanecity.org. Agenda items are available for public review in the Office of the City Clerk during regular business hours.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Christine Cavanaugh at (509) 625-6383, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ccavanaugh@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Cavanaugh at (509) 625-7083 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

If you have questions, please call the Agenda Hotline at 625-6350.

BRIEFING SESSION

(3:30 p.m.)

(Council Chambers Lower Level of City Hall)

(No Public Testimony Taken)

Council Reports

Staff Reports

Committee Reports

Advance Agenda Review

Current Agenda Review

ADMINISTRATIVE SESSION

Roll Call of Council

CONSENT AGENDA

REPORTS, CONTRACTS AND CLAIMS

RECOMMENDATION

- | | | |
|---|------------------------------|---------------|
| 1. Amendment No. 2 to Interlocal Agreement No. GCA 1450, with the Spokane Regional Transportation Management Center to extend the joint venture until December 31, 2017.
Mark Serbousek | Approve | OPR 2003-0550 |
| 2. Report of the Mayor of pending: | Approve & Authorize Payments | CPR 2015-0002 |
| a. Claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2015, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____. | | |
| b. Payroll claims of previously approved obligations through _____, 2015: \$_____. | | CPR 2015-0003 |
| 3. City Council Meeting Minutes: _____, 2015. | Approve All | CPR 2015-0013 |
-

EXECUTIVE SESSION

(Closed Session of Council)

(Executive Session may be held or reconvened during the 6:00 p.m. Legislative Session)

CITY COUNCIL SESSION

(May be held or reconvened following the 3:30 p.m. Administrative Session)

(Council Briefing Center)

This session may be held for the purpose of City Council meeting with Mayoral nominees to Boards and/or Commissions. The session is open to the public.

LEGISLATIVE SESSION

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

WORDS OF INSPIRATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

ANNOUNCEMENTS

(Announcements regarding Changes to the City Council Agenda)

BOARDS AND COMMISSIONS APPOINTMENTS

(Includes Announcements of Boards and Commissions Vacancies)

APPOINTMENTS

RECOMMENDATION

Community Assembly Liaison to the Community Housing
and Human Services Board: One Reappointment.

Confirm

CPR 2012-0033

CITY ADMINISTRATION REPORT

COUNCIL COMMITTEE REPORTS

(Committee Reports for Finance, Neighborhoods, Public Safety, Public Works, and Planning/Community and Economic Development Committees and other Boards and Commissions)

OPEN FORUM

This is an opportunity for citizens to discuss items of interest not relating to the Current or Advance Agendas nor relating to political campaigns/items on upcoming election ballots. This Forum shall be for a period of time not to exceed thirty minutes. After all the matters on the Agenda have been acted on, unless it is 10:00 p.m. or later, the open forum shall continue for a period of time not to exceed thirty minutes. Each speaker will be limited to three minutes, unless otherwise deemed by the Chair. If you wish to speak at the forum, please sign up on the sign-up sheet located in the Chase Gallery.

LEGISLATIVE AGENDA

NO EMERGENCY BUDGET ORDINANCES

EMERGENCY ORDINANCES

Require Five Affirmative, Recorded Roll Call Votes

ORD C35312 (To be considered under Hearings Item H3.a.)

ORD C35313 (To be considered under Hearings Item H3.b.)

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

RES 2015-0115 Recognizing the attached *Grandview/Thorpe Neighborhood Action Plan* as a declaration of the neighborhood's desired future condition, providing direction for neighborhood based-improvement activities, as well as neighborhood priorities involving future projects.

Jo Anne Wright

RES 2015-0116 Approving the Ethics Commission's Policy and Procedures Manual.

Mike Piccolo

RES 2015-0117 Providing for the sale of surplus City property (land parcel near the southwest corner of South Regal Street and East Palouse Highway)—\$899,668.09 Revenue.

Ed Lukas

ORD C35310 (To be considered under Hearings Item H1.)

ORD C35314 Relating to the tax on pull-tab games operated by non-profit corporations; amending sections 8.04.020 and 8.04.030 of the Spokane Municipal Code.

Council President Stuckart

ORD C35315 (To be considered under Hearings Item H2.)

ORD C35316 Relating to public works procurement standards; amending section 7.06.160 of the Spokane Municipal Code.

Council President Stuckart and Council Member Stratton

FIRST READING ORDINANCES

(No Public Testimony Will Be Taken)

- ORD C35317** Relating to the vacation of misdemeanor possession of marijuana convictions in the City of Spokane; adopting new chapter 05A.17 of the Spokane Municipal Code; and adopting new sections 05A.17.010 and 05A.17.020.

Council President Stuckart

FURTHER ACTION DEFERRED

NO SPECIAL CONSIDERATIONS

HEARINGS

(If there are items listed you wish to speak on, please sign your name on the sign-up sheets in the Chase Gallery.)

- | | | <u>RECOMMENDATION</u> | |
|-----|---|-------------------------------------|------------|
| H1. | Final Reading Ordinance C35310 amending the text of the City of Spokane Comprehensive Plan Chapter 3, Land Use, adopting a new policy entitled "LU 1.X Mobile Home Parks." (Applicant: Council Member Jon Snyder on behalf of Spokane City Council) (By a vote of 5 to 1, the Plan commission recommends denial.)
Tirrell Black | Adopt
Upon Roll
Call Vote | ORD C35310 |
| H2. | Final Reading Ordinance C35315 amending the City of Spokane Comprehensive Plan adopting a Pedestrian Master Plan as a subarea plan.
Ken Pelton | Adopt
Upon Roll
Call Vote | ORD C35315 |
| H3. | <u>Emergency Ordinances Relating to Wireless Communication Facilities:</u>

a. Emergency Ordinance C35312 relating to Wireless Communication Facilities; repealing Chapter 17C.355 SMC; adopting a New Chapter 17C.355A SMC; amending SMC Section 17C.110.110, Table 17C.110-1, 17C.320.080, 17C.130.220, 17C.120.220, 17C.110.215, 17C.124.220, 17A.020.010, 17A.020.200, 17C.120.110, Table 17C.120-1, 17C.124.110, 17C.130.110, Table 17C.130-1, and 01.05.160, as those sections relate to wireless communications facilities; and declaring an emergency.
Mike Allen | Adopt All
Upon Roll
Call Vote | ORD C35312 |

- b. Emergency Ordinance C35313 relating to eligible facilities modifications of wireless communication facilities; adopting Chapter 17C.356 of the Spokane Municipal Code on a permanent basis; and declaring an emergency.

ORD C35313

Mike Allen

- H3. Hearing on possible revenue sources for the 2016 Budget. **Tim Dunivant**

Council
Decision

FIN 2015-0001

**Motion to Approve Advance Agenda for November 02, 2015
(per Council Rule 2.1.2)**

OPEN FORUM (CONTINUED)

This is an opportunity for citizens to discuss items of interest not relating to the Current or Advance Agendas nor relating to political campaigns/items on upcoming election ballots. This Forum shall be for a period of time not to exceed thirty minutes. After all the matters on the Agenda have been acted on, unless it is 10:00 p.m. or later, the open forum shall continue for a period of time not to exceed thirty minutes. Each speaker will be limited to three minutes, unless otherwise deemed by the Chair. If you wish to speak at the forum, please sign up on the sign-up sheet located in the Chase Gallery.

ADJOURNMENT

The November 2, 2015, Regular Legislative Session of the City Council is adjourned to November 9, 2015.

NOTES



Agenda Sheet for City Council Meeting of:
11/02/2015

Date Rec'd	10/20/2015
Clerk's File #	OPR 2003-0550
Renews #	
Cross Ref #	OPR 1998-1037
Project #	
Bid #	
Requisition #	

Submitting Dept	STREET	Cross Ref #	OPR 1998-1037
Contact Name/Phone	MARK 232-8810	Project #	
Contact E-Mail	MSERBOUSEK@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	
Agenda Item Name	1100 - AMENDMENT 2 TO INTERLOCAL AGREEMENT NO. GCA 1450		

Agenda Wording

Amendment No. 2 to Interlocal Agreement No. GCA 1450, the Spokane Regional Transportation Management Center (SRTMC).

Summary (Background)

October of 1998 the City of Spokane entered into an Interlocal Agreement with the Washington State Department of Transportation (WSDOT), Spokane County, Spokane Transit Authority (STA), and Spokane Regional Transportation Council (SRTC) to create a Spokane transportation operations center; known now as SRTMC. SRTMC is located at the Intermodal Center. Amendment No. 1 was passed in the spring of 2015 placing a clause that the original Interlocal Agreement would end on December 31, 2015 unless

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	SCHENK, ANDREW	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	PCED 10/19/15
Finance	DAVIS, LEONARD	Distribution List	
Legal	WHALEY, HUNT	lhattenburg@spokanecity.org	
For the Mayor	SANDERS, THERESA	kschmitt@spokanecity.org	
Additional Approvals		jsalstrom@spokanecity.org	
Purchasing		merbousek@spokanecity.org	
		aschenk@spokanecity.org	
		hwhaley@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

otherwise agreed to by the joint venture agencies. Amendment No. 2 extends the joint venture until December 31, 2017. During this two year period a new Interlocal Agreement must be written and agreed upon by the joint venture agencies.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

AGREEMENT NO. GCA 1450, AMENDMENT NO. 2

This Amendment No. 2 to Agreement No. GCA 1450 is made and entered into between the Washington State Department of Transportation (“WSDOT”), Spokane County, the City of Spokane, the Spokane Transit Authority (“STA”), the City of Spokane Valley (“COSV”), and the Spokane Regional Transportation Council (SRTC), collectively referred to as the “Parties” and individually referred to as the “Party”. The Parties entered into the Interlocal Agreement No. GCA 1450 on October 1, 1998 and Amendment No. 1 on April 30, 2015 (as amended, the “Interlocal Agreement”).

Background

It has now been determined that the Interlocal Agreement referenced above shall be amended to extend the termination date to allow time for a new interlocal agreement to be written.

Amendment No. 2 to Agreement

1. Section 12 shall be revised to read:

The SRTC, City of Spokane, Spokane County, COSV, WSDOT, or STA, may terminate membership in the SRTMC by giving written notice to the SRTMC Board Chair by August 1st of any year, with termination effective December 31 of the year in which notice is given.

From the date of Amendment No. 2, a period that ends December 31, 2017 is established to allow the Parties to enter into a new SRTMC Interlocal Agreement. In the event, a new interlocal agreement is not reached, Amendment No. 2 and the Interlocal Agreement shall terminate on December 31, 2017. Amendment No. 2 allows the SRTMC and SRTMC Operating Board to continue operating as a joint venture through December 31, 2017 and as otherwise agreed by the Parties.

2. This Amendment No. 2 shall become effective on the date last signed below and shall remain in effect until December 31, 2017, unless terminated sooner or extended as provided herein.

3. All other terms and conditions of the Interlocal Agreement shall remain in full force and effect except as modified by this Amendment No. 2.

4. This Amendment No. 2 may be executed in any number of counterparts, each of which, when so executed and delivered to the other Parties, shall be an original, but such counterparts shall together constitute but one and the same.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 2 as of the Party's date last signed below.

STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION

By: _____
Keith A. Metcalf, P.E.
Eastern Region, Regional Administrator

Date: _____

APPROVED AS TO FORM

By: _____
Frank Hruban, Assistant Attorney General

Date: _____

SPOKANE COUNTY
ADOPTED by the Board of County
Commissioners of Spokane County,
Washington this ____ day of _____ 2015.

By: _____
Todd Mielke, Chair

By: _____
Shelly O'Quinn, Vice-Chair

By: _____
Al French, Commissioner

ATTEST:

By: _____
Clerk of the Board

Date: _____

CITY OF SPOKANE

By: _____

Date: _____

ATTEST:

By: _____
City Clerk

Date: _____

APPROVED AS TO FORM

By: _____
Assistant City Attorney

Date: _____

SPOKANE REGIONAL
TRANSPORTATION COUNCIL

By: _____

Date: _____

APPROVED AS TO FORM

By: _____
SRTC Attorney

Date: _____

CITY OF SPOKANE VALLEY

By: _____

Date: _____

ATTEST:

By: _____
City Clerk

Date: _____

APPROVED AS TO FORM

By: _____
Office of the City Attorney

Date: _____

SPOKANE TRANSIT AUTHORITY

By: _____

Date: _____

APPROVED AS TO FORM

By: _____
Spokane Transit Authority Attorney

Date: _____

BRIEFING PAPER
City of Spokane
Street/PCED
October 19, 2015

Subject

Amendment No. 2 to Interlocal Agreement No. GCA 1450, the Spokane Regional Transportation Management Center (SRTMC).

Background

October of 1998 the City of Spokane entered into an Interlocal Agreement with the Washington State Department of Transportation (WSDOT), Spokane County, Spokane Transit Authority (STA), and Spokane Regional Transportation Council (SRTC) to create a Spokane transportation operations center; know now as SRTMC. SRTMC is located at the intermodal center.

Amendment No. 1 was passed in the spring of 2015 placing a clause that the original Interlocal Agreement would end on December 31, 2015 unless otherwise agreed to by the joint venture agencies.

Amendment No. 2 extends the joint venture until December 31, 2017. During this two year period a new Interlocal Agreement must be written and agreed upon by the joint venture agencies.

Impact

The primary function of the SRTMC is to respond to incidents that may impact the traveling public. This is achieved by monitoring the regional transportation network and disseminating information to the both the public and member agencies. The results are more efficient transportation operations and system maintenance resulting in less delay, and increased safety for the traveling public.

Action

No action is required. Informational only.

Funding

There are no additional funding requirements for this Amendment.



Agenda Sheet for City Council Meeting of:
11/02/2015

<u>Date Rec'd</u>	10/20/2015
<u>Clerk's File #</u>	CPR 2012-0033
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	

<u>Submitting Dept</u>	MAYOR
<u>Contact Name/Phone</u>	KATIE ROSS 625.6716
<u>Contact E-Mail</u>	KROSS@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Boards and Commissions Appointments
<u>Agenda Item Name</u>	0520 REAPPOINTMENT OF FRAN PAPENLEUR AS CA LIAISON TO THE CHHS BOARD

Agenda Wording

Reappointment of Fran Papenleur as the Community Assembly Liaison to the Community Housing and Human Services Board for a term of November 2, 2015 to October 31, 2018.

Summary (Background)

Reappointment of Fran Papenleur as the Community Assembly Liaison to the Community Housing and Human Services Board for a term of November 2, 2015 to October 31, 2018.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Select	\$		#
Select	\$		#
Select	\$		#
Select	\$		#
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	SANDERS, THERESA	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	
<u>Finance</u>		<u>Distribution List</u>	
<u>Legal</u>		rhollwedel@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	rcrow@spokanecity.org	
<u>Additional Approvals</u>		jmallahan@spokanecity.org	
<u>Purchasing</u>			



Agenda Sheet for City Council Meeting of:
11/02/2015

Date Rec'd	10/20/2015
Clerk's File #	RES 2015-0115
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	PLANNING & DEVELOPMENT
Contact Name/Phone	JO ANNE 625-6017
Contact E-Mail	JWRIGHT@SPOKANECITY.ORG
Agenda Item Type	Resolutions
Agenda Item Name	0650 - RESOLUTION - GRANDVIEW/THORPE NEIGHBORHOOD ACTION PLAN

Agenda Wording

A RESOLUTION recognizing the attached Grandview/Thorpe Neighborhood Action Plan as a declaration of the neighborhood's desired future condition, providing direction for neighborhood based improvement activities, as well as neighborhood priorities

Summary (Background)

The Grandview/Thorpe Neighborhood Action Plan is the neighborhood's vision for future local improvement activities in the neighborhood and is recognized as a written record of the Grandview/Thorpe neighborhood's ongoing desire and efforts to continue to build a vibrant, healthy, active, safe, and connected neighborhood for all residents.

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	WRIGHT, JO ANNE	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	PCED 10/19/15
Finance	DAVIS, LEONARD	Distribution List	
Legal	RICHMAN, JAMES	lhattenburg@spokanecity.org	
For the Mayor	SANDERS, THERESA	lmeuler@spokanecity.org	
Additional Approvals		jwright@spokanecity.org	
Purchasing		htrautman@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

involving future projects.

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

RESOLUTION NO. 2015-0115

A RESOLUTION recognizing the attached *Grandview/Thorpe Neighborhood Action Plan* as a declaration of the neighborhood's desired future condition, providing direction for neighborhood based-improvement activities, as well as neighborhood priorities involving future projects.

WHEREAS, Spokane's City Council allocated \$550,000 in funding towards Neighborhood Planning in 2007; and

WHEREAS, these funds were divided twenty-six (26) ways with each neighborhood receiving approximately \$21,150, with the exception of the Riverside Neighborhood Council, which opted out of the process; and

WHEREAS, the Grandview/Thorpe neighborhood entered into its planning process in 2014 to address neighborhood issues; and

WHEREAS, the Grandview/Thorpe neighborhood established a Stakeholder Committee to organize and lead the planning process; and

WHEREAS, the vision of the *Grandview/Thorpe Neighborhood Action Plan* is "The Grandview/Thorpe neighborhood exemplifies the Spokane motto of 'Near Nature, Near Perfect' with its uniquely rural and wooded character just minutes from outdoor recreation opportunities, yet close to Downtown. With scenic views, forests, rock bluffs and wildlife, the neighborhood is one of the city's best-kept secrets. Residents enjoy a high quality of life through safe streets and convenient public spaces, active and involved citizens, and walkable and bikeable connections to surrounding destinations"; and

WHEREAS, the *Grandview/Thorpe Neighborhood Action Plan* contains a significant body of work detailing the neighborhood's existing conditions, opportunities, and an outline for possible actions designed to develop a vibrant, healthy, active, and better connected neighborhood; and

WHEREAS, the *Grandview/Thorpe Neighborhood Action Plan* creates a visionary document to help guide the neighborhood into the future; and

WHEREAS, the Grandview/Thorpe Stakeholder Committee conducted an early and continuous public participation process designed to encourage all stakeholders within the neighborhood to engage in the planning process; and

WHEREAS, the Grandview/Thorpe Stakeholder Committee held committee meetings; mailed and electronically posted notices of upcoming open houses and workshops to residents, land owners, and business owners; held three (3) public stakeholder open house workshops; presented plan overviews at neighborhood council meetings; and

WHEREAS, the *Grandview/Thorpe Neighborhood Action Plan* does not direct nor commit City resources for action or project implementation, but does document the desires of the neighborhood for City decision-makers as they consider future funding and implementation measures for City plans and projects; and

WHEREAS, on July 8, 2015, the Plan Commission voted unanimously (5-0) to recommend to the Spokane City Council that the *Grandview/Thorpe Neighborhood Action Plan* be adopted by Resolution; and

WHEREAS, as prescribed in SMC 04.12.010, this Resolution does not represent a recommendation of the Plan Commission regarding a legislative action to adopt changes to the Spokane Municipal Code or the text or maps of the Comprehensive Plan; and

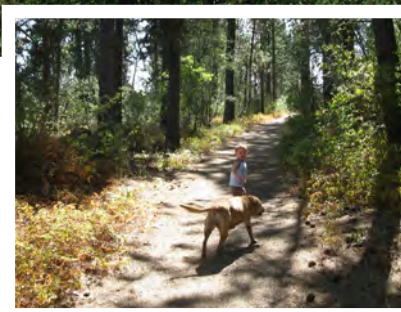
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL that the *Grandview/Thorpe Neighborhood Action Plan* is recognized as a guide for future neighborhood-based improvement activities and is recognized as a written record of the neighborhood's ongoing desire and efforts to continue building a vibrant, healthy, active, safe and connected neighborhood for all Grandview/Thorpe residents.

ADOPTED by the City Council this _____ day of _____, 2015.

City Clerk

Approved as to form:

Assistant City Attorney



Grandview/Thorpe neighborhood action plan

June 2015



ACKNOWLEDGEMENTS

The Grandview/Thorpe Neighborhood Plan was developed through the collaborative efforts of the neighborhood, their representatives, and the City of Spokane.

Mayor

David Condon

Spokane City Council

Ben Stuckart, Council President

Jon Snyder

Mike Allen

Karen Stratton

Mike Fagan

Amber Waldref

Candace Mumm

Spokane Plan Commission

Dennis Dellwo, President

F.J. Dullanty, Jr.

Evan Verduin, Vice-President

Diane Hegedus

Mark Aden

Gail Prosser

John Dietzman

Tom Reese

Asher Ernst

Grandview/Thorpe Neighborhood Planning Team

A special thanks to everyone in the neighborhood who contributed time and effort to developing this plan.

City of Spokane, Planning and Development Services

Boris Borisov

Jo Anne Wright

Consultant Team



BergerABAM



**Grandview/Thorpe
Neighborhood Council**

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I. INTRODUCTION

About the Project

In 2014, the City of Spokane partnered with neighborhood leaders to develop a long-range plan for Spokane's Grandview/Thorpe neighborhood. The Grandview/Thorpe Neighborhood Plan is a long-range, 20-year visioning and conceptual document. This plan implements the goals and policies of the City comprehensive plan through an emphasis on public safety, crime prevention, and economic development and on improving connectivity and preserving the character of the neighborhood. The plan is intended to result in an improved quality of life for neighbors and for residents throughout the City of Spokane.

The Grandview/Thorpe neighborhood planning process is part of a larger planning effort being led by the City in partnership with neighborhood leaders, stakeholders, and members of the public. The vision, goals, and actions voiced by interested and engaged residents during the development of the plan will guide the neighborhood to the achievement of the envisioned future. Ideas presented in this plan will require further analysis, and capital projects will require funding resources for implementation.

Planning Process and Neighborhood Involvement

The planning process for preparing the Neighborhood plan was composed of three phases, depicted below.



- *Context and Visioning:* The initial phase consisted of identifying existing opportunities and challenges and the vision and goals. During this phase, the City held the first neighborhood workshop to discuss existing and desired conditions.
- *Plan Development:* During the second phase, the planning team worked with neighborhood representatives to refine the vision and goals and identify specific projects, priorities, and strategies that will implement the desired vision. The City held a second neighborhood workshop to assist with these tasks.
- *Plan Approval:* The third phase consisted of developing a draft plan and a detailed implementation strategy, a neighborhood workshop/open house, and City Council review and approval.

II. NEIGHBORHOOD PROFILE

Grandview/Thorpe is proud of its wooded, rural character. Grandview/Thorpe residents describe their neighborhood as Spokane's best kept secret. It is a residential community with strong connections to natural areas and recreational amenities. As part of the former interurban rail line, this neighborhood has an historic connection to Downtown Spokane. Although the trolley line is gone, this access to Downtown remains an important part of Grandview/Thorpe's identity.



*Historic Photo of Interurban
Rail Line*

The Grandview/Thorpe neighborhood is located in southwest Spokane and is bounded by Trainor Road and the Spokane city limits on the west, Interstate 90 to the north, Canyon Woods Lane on the east, and 44th Avenue on the south. Thorpe Road, which bisects the neighborhood, is a major collector and connects to Highway 195.

The neighborhood is characterized by predominantly low-density residential use of between 4 to 10 units per acre and by attached and detached single-family residences. Pockets of land are zoned Residential Multifamily and allow densities between 15 and 30 units per acre. Land in the center and south of the neighborhood is designated as future open space.

Assets

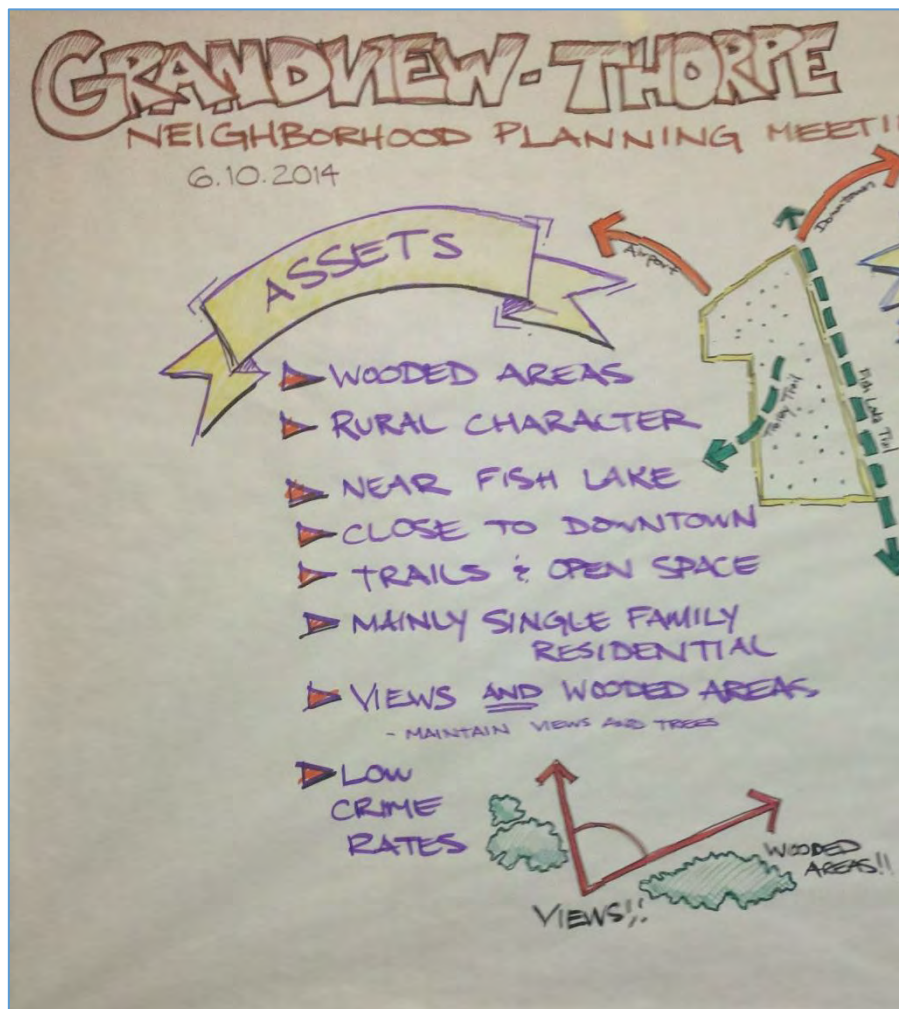
As identified by local residents, the Grandview/Thorpe neighborhood contains the following major assets:

- Wooded and rural character
- Easy access to Downtown Spokane
- Proximity to open space and trails, such as the Fish Lake Trail and Trolley Trail, and Department of Natural Resources (DNR) property
- Hillside views
- Low crime rates
- Ample land for new housing development
- Good neighborhood park
- Strong single-family housing resale activity levels

Priorities

Key priorities are:

- *Preserve the neighborhood character:* Protect wildlife and the natural rural character from impacts of new development.
- *Improve access:* Provide better pedestrian, bicycle, and transit access to commercial areas outside of the neighborhood and improve access to adjacent trail systems.
- *Improve neighborhood communication:* Develop e-mails, postcards, an information board in a public space, and/or a neighborhood newsletter.
- *Create neighborhood gathering spaces:* Explore the idea of small, neighborhood-scale commercial uses like a general store and/or coffee shop, and a community gathering space or public plaza.



Wall Graphic Meeting Notes from June, 2014 Neighborhood Workshop

III. PLANNING FRAMEWORK

The following describes the neighborhood's vision, goals, and objectives.

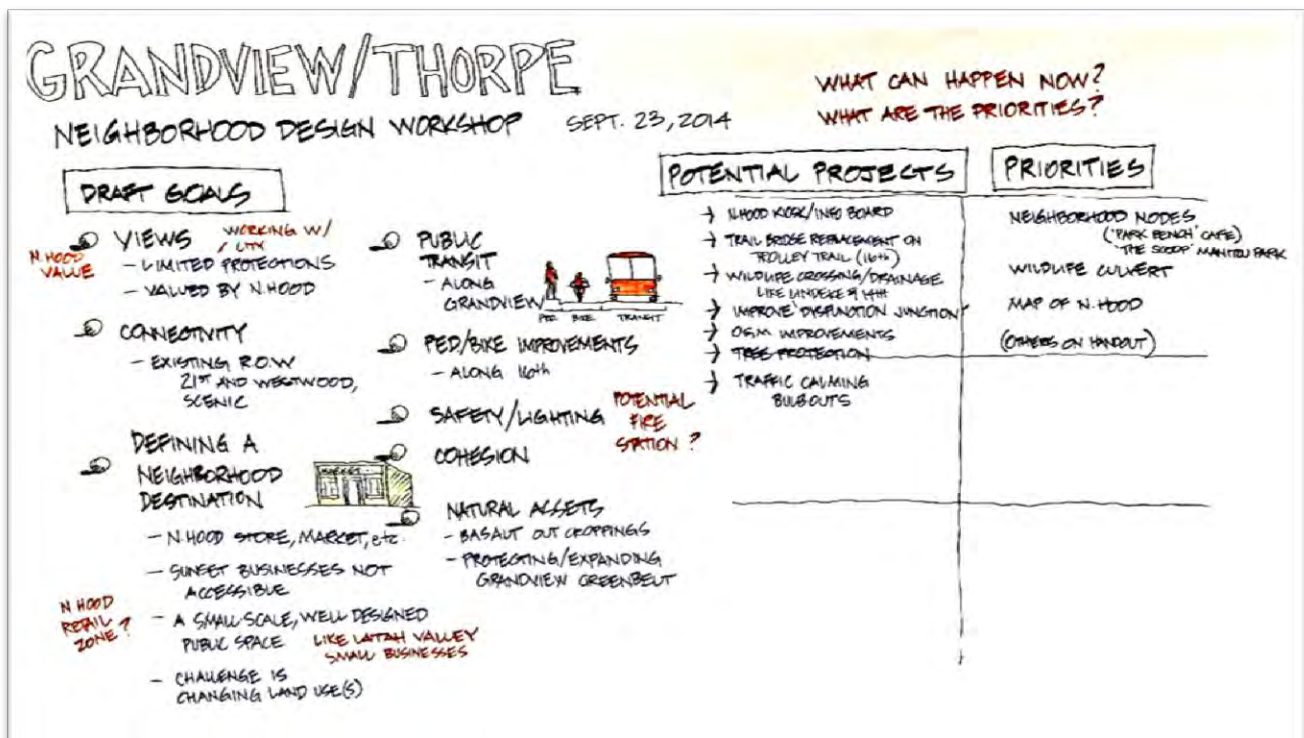
Vision

The vision statement captures how the community imagines the character and future pattern of physical and social development for the Grandview/Thorpe neighborhood. The vision statement summarizes all of the neighborhood values, assets, and dreams for the future into a single expression.

The Grandview/Thorpe neighborhood exemplifies the Spokane motto of 'Near Nature, Near Perfect' with its uniquely rural and wooded character just minutes from outdoor recreation opportunities, yet close to Downtown. With scenic views, forests, rock bluffs and wildlife, the neighborhood is one of the city's best-kept secrets. Residents enjoy a high quality of life through safe streets and convenient public spaces, active and involved citizens, and walkable and bikeable connections to surrounding destinations.

Goals and Objectives

The goals and objectives articulate the direction for future projects and programs to fulfill the vision. The goals are divided into four major categories: Identity, Safety, Connectivity, and Livability. Corresponding objectives to pursue over time follow each goal.



Wall graphic meeting notes from September neighborhood workshop

Identity

I-1: Neighborhood Image Retain and protect Grandview/Thorpe's wooded and rural character and its identity as a distinctive and special place within Spokane.

- I-1.1:** Establish gateways to Grandview/Thorpe consisting of physical elements and landscaping that create a sense of place, identity, and belonging.
- I-1.2:** Seek opportunities to protect and interpret the historic trolley corridor.

I-2: Significant Resources and Views Enhance and showcase significant natural resources, views, and viewpoints.

- I-2.1:** Work with the City to install benches and signs at appropriate viewpoints and vistas.
- I-2.2:** Protect the neighborhood tree canopy, rock outcroppings, and open space.

I-3: Sense of Community Allow neighborhood-serving retail uses and create a public gathering space to strengthen the sense of community and act as an anchor for the neighborhood.

- I-3.1:** Work with the City to explore the designation of a small-scale, neighborhood-serving retail use such as a small coffee shop or general store in a centralized location.
- I-3.2:** Develop neighborhood gathering spaces with flexible uses to build a feeling of community and help bring neighbors together.
- I-3.3:** Create a community activity center and/or an informational kiosk where homeowners and renters can interact.
- I-3.4:** Work with the City to identify appropriate locations for neighborhood gateway signs. The intersections of Grandview and 17th Avenue, Grandview and Rustle Avenue, 14th Avenue and Lindeke Street, and Thorpe Road at the tunnels west of Highway 195 are possible options.



Grandview/Thorpe Residential Street

Safety

S-1: Crime Prevention Make the neighborhood a safer place to live, play, and visit by improving lighting in key locations and promoting “eyes on the street.”

S-1.1: Encourage understanding of “Crime Prevention Through Design” principles, programs, and training classes to provide opportunities through building and street design for “eyes on the street.”

S-1.2: Improve lighting and landscaping in streets, parks, and other public spaces to encourage foot traffic.

S-2: Street Safety Identify ways to ways to improve the safety of neighborhood streets.

S-2.1: Identify and implement traffic-calming projects as a part of street improvements.

S-2.2: Address winter trouble spots to improve hazardous and icy road conditions.

S-2.3: Explore ways to improve connectivity and access for emergency response vehicles.



*Steps from Old
Sterling Heights Trolley Stop*

Connectivity

C-1: Transportation Improve on- and off-street routes for walking, biking, driving, and public transit.

C-1.1: Continue to seek opportunities to improve missing or incomplete sidewalks, bike routes, and transit connections. (See Project Map for general connectivity improvement locations).

C-1.2: Improve access to the trail system by designating new trailheads and providing trail wayfinding signage.

C-1.3: Work with the City and Spokane Transit Authority to identify more convenient access to public transit.

C-1.4: Connect the Fish Lake Trail to Thorpe Road.

Livability

L-1: Natural Resources Conservation Maintain and improve Grandview/Thorpe's natural assets.

- L-1.1:** Work with appropriate agencies to protect existing open spaces such as the Department of Natural Resource (DNR) property and Sterling Heights Park.
- L-1.2:** Improve and preserve the trail system within the neighborhood.
- L-1.3:** Work with the City to enhance and preserve Grandview/Thorpe's existing tree canopy.

L-2: Stronger Communication Improve communications between community members and neighbors by facilitating and fostering broader neighborhood outreach and interaction.

- L-2.1:** Establish and maintain a communications hub to promote better communications among neighbors.
- L-2.2:** Continue to strengthen communication and information-sharing between the City and neighborhood through a range of mediums and formats.



Trolley Trail



Trolley Trail

IV. PRIORITY PROJECTS

Priority projects are those that are most likely to contribute to the neighborhood vision. As part of a long-term plan, they will take time to complete and some will require significant effort to secure resources that are not yet available. Others will require ongoing discussion with a variety of partners. The project types described below address broad project categories. Additional details for each project type are provided in the following Plan components:

- **Project Matrix:** Identifies individual projects, partnership opportunities, and additional information.
- **Neighborhood Project Priorities Map:** Indicates the location of projects.
- **Prioritized Project Toolkit:** Provides potential examples and design treatments for project implementation.



Small store, café, or coffee shop in the neighborhood would offer a nearby alternative to driving to services and would function as a community gathering space.

PROJECT TYPES

1. Activity Center – Commercial Node

In coordination with the City and property owners, identify an appropriate location for a neighborhood activity center and/or information kiosk, neighborhood meeting location, and (potentially) a neighborhood-serving retail use. A neighborhood retail use in Grandview/Thorpe would require changes to comprehensive plan policy and/or City regulations, land use, and zoning.

2. **Trail Connectivity** Improve access and connectivity, prioritize trail development, and seek funding opportunities and key partnerships for property acquisition/easements and construction.

3. **Neighborhood Gateway(s)** Work with the City to identify appropriate locations for neighborhood gateway signs. The intersections of Grandview and 17th Avenue, Grandview and Rustle Avenue, 14th Avenue and Lindeke Street, and Thorpe Road at the tunnels west of Highway 195 are possible options.

- 4. Road Improvements** Continued promotion of walkability and connectivity throughout the neighborhood requires sidewalk and crosswalk improvements. Sidewalk infill along “D” Street from 19th Avenue to 21st Avenue will provide a connection to Grandview Park and existing sidewalks. Traffic-calming and sidewalks are also needed along Lindeke Street. In addition to pedestrian amenities, road improvements and stormwater facility upgrades are needed on 16th Avenue. Road improvements include new sidewalks, bike lanes, and a wildlife crossing. Partnerships with the City and the Washington Department of Fish and Wildlife (WDFW) will be necessary to facilitate funding and permitting.



*Concept Sketch of a Redesigned West 16th Avenue
in Grandview/Thorpe from the South*

Project Matrix and Map

The project map and matrix summarize a range of location-specific solutions. Following implementation, the priority projects will ensure the maintenance of neighborhood identity and improve connectivity and livability within Grandview/Thorpe.

The project matrix describes each project’s purpose and notes potential partnership opportunities and treatment details. The relationship of each project to an identified community goal is also shown in the project matrix. Projects are prioritized by in terms of their completion in the short, mid, or long term.

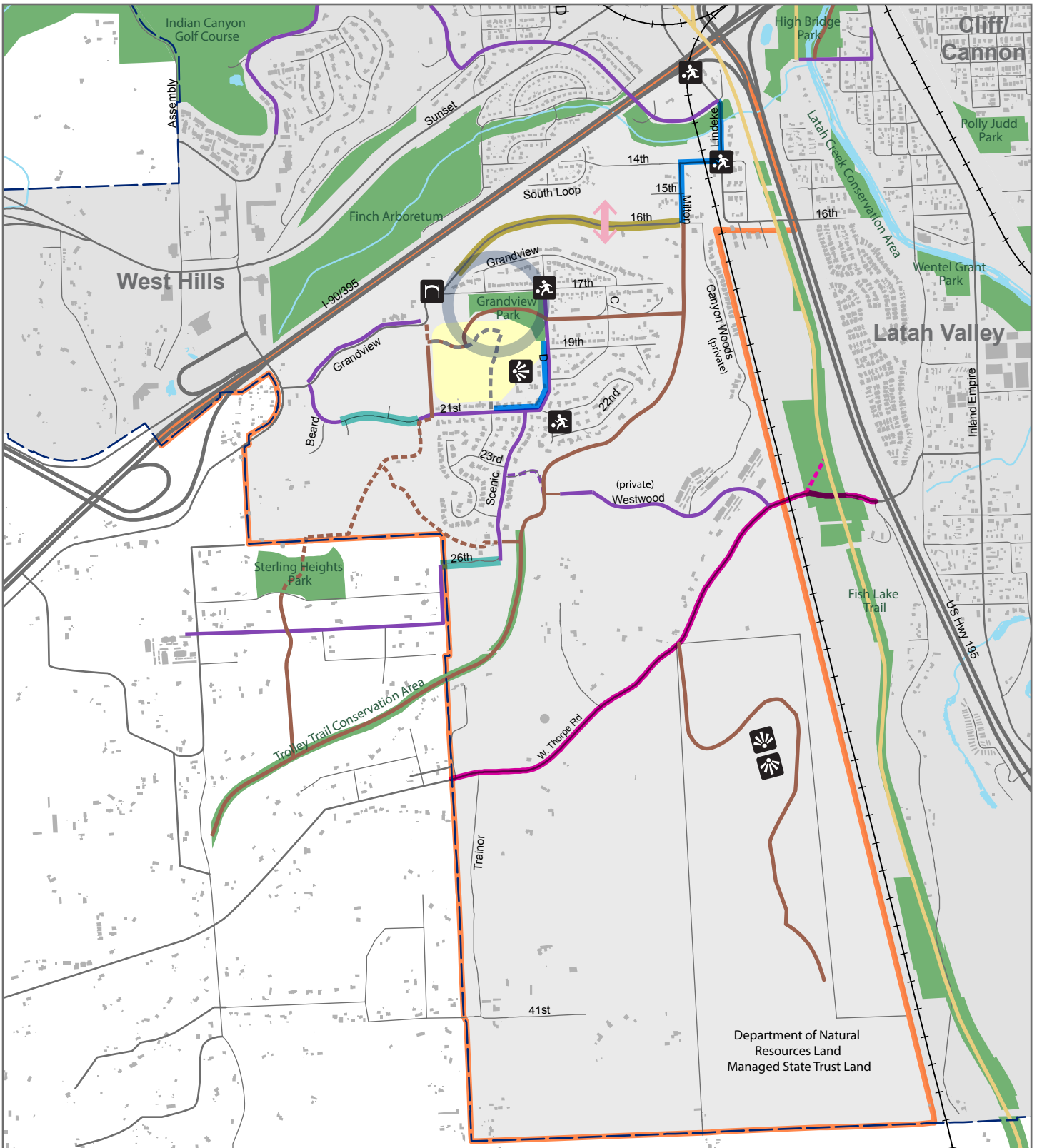
Project Matrix

1. Short-Term Projects	Potential Partners	Notes
Activity Center/Future Commercial Node		
1. Design and install an information kiosk/community communication board in a central location to facilitate better neighborhood communication to post community events and meetings. Social media forums will be used to further promote community engagement.	Community Group/ Business/Artist Sponsorship	Coordination will be required with property owner(s) for the placement of a kiosk or community board. Identify neighborhood artists or business owners for potential sponsorship of the kiosk to cover construction costs.
Trail Connectivity		
1. Address trail connectivity throughout the neighborhood and ensure future development recognizes the importance of recreational amenities in Grandview/Thorpe.	City	Work with City staff to identify available resources and funding for trail projects. Work with developers to ensure trail connectivity in new development.
Neighborhood Gateway		
1. Design and build neighborhood gateway signs at appropriate locations.	City/Property Owners/Artist	Coordinate with the City and adjacent property owners to identify the appropriate locations for, and scale of, entry signs. The intersections of Grandview and 17th Avenue, Grandview and Rustle Avenue, 14th Avenue and Lindeke Street, and Thorpe Road at the tunnels west of Highway 195 are possible options.

2. Longer-Term Projects	Potential Partners	Notes
Activity Center/Future Commercial Node		
1. Explore the feasibility of a Comprehensive Plan policy amendment and/or change to City regulations to allow neighborhood-serving commercial or small-scale retail use.	City	Grandview/Thorpe does not currently include zoning that allows commercial or small-scale retail use. Gauge interest with property owner(s).
2. If feasible and allowed by Comprehensive Plan policy or City regulatory change, consider recruiting commercial node/small-scale retail, such as a neighborhood market.	Private Developer/ Public-Private Partnership Opportunity	Commercial development would be a private investment and dependent on market readiness.
Trail Connectivity		
1. Enhance trail connections to Trolley Trail, Fish Lake Trail, and DNR property to improve recreation connectivity throughout Grandview/Thorpe.	City; Spokane County; DNR	<ul style="list-style-type: none"> • Identify missing connections to the neighborhood trail system. • Develop soft surface pathways. • Seek easements or acquire rights-of-way. • Coordinate donations of labor and materials. • Seek grant funds.
2. Identify and improve bicycle-friendly amenities and routes.	City, Spokane Transit Authority	Improvements may include bicycle amenities such as “sharrows” (shared roadway arrows), bicycle lanes, signage, and/or roadway treatments to limit speed and vehicular traffic.
3. Identify views/viewpoints for possible future protection and develop a signage program.	Property Owners (public and private)	<p>Projects may include:</p> <ul style="list-style-type: none"> • Signage (wayfinding and historical) to identify important views and local history. • Program to fund and label benches at viewpoints.

Grandview/Thorpe Neighborhood Action Plan

Road Improvements		
1. Improve 16th Avenue.	City, Spokane Transit Authority, Washington Department of Fish and Wildlife (WDFW)	Improvements include bicycle lanes, pedestrian paths, stormwater facilities, and a wildlife crossing.
2. Make connectivity improvements to address missing road connections.	City, Private Developers	Consider connecting Scenic Boulevard to Assembly via existing City and County-owned rights of way. Projects may also include sidewalks on “D” Street from 19th Avenue to 21st Avenue and elsewhere throughout the neighborhood.
3. Add traffic calming and pedestrian improvements, including crosswalks and sidewalks, to address safety and pedestrian connectivity concerns.	City, Private Developers	Improve pedestrian amenities west of “D” Street and south of 19th Avenue. Sidewalks are also needed on unimproved roads and where they are missing near the core of the neighborhood. A pedestrian crossing is needed near the park. Traffic calming and sidewalks are also needed along Lindeke Street.
4. Widen the shoulder on Thorpe Road in the uphill direction from the tunnel to the city limits to accommodate bicycle traffic.	City	Improvements will be coordinated with the City of Spokane Master Bike Plan and six-year plans.



GRANDVIEW/THORPE DRAFT NEIGHBORHOOD PLAN

NEIGHBORHOOD DESIGN & POTENTIAL PROJECT PRIORITIES

- | | |
|--------------------------------|--------------------------------|
| Activity Center | Road Improvements |
| Neighborhood Center | New Connections |
| Trail Connectivity | New Sidewalks |
| Proposed Bike Friendly Routes | Bicycle Lane |
| Proposed Natural Surface Paths | Planned Roads |
| Proposed Shared Use Path | Gateway Sign |
| Views | 16th Street Stormwater |
| | Wildlife Crossing |
| | Traffic Calming |
| | Private Developer Improvements |

EXISTING FEATURES

- | | |
|-------------------------|----------------|
| Neighborhood Boundaries | City Limits |
| Bike Friendly Routes | Railroads |
| Shared Use Paths | Freeways |
| Natural Surface Paths | Arterial Roads |
| Parks + Open Space | Local Streets |
| Buildings | |

Source: City of Spokane GIS + Google Maps

0 500 1,000 2,000 feet

Priority Project Toolkit

The priority project toolkit provides ideas and potential design treatments to implement the priority projects. The toolkit includes a variety of potential solutions and new facility suggestions that can improve connectivity and livability.

Potential Activity Node Improvements



MULTI-PURPOSE EVENT SPACE

Gathering space should allow for a range of public events such as an outdoor concert or farmers market. This space should have a barrier-free durable surface and nearby parking.



INFORMATION KIOSK

Freestanding kiosks provide space for posting neighborhood news and events. Kiosks should be constructed of durable materials and have a cover for protection from the elements. They should also have an accessible path to the street or sidewalk.



LIGHTING

Pedestrian-scaled lighting along streets and in public spaces increases the perception of safety and adds to the unique sense of place. Along streets, lighting also alerts drivers to the presence of pedestrians in an area.

Potential Street and Trail Upgrades



CONNECTIVITY AND WAYFINDING

Directional signage and painted street markings help users find their way and indicate the safest routes. In particular, painted bike routes are placed in the roadway lane indicating that motorists should expect to share the lane with bicycles.



TRAIL CONNECTIONS AND CROSSINGS

Trail connections and crossings should be highly visible for trail users and motorists. Contrasting colored crossings, painted trail and street warnings and posted signage should be provided to calm traffic and inform users of an approaching connection and change in speed.



WILDLIFE/STORMWATER CROSSING

Crossing types include upland and wetland bridges, box culverts, and large drainage pipes. Fencing should be provided along the outside right-of-way to channel wildlife through the crossing. Signage for wildlife underpasses should also be provided.

VI. NEXT STEPS

Implementation of the Grandview/Thorpe Neighborhood Plan will require the ongoing support and commitment of the Neighborhood Council. This plan provides a starting point for ensuring future development adheres to the local vision, but approval will not result in immediate project funding. Ideas presented in this plan will require further analysis, and capital projects will require funding for implementation.

The Neighborhood Council is encouraged to pursue the following steps in order to successfully implement this plan and develop key catalyst projects.

- **Funding:** Identify potential funding sources for priority projects. Consider grants, public/private partnerships, fundraising, and community volunteer efforts.
- **Update:** Consider updating the project list and action plan on an annual basis to address completed projects and changed neighborhood conditions.



Agenda Sheet for City Council Meeting of:
11/02/2015

Date Rec'd	10/19/2015
Clerk's File #	RES 2015-0116
Renews #	

Submitting Dept	CITY ATTORNEY	Cross Ref #	
Contact Name/Phone	MICHAEL 6237	Project #	
Contact E-Mail	MPICCOLO@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Resolutions	Requisition #	
Agenda Item Name	RESOLUTION APPROVING THE ETHICS COMMISSION'S POLICY AND		

Agenda Wording

A resolution approving the Ethics Commission's Policy and Procedures Manual.

Summary (Background)

On January 12, 2015, the City Council approved Ordinance No. C-35148 adopting a new Code of Ethics codified in Chapter 1.04A SMC. SMC 1.04A.090 provides that the Ethics Commission is to create a manual for its operating policies, procedures, forms and rules consistent with Chapter 1.04A SMC and subject to the City Council's approval. At its October 14, 2015 meeting, the Ethics Commission approved the attached Policy and Procedures Manual and is requesting City Council Approval.

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	DALTON, PAT	Study Session	
Division Director		Other	
Finance	DAVIS, LEONARD	Distribution List	
Legal	PICCOLO, MIKE	mpiccolo@spokanecity.org	
For the Mayor	SANDERS, THERESA	rriedinger@spokanecity.org	
Additional Approvals			
Purchasing			

RESOLUTION NO. 2015-0116

A resolution approving the Ethics Commission's Policy and Procedures Manual.

WHEREAS, the City Council approved Ordinance No. C-35148 on January 12, 2015 adopting a new Code of Ethics codified in Chapter 1.04A SMC; and

WHEREAS, SMC 1.04A.090 A provides that the Ethics Commission is to create a manual for its operating policies, procedures, forms and rules consistent with Chapter 1.04A SMC and subject to the City Council's approval; and

WHEREAS, at its October 14, 2015 meeting, the Ethics Commission approved the attached Policy and Procedures Manual; and

WHEREAS, the Ethics Commission is requesting that the City Council approve the Policy and Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPOKANE that the City Council approves of the Policy and Procedures Manual developed and approved by the Ethics Commission pursuant to SMC 1.04A.090 A.

ADOPTED by the City Council this _____ day of November, 2015.

City Clerk

Approved as to form:

Assistant City Attorney

CITY OF SPOKANE ETHICS COMMISSION POLICY AND PROCEDURES MANUAL

RULE 1 – GENERAL PRINCIPLES

1.1 PURPOSE

It is the purpose of the City of Spokane Ethics Commission (“Commission”) in adopting this policy and procedure manual to provide a method of conduct for its meetings, hearings and other activities. This policy and procedural manual shall not conflict with the City’s Code of Ethics contained in Chapter 1.04A SMC. In the event of a conflict, the Code of Ethics shall prevail.

1.2 ROBERT’S RULES OF ORDER

Matters of procedure not otherwise provided for herein shall, insofar as practical, be determined by reference to Robert’s Rules of Order, Newly Revised.

Rule 2. Meetings

2.1 Scheduling and Announcement of Meetings. The Ethics Commission shall schedule and announce its meet times consistent with City policy and the Open Public Meetings Act, Chapter RCW 42.30.

2.2 Quorum- Voting. Four members of the Commission shall constitute a quorum for transaction of business. A simple majority of the quorum is necessary to take action, other than action by the Commission in determining and issuing its written findings and conclusions regarding a complaint, inquiry or request for an advisory opinion, which shall require four affirmative votes of the Commission members present for the meeting.

2.3. Meetings. Regularly scheduled Commission meetings shall be held on the third Wednesday in March, June, September and December beginning at 4:00. P.M. Meetings shall be held in the Briefing Center located in the basement level of City Hall, W. 808 Spokane Falls Blvd.

A regular meeting may be cancelled or rescheduled or a special meeting scheduled at the direction of the chairperson consistent with the Open Public Meeting Act. All meetings of the Ethics Commission shall be open to the public.

2.4 Agenda. The chairperson shall prepare the meeting agenda with the assistance of City staff.

2.5 Telephonic Participation. Other than meetings to consider and decide complaints regarding violations of the Code of Ethics, Commission members may participate in meetings by phone with prior approval of the chairperson.

2.6 Recusal. Commission members who have a conflict regarding a specific complaint shall recusal himself or herself from hearing that complaint but shall remain a member of the Commission.

Rule 3. Commission Membership and Staff

3.1 Appointment and Terms. Commission members' appointments and terms shall be in accordance with SMC 1.04A.080.

3.2 Chairperson. The Commission members shall elect a chair and vice-chair who shall serve for one year and may be reappointed by the Commission for one additional term.

3.3 Restrictions on Commission Members. Commission members are subject to certain restrictions relating to their employment and political activities as set forth in SMC 1.04A.130.

3.4 Staff Director. The staff director appointed by the City Attorney pursuant to SMC 1.04A.080 C shall assist the Commission, its chairperson and other assigned staff with its duties and obligations set forth in Chapter 1.04A SMC. As part of the employee training process under SMC 1.04A.120, the staff director may assist individual employees or officials with specific questions regarding compliance with the Code of Ethics that pertain to the employee or official. The staff director shall not provide direction or guidance to ethical issues related to allegations against employees or officials but shall direct those complaints to the Commission.

Rule 4. Complaint Process

4.1 Filing of Complaints. Complaints shall be filed with the Commission chairperson or with the staff person assigned to assist the Commission pursuant to the process set forth in SMC 1.04A.100 and within the time period set forth in SMC 1.04A.150. Complaints must be written, signed under declaration by the complainant and directed to the Commission. The complaint shall set forth the facts which the complainant believes substantiates a violation of the Code of Ethics and which provisions of the code the complainant believes were violated.

Within five business days of the filing of the complaint with the Commission, the Chairperson, or his or her designee, shall inform the complainant that the Commission has received the complaint and shall provide a copy of the complaint to the employee or official (hereinafter referred to as the respondent) identified in the complaint as having violated the Code of Ethics.

4.2 Recording of Complaints. Upon receipt, complaints shall be assigned a reference number. The Commission shall maintain and keep current for public inspection a status sheet which shall contain with respect to each complaint: its reference number, the date received by the Commission, the name of the complainant, the name of the respondent, and its present status, including the date of any scheduled hearings.

4.3 Adjudication Process

(1) The Commission shall request an initial written response to the complaint from the respondent, which shall be filed with the Commission at least ten business days before the Commission holds an initial meeting to review the complaint. The initial response shall pertain to whether the complaint should be dismissed pursuant to SMC 1.04A.110 D. 1. a. – f. and shall not address the merits of the complaint.

(2) Within thirty calendar days of the receipt of the complaint by the Commission, the Commission shall schedule an initial meeting to review the complaint in order to make a determination consistent with SMC 1.04A.110 D.

(3) If the Commission determines the complaint alleges facts which, if found to be true, would be sufficient to constitute a violation of the Code of Ethics, it shall meet with the respondent to create a stipulation resolving the complaint, the determination of compliance and the penalty, if any, to be imposed consistent with SMC 1.04A.110 E. Such meeting shall be open to the public.

4.4 Complaint Hearing Process. Complaints that are not resolved through adjudication under SMC 1.04A.110 D or the stipulation process under SMC 1.04A.E, shall proceed to an investigation process pursuant to SMC 1.04A.110 F.

4.5 Notice of Hearing and Respondent's Answer

(1) The Commission shall provide notice of the public hearing to the complainant and the respondent.

(2) The notice shall include the Commission's determination regarding jurisdiction and the factual allegations, as well as the date, time and place for the hearing. The notice shall provide that the respondent shall be entitled to appear in person or otherwise, with or without counsel, submit testimony, be fully heard, and present and cross-examine witnesses.

(3) The respondent may file a written answer to the complaint with the Commission any time after receipt of the complaint but not later than ten business days prior to the hearing date.

(4) Notice of the hearing shall be provided to all parties no less than fourteen day before the hearing date, unless the parties stipulate otherwise.

4.6 Conduct of Hearings

(1) Hearings shall be conducted consistent with SMC 1.04A.110.F. – K.

(2) All hearings conducted under this section are open to the public. The Commission's deliberations on a complaint shall be conducted consistent with SMC 1.04A.100 A. 2., the Open Public Meeting Act and other applicable regulations.

(3) The respondent shall be a party to the hearing and permitted to testify before the Commission. All parties involved in the complaint are prohibited from ex parte communication with the Commission. Neither the complainant nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the Commission beyond that which is permitted by Chapter 1.04A SMC.

4.7 Prehearing Conferences

(1) In any proceeding, the Commission on its own motion or upon request by a party or their authorized representative may direct the parties to appear at a specified time and place for a conference to consider:

- (a) Simplification of issues;
- (b) The necessity of amendments to the hearing notice;
- (c) The possibility of obtaining stipulations, admissions of facts and of documents;
- (d) Limitation on the number of witnesses; and
- (e) Procedural and such other matters as may aid in the disposition of the proceeding.

(2) Following the prehearing conference, the chairperson shall issue an order reciting the action taken and decisions made at the conference.

Rule 5. Procedures Applicable to Advisory Opinions

The Commission shall issue advisory opinions upon request with regard to the application of the Code of Ethics pursuant to Chapter 1.04A.170 SMC and the

rules adopted under the chapter. The following procedures apply to requests for advisory opinions:

- (1) Requests for advisory opinions may be made by any person subject to the Code of Ethics. A request must be stated hypothetically unless the individual requests a specific opinion concerning his or her own conduct and situation. Requests must be written, signed, and directed to the chair of the Commission. Requests shall supply such information as the Commission requires enabling it to issue the opinion.
- (2) Within five business days of the filing of the request for an advisory opinion with the Commission, the Chairperson, or his or her designee, shall inform the party filing the request that the Commission has received the request and of any subsequent meeting.
- (3) The Commission shall within sixty calendar days either:
 - (a) Issue a written advisory opinion; or
 - (b) notify the person requesting such opinion that the request is denied and the reason(s) for the denial.
- (4) Upon receipt, requests shall be assigned a reference number. The Commission shall maintain and keep current for public inspection a status sheet which shall contain with respect to each request: Its reference number, the date received by the Commission, and its present status.
- (5) The Commission shall make available to the public copies of the status sheets and advisory opinions issued by the Commission.

Rule 6 Penalties

6.1 Purpose. The purpose of this rule is to set forth the criteria that the Commission may consider when imposing penalties for a violation of chapter 1.04A SMC.

6.2. Criteria for Determining Sanctions.

In determining the appropriate penalties, including the amount of any civil penalty, the Commission may consider the following factors, as well as other factors which the Commission may find appropriate in a particular case:

- (1) The monetary cost of the violation, including:
 - (a) The cost of the violation to the City;
 - (b) The value of anything received or sought in the violation;
 - (c) The amount of any damages incurred by the City as a result of

the violation;

(d) The costs incurred in enforcement, including reasonable investigative costs;

(2) The nature of the violation, including whether the violation:

(a) Was continuing in nature;

(b) Was motivated by financial gain;

(c) Involved criminal conduct;

(d) Impaired a function of the agency;

(e) Tended to significantly reduce public respect for or confidence in city government or city government officers or employees;

(f) Involved personal gain or special privilege to the violator;

(3) Aggravating circumstances, including whether the violator:

(a) Intentionally committed the violation with knowledge that the conduct constituted a violation;

(b) Attempted to conceal the violation prior to the filing of the complaint;

(c) Was untruthful or uncooperative in dealing with the Commission or the Commission's staff;

(d) Had significant official, management, or supervisory responsibility;

(e) Had committed prior violations found by the Commission;

(f) Incurred no other sanctions as a result of the violation;

(4) Mitigating factors, including:

(a) Prior corrective action taken against the violator;

(b) Prior recovery of damages to the state;

(c) The unethical conduct was approved or required by the violator's supervisor or agency;

(d) The violation was unintentional;

(e) The violator relied on advice from Commission staff or designated ethics advisers;

(f) Other mitigating factors deemed relevant by the Commission.

6.3. Process for Implementing Decision.

The Commission may utilize all available procedures to implement its decision including providing a copy of the decision to the appropriate administrative officer or commission or board chairperson.

**Agenda Sheet for City Council Meeting of:**

11/02/2015

<u>Date Rec'd</u>	10/21/2015
<u>Clerk's File #</u>	RES 2015-0117 OPR 2015-0920
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	

Submitting Dept	ASSET MANAGEMENT
Contact Name/Phone	ED LUKAS 625-6286
Contact E-Mail	RLUKAS@SPOKANECITY.ORG
Agenda Item Type	Resolution
Agenda Item Name	5900 - SOUTH REGAL LAND PARCEL SALE

Agenda Wording

Purchase and Sale Agreement for a 1.96 acre City-owned land parcel near the southwest corner of South Regal Street and East Palouse Highway.

Summary (Background)

The subject parcel is rectangular (approximately 150' x 570') with the small side fronting South Regal. It is an undeveloped land parcel with the exception of a few concrete pads, a small utility building, and several power poles that are the remnants of a former satellite dish improvement. The City acquired the site in December 2013 as part of a trade with Spokane School District 81 during the sale of the Joe Albi stadium to the school district. QueenB Radio, Inc., a related entity to KXLY

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Revenue	\$ 899.668.09	#	5900 41520 99999 39510 99999
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	LUKAS, ED	<u>Study Session</u>	
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u>	Exec. Council 10/12/15
<u>Finance</u>	DAVIS, LEONARD	<u>Distribution List</u>	
<u>Legal</u>	RICHMAN, JAMES	lhattenburg@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	mhughes@spokanecity.org	
<u>Additional Approvals</u>		jahensley@spokanecity.org	
<u>Purchasing</u>		ldavis@spokanecity.org	
		rlukas@spokanecity.org	
		smsimmons@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

who owns the adjacent property to the south, presented a purchase and sale agreement to the City on September 18, 2015 to purchase the property for \$899,668.09, a sales price determined by prior negotiations with the City.

Fiscal Impact		Budget Account	
Select	\$	#	
Select	\$	#	
Distribution List			

RESOLUTION 2015-0117

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS CITY PROPERTY.

WHEREAS, the City of Spokane is the owner of certain property located in the City of Spokane, County of Spokane, State of Washington, and more particularly described in the Purchase and Sale Agreement attached hereto as Exhibit A ("Property"); and

WHEREAS, the City of Spokane finds that the Property is no longer needed for a public use of the City of Spokane and is hereby declared to be surplus; and

WHEREAS, RCW 35.22.280(3) authorizes the City to dispose of surplus property upon commercially reasonable means; and

WHEREAS, the City has received an offer to purchase the property for fair market value, subject to a number of conditions, as reflected in Exhibit A.

NOW, THEREFORE - - it is hereby resolved by the Spokane City Council;

1. The Property is hereby declared to be surplus City property no longer needed for the present and foreseeable public uses of the City.

2. The Mayor or his designee is authorized to execute the Purchase and Sale Agreement attached hereto as Exhibit A.

ADOPTED by the Spokane City Council this _____ day of _____, 2015.

City Clerk

Approved as to form:

Assistant City Attorney

EXHIBIT "A"

Purchase and Sale Agreement

PURCHASE AND SALE AGREEMENT
City of Spokane Real Property

This Agreement is entered into as of _____ (the “**Effective Date**”), by and between the CITY OF SPOKANE, a Washington municipal corporation (“**Seller**” or “**City**”), and QueenB Radio, Inc., a Washington corporation (“**Buyer**” or “**KXLY**”), hereinafter referred to as the “**Parties**”.

Whereas, the parties are desirous of entering into an agreement whereby the Buyer will purchase property owned by the Seller and described in Exhibit “A” (the “**Property**”).

NOW, THEREFORE, in consideration of the respective agreements set forth below and for valuable consideration, the receipt and sufficiency of which is acknowledged, Seller and Buyer agree as follows:

1. Sale of Property. Seller agrees to sell and convey to Buyer and Buyer agrees to purchase from Seller, subject to the terms and conditions set forth in this Agreement, the real property, which property is situated in the City and County of Spokane, State of Washington, and legally described in Exhibit “A” hereto, together with all of Seller’s right, title and interest in and to any rights, licenses, privileges, reversions and easements pertinent to the real property, including, without limitation, all minerals, oils, gas and other hydrocarbon substances on and under the real property as well as all development rights, air rights, water rights, water and water stock relating to the real property and any other easements, rights of way or appurtenances used in connection with the beneficial use and enjoyment of the real property (collectively, the “**Property**”).

2. Earnest Money. Upon execution of this Agreement by both Seller and Buyer, Buyer shall deliver to First American Title Insurance Company in Spokane, Washington (“**Title Company**”), as escrow agent for the closing of this transaction, a promissory note payable to the City of Spokane upon satisfaction or waiver of Buyer’s contingencies under this Agreement, in the principal sum of EIGHTY NINE THOUSAND NINE HUNDRED SIXTY SIX and 80/100 DOLLARS (\$89,966.80), to be paid or delivered as earnest money (the “**Earnest Money**”) in part payment for the Purchase Price of the Property. The Title Company will hold the Earnest Money for the benefit of the parties pursuant to the terms of this Agreement; provided, subject to section 15.3 herein below, if this Agreement has not been terminated prior to December 31, 2016, the promissory note shall become due and payable to Seller in cash on

or before December 31, 2016, and shall become a non-refundable fee that the City may treat as its own. Notwithstanding the above, at Closing the Earnest Money shall be applied to the Purchase Price.

3. Purchase Price. The purchase price for the Property (the “**Purchase Price**”) is EIGHT HUNDRED NINETY NINE THOUSAND SIX HUNDRED SIXTY EIGHT and 09/100 DOLLARS (\$899,668.09). The Purchase Price, including the Earnest Money, will be paid to Seller in cash through escrow at closing.

4. Adjustment of Price on Basis of Survey and Land Use Approvals. The purchase price has been negotiated based on the parties’ good-faith estimate that the Property comprises _____ square feet (or ____ acres). In the event the Survey (as defined in Section 5 below) shows that the Property contains more (or less) than the above square feet, the Purchase Price will be increased (or decreased) proportionately so that the final Purchase Price will be equal to the price per square foot multiplied by the actual number of square feet of the Property as determined by the Survey. The purchase price assumes that the Property may be used in a manner similar to the adjacent KXLY property (which is identified in the Development Agreement referenced in section 7.1.2, below).

5. Alta Survey. Prior to closing, Buyer may, at Buyer’s cost, secure a Survey of the Property (the “**Survey**”). The Survey will be made by a registered public surveyor acceptable to the Parties and will be prepared in accordance with the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys as adopted by the American Congress of Surveying and Mapping and the American Land Title Association (the “**Survey Standards**”). Without limitation to the foregoing, the survey will show the location of all easements with recording numbers, all encroachments, if any, the zoning of the property, and whether any part of the Property is in a designated flood plain.

6. Title to the Property.

6.1 Conveyance. At closing Seller shall convey to Buyer fee simple title to the Property by a duly executed and acknowledged statutory warranty deed (the “**Deed**”), free and clear of all defects and encumbrances and subject only to those exceptions that Buyer approves pursuant to Section 6.2 below (the “**Permitted Exceptions**”).

6.2 Preliminary Commitment. No later than fifteen (15) business days after the Effective Date of this Agreement, Buyer shall order a preliminary commitment for an owner’s standard coverage policy of title insurance (or, at Buyer’s election, an owner’s extended coverage policy of title insurance) in the amount of the Purchase Price to be issued by the Title Company and accompanied by copies of all documents referred to in the commitment (the “Preliminary Commitment”). Buyer shall advise Seller by written notice of the

exceptions to title, if any, that are disapproved by Buyer ("**Disapproved Exceptions**") within fifteen (15) business days of receipt of the Preliminary Commitment and legible copies of all exceptions to title shown in the Preliminary Commitment. All monetary encumbrances other than nondelinquent ad valorem property taxes will be deemed to be disapproved. Seller will have ten (10) days after receipt of Buyer's notice to give Buyer notice that (i) Seller will remove Disapproved Exceptions or (ii) Seller elects not to remove Disapproved Exceptions. If Seller fails to give Buyer notice before the expiration of the ten (10) day period, Seller will be deemed to have elected not to remove Disapproved Exceptions. Notwithstanding anything to the contrary in this Agreement, Seller shall remove from title on or before the Closing Date all monetary encumbrances other than those approved by Buyer.

If Seller elects not to remove any nonmonetary Disapproved Exemptions, Buyer will have ten (10) days from Seller's notice to notify Seller of Buyer's election either to proceed with the purchase and take the Property subject to those exceptions, or to terminate this Agreement. If Seller gives notice that it will cause one or more nonmonetary exceptions to be removed but fails to remove any of them from title on or before the Closing Date, Buyer will have the right to either (i) elect to terminate this Agreement by written notice to Seller or (ii) proceed with the purchase, with an abatement of the Purchase Price equal to the actual cost of removing from title those exceptions not approved by Buyer, and to take the Property subject to those exceptions. If Buyer elects to terminate this Agreement under this Section 6.2, the escrow will be terminated, the Earnest Money shall be returned immediately to Buyer, all documents and other funds will be returned to the party who deposited them, and neither party will have any further rights or obligations under this Agreement except as otherwise provided in this Agreement. If this Agreement is terminated through no fault of Seller, then Seller and Buyer shall share equally any costs of terminating the escrow and any cancellation fee for the Preliminary Commitment.

6.3 Title Policy. Seller shall cause Title Company to issue to Buyer at closing a standard coverage owner's policy of title insurance insuring Buyer's title to the Property in the full amount of the Purchase Price subject only to the Permitted Exceptions (the "**Title Policy**"). The Title Policy must be dated as of the Closing Date.

7. Conditions to Closing.

7.1 Buyer's Conditions Precedent to Closing. Closing of this Agreement is subject to the satisfaction or waiver by Buyer of the following conditions. If the following conditions are not satisfied or waived prior to Closing, in Buyer's sole discretion, Buyer reserves the right to terminate this Agreement by delivering written notice of termination to the City and the Title

Company, whereupon the Earnest Money shall be returned to KXLY, subject to the provisions of Section 2 above.

7.1.1 Title Policy. Buyer's receipt of Title Company's firm commitment to issue, upon closing, the Title Policy as described in Section 6.3;

7.1.2 Land Use Approvals. Applications submitted by KXLY for a Comprehensive Plan amendment, rezone of the Property and binding site plan shall have received final approval, authorizing use and development of the Property generally and substantially consistent with the approvals previously received by Buyer, as documented in the KXLY Development Agreement recorded under Spokane County Auditor's file no. 5865674 ("**Land Use Approvals**"); provided, SEPA and/or other mitigation conditions will be determined at the time of application pursuant to established City procedures. KXLY reserves the right to determine whether the mitigation is reasonable or consistent with the matters contained in the above development agreement; provided, this reservation shall be exercised in good faith. "Good faith" means that the City Land Use Approvals provide for the reasonable use and development of the Property in a manner similar to other adjacent properties without conditions that materially: (1) affects the amount of Property available for commercial development in Buyer's reasonable business judgment, or (2) increases the cost to develop streets, sidewalks, paths, landscaping and similar public improvements on the Property. "Final approval" means all administrative, quasi-judicial, and judicial appeals have been exhausted or waived with no further right to litigate the Land Use Approvals.

KXLY shall, at no cost or expense to the City, submit an application to the City for the Land Use Approvals no later than October 31, 2015, and shall diligently pursue approval of the same according to the procedures set forth in chapter 17G.020 of the Spokane Municipal Code. KXLY shall be solely responsible for: (a) submitting and assuming the cost of the Land Use Approvals, provided KXLY may, upon written notice to the City, terminate or withdraw the applications for Land Use Approvals subject to the good faith standard or if the approvals become economically unfeasible in KXLY's business judgment; (b) submitting an application for the Land Use Approvals during the 2016 Comprehensive Plan review period; and (c) satisfying any required mitigation and/or conditions of approval, and preparation of site plans and construction documents for any improvements on the Property, and shall be solely responsible for development of improvements on the Property. To commence the City land use review process, the City, as owner of the Property, shall sign such application documents as are reasonably necessary to commence the review process for the Land Use Approvals.

7.1.3 Condition of Property. There shall have been no material adverse change to the Property on the date of Closing.

7.1.4 Adjacent Park Property. KXLY shall have obtained from the City of Spokane Park Board a vehicle and pedestrian access and utility easement, in a form that is reasonably acceptable to KXLY, which provides the Property with vehicle and pedestrian access to the intersection of S. Regal Street and the Palouse Highway ("Park Easement"). KXLY shall diligently pursue Park Board approval of the Park Easement and shall use commercially reasonable efforts to obtain such approval at least 180 days before the Closing Date. If, following 180 days after the Effective Date of this Agreement, it reasonably appears to the City that KXLY has failed to diligently pursue Park Board approval of the Park Easement consistent with this deadline, the City may terminate this Agreement unless KXLY, within five (5) days of receiving the City notice of termination, KXLY waives the Park Easement closing condition.

7.1.5 No Litigation. No lawsuit, arbitration or other action, proceeding or claim shall be pending which: (i) seeks to restrain or prevent the sale of the Property to KXLY; or (2) the outcome of which would have a potential adverse effect on KXLY's ownership of the Property.

7.1.6 Representation. The representations and warranties in this Agreement are true and correct on the date of Closing.

The foregoing conditions contained in Section 7.1 are collectively referred to in this Agreement as "**Buyer's Contingencies**." The parties shall diligently attempt to timely satisfy all of the Buyer's Contingencies.

7.2 Satisfaction/waiver of Buyer's Contingencies. Buyer's contingencies are solely for the benefit of Buyer. The parties shall diligently attempt to timely satisfy all of the Buyer's Contingencies. If any of Buyer's Contingencies are not timely satisfied, Buyer will have the right at its sole election either to waive any of them in writing and proceed with the purchase or to terminate this Agreement. If Buyer elects to terminate this Agreement, the escrow will be terminated, the Earnest Money must immediately be returned to Buyer, all documents and other funds will be returned to the party who deposited them, and neither party will have any further rights or obligations under this Agreement, except as otherwise provided in this Agreement, and except that each party shall pay one-half (1/2) of the cost of terminating the escrow.

7.3 Seller's Contingencies/Conditions Precedent to Closing. Closing of this Agreement is subject to the satisfaction or waiver by Seller of the following conditions; provided, any waiver must be approved by the City Council. If the following conditions are not satisfied or waived prior to Closing, in Seller's reasonable discretion, Seller reserves the right to terminate this Agreement by delivering written notice of termination to the Buyer and the Title Company, whereupon the Earnest Money shall be returned to KXLY, subject to the provisions of Section 2 above.

7.3.1 SNC Appeal Settlement. Both Buyer and the Southgate Neighborhood Council shall have acknowledged and agreed to the SNC Appeal Settlement, which consists of a memorandum to the Southgate Integrated Site Plan file, in substantial form and content as set forth in Exhibit B to this Agreement, and dismissal of said appeal.

7.3.2 Notification. Development of the City property is subject to neighborhood notification provisions adopted by the City Council in Ordinance C35299, and the notification of both Council Members representing District #2.

7.3.3 Zoning. The property must be zoned CC-2 to match the adjoining property owned by Buyer.

7.3.4 Development Agreement. Buyer must agree that the Property will be subject to the KXLY Development Agreement recorded under Spokane County Auditor's file no. 5865674, except, with respect to the Property that is the subject of this Agreement, the amount the impact fee in section 8 shall be determined according to present City practices. The term of said Development Agreement shall be extended so that the new expiration date of the agreement shall be ten (10) years after the effective date of the Land Use Approvals referred to in this Agreement.

7.3.5 Integrated Site Plan. The Development Agreement shall bind this Property to its terms, including the Integrated Site Plan referenced in said development agreement, and development of the Property shall be consistent with the Integrated Site Plan.

7.3.6 Access Road / Park Easement. The proposed access road shall match the concept of a grid of streets as outlined in the Comprehensive Plan and in prior Design Review discussions regarding implementation of the Urban Form section of the Developer's Agreements. In this case, that would mean creating a 250'-300' setback between Regal Street and the Access Road.

7.3.7 Trail Development. The City will set aside \$300,000 of the property sale price to be used for trail development in the Southgate Neighborhood. All trail development to be in conformance with the Southgate Connectivity Plan.

7.3.8 Neighborhood Collaboration. Guaranteed substantive input/collaboration with KXLY/final developers on the site plan(s), infrastructure, amenities, public realm, architecture and any other items related to the ISP or Southgate Neighborhood Plans. The process, timing and effect of the input/collaboration shall be defined prior to closing of the City Property.

7.4 Satisfaction/waiver of Seller's Contingencies. Seller's contingencies are solely for the benefit of Seller. The parties shall diligently attempt to timely satisfy all of Seller's contingencies. If any of Seller's

Contingencies are not timely satisfied, Seller will have the right at its sole election either to waive any of them in writing or to terminate this Agreement; provided any waiver of Seller's Contingencies must be approved by the City Council. If Seller elects to terminate this Agreement, the escrow will be terminated, the Earnest Money must immediately be returned to Buyer (Subject to Section 2), all documents and other funds will be returned to the party who deposited them, and neither party will have any further rights or obligations under this Agreement, except as otherwise provided in this Agreement, and except that each party shall pay one-half (1/2) of the costs of terminating the escrow.

8. Closing Date. This transaction will be closed in escrow by the Title Company acting as escrow agent ("**Escrow Agent**"). The closing will be held at the offices of the Title Company on or before 5:00 p.m. Pacific time, no later than sixty (60) days following final approval of the Land Use Approvals, or December 30, 2017, whichever is earlier (the "**Closing Date**"). If closing does not occur on or before the Closing Date, or any later date mutually agreed to in writing by Seller and Buyer, Escrow Agent will immediately terminate the escrow, forward the Earnest Money to the party entitled to receive it as provided in this Agreement, and return all documents to the party that deposited them.

9. Closing.

9.1 Seller's Escrow Deposits. On or before the Closing Date, Seller shall deposit into escrow the following:

9.1.1 the duly executed and acknowledged Deed;

9.1.2 a duly executed and acknowledged Real Estate Tax Affidavit; and

9.1.3 any other documents, instruments, records, correspondence and agreements called for hereunder that have not previously been delivered.

9.2 Buyer's Escrow Deposits. On or before the Closing Date, Buyer shall deposit into escrow the following:

9.2.1 cash in an amount sufficient to pay the Purchase Price and Buyer's share of closing costs;

9.2.2 a duly executed and completed Real Estate Excise Tax Affidavit; and

9.2.3 any other documents or instruments Buyer is obligated to provide pursuant to this Agreement (if any) in order to close this transaction.

9.3 Additional Instruments and Documentation. Seller and Buyer shall each deposit any other instruments and documents that are reasonably required by Escrow Agent or otherwise required to close the escrow and consummate the purchase and sale of the Property in accordance with this Agreement.

9.4 Closing Costs.

9.4.1 Seller's Costs. Seller shall pay the premium for a standard coverage owner's policy of title insurance in the full amount of the Purchase Price and one-half of Title Company's escrow fee. It is understood between the parties that pursuant to WAC 458-61-420(c) this sale will be exempt from the Washington State real estate excise tax, and Buyer agrees to cooperate with Seller in executing such documents as are required to qualify Seller for such exemption.

9.4.2 Buyer's Costs. Buyer shall pay the additional premium, if any, attributable to the extended coverage owner's policy of title insurance (if elected by Buyer) and any endorsements required by Buyer, the cost of recording the Deed and one-half of Title Company's escrow fee.

9.5 Foreign Investment in Real Property Tax Act. The parties agree to comply in all respects with Section 1445 of the Internal Revenue Code and the regulations issued thereunder (the "**Regulations**").

10. Adjustments and Prorations. The following adjustments and prorations will be made as of the Closing Date (with Buyer either responsible for or entitled to a credit for, as the case may be, the actual Closing Date).

10.1 Property Taxes. All property taxes payable in the year of closing and assessments approved by Buyer, if any, will be prorated as of the Closing Date.

10.2 Utilities. All gas, electric and other utility charges will be prorated as of the Closing Date.

11. Representations and Warranties.

11.1 Seller's Representations and Warranties. Except as specifically provided in this Agreement, Seller makes no warranty or representation, express or implied, with respect to the condition of the Property or its suitability for any particular purpose.

11.2 Buyer's Representations and Warranties. Buyer represents and warrants to Seller that Buyer is a Washington Corporation, duly organized and validly existing under the laws of the state of Washington; this Agreement and all documents executed by Buyer that are to be delivered to Seller at closing are, or at the time of closing will be (i) duly authorized, executed and delivered by Buyer, (ii) legal, valid and binding obligations of Buyer, and (iii) in compliance with all provisions of all agreements and judicial orders to which Buyer is a party or to which Buyer is subject.

12. Hazardous Materials. The City makes no representation regarding any Hazardous Materials Condition, as defined below, affecting the Property. The City will, within 90 days of the Effective Date of this Agreement, secure a Phase 1 Environmental Assessment for the Property and will provide Buyer with a copy of the same. Following Buyer's receipt of a copy of the Phase 1, Buyer will have the right to terminate this Agreement if, in Buyer's good faith judgment, the Property is not suitable for Buyer's intended use or does not meet Buyer's intended investment objectives. Buyer's right to terminate must be exercised by delivering written notice of its election to Seller no later than thirty (30) days following Buyer's receipt of a copy of the Phase 1. If Buyer terminates this Agreement pursuant to this Section 12, the Earnest Money will be returned to Buyer, this Agreement will terminate, and Seller and Buyer will be released from all further obligation or liability hereunder, except as otherwise specified by this Agreement. If Buyer does not elect to terminate this Agreement following Buyer's receipt of the Phase 1, and if the Parties thereafter proceed to closing, Buyer shall be deemed to have taken the Property "AS IS" and solely in reliance on Buyer's own investigation and Buyer acknowledges that no warranties or representations of any kind whatsoever, express or implied, have been made by the City, its agents and employees. For the purposes of this paragraph, "Hazardous Materials" shall include, but not be limited to, substances defined as "Hazardous Substances," "Hazardous Materials", "Hazardous Waste," "Toxic Substances", in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended, 42 U.S.C. Section 9601 et seq., the Model Toxic Control Act of the State of Washington and all regulations adopted and publications promulgated pursuant to such laws, collectively "Environmental Laws". A "Hazardous Materials Condition" for purposes of this Agreement is defined as the existence on, under or relevantly adjacent to the Property of Hazardous Materials that would require remediation and/or removal under applicable Federal, State or local law.

13. Eminent Domain. If all or any part of the Property is taken by condemnation or eminent domain and the value of the portion of the Property so taken exceeds One Hundred Thousand Dollar (\$100,000.00), Buyer may, upon written notice to Seller, elect to terminate this Agreement, and in such event all monies theretofore paid on account must be returned to Buyer, and neither party will have any further liability or obligation under this Agreement.

If all or any portion of the Property has been or is hereafter condemned or taken by eminent domain and this Agreement is not canceled, Seller's right, title and interest in and to any awards in condemnation or eminent domain, or damages of any kind, to which Seller may have become entitled or may thereafter be entitled by reason of any exercise of the power of condemnation or eminent domain with respect to the Property or any portion thereof shall accrue to Buyer.

14. Possession. Seller shall deliver possession of the Property to Buyer at Closing.

15. Events of Default and Termination.

15.1 By Seller. If there is an event of default under this Agreement by Seller (including a breach of any representation, warranty or covenant), Buyer will be entitled (a) in addition to all other remedies available at law or in equity, to seek specific performance of Seller's obligations under this Agreement or (b) to terminate this Agreement by written notice to Seller and Escrow Agent. If Buyer terminates this Agreement, the escrow will be terminated, the entire Deposit must immediately be returned to Buyer, all documents will be immediately returned to the party who deposited them, and neither party will have any further rights or obligations under this Agreement, except as otherwise provided in this Agreement except that Seller shall pay any costs of terminating the escrow and any cancellation fee for the Preliminary Commitment.

15.2 By Buyer. IN THE EVENT BUYER FAILS, WITHOUT LEGAL EXCUSE, TO COMPLETE THE PURCHASE OF THE PROPERTY, THE EARNEST MONEY DEPOSIT MADE BY BUYER WILL BE FORFEITED TO SELLER AS THE SOLE AND EXCLUSIVE REMEDY AVAILABLE TO SELLER FOR SUCH FAILURE.

Seller's Initials

Buyer's Initials

15.3 Termination by Buyer. Buyer may in its sole discretion prior to December 31, 2016 terminate this Agreement by providing written notice to Seller; provided Buyer may not exercise its right to terminate this Agreement if the City Council has approved the Land Use Approvals in a manner consistent with the standards set forth in section 7.1.2, above.

16. Notices. Any notice under this Agreement must be in writing and be personally delivered, delivered by recognized overnight courier service or given by Mail or via facsimile. Any notice given by mail must be sent, postage prepaid, by certified or registered mail, return receipt requested. All notices must be addressed to the parties at the following addresses or at such other addresses as the parties may from time to time direct in writing:

Seller: City of Spokane
Attn: Asset Management
808 W Spokane Falls Blvd
Spokane, WA 99201

With a copy to: Office of the City Attorney
808 W Spokane Falls Blvd
Spokane, WA 99201

Buyer: Tim Anderson
QueenB Radio, Inc.
500 W. Boone Ave.
Spokane, WA 99201-2491

With a copy to: Stanley M. Schwartz
Witherspoon Kelley
422 W. Riverside Ave., Ste. 1100
Spokane, WA 99201

Any notice will be deemed to have been given, if personally delivered, when delivered, and if delivered by courier service, one business day after deposit with the courier service, and if mailed, two business days after deposit at any post office in the United States of America, and if delivered via facsimile, the same day as verified, provided that any verification that occurs after 5 p.m. on a business day, or at any time on a Saturday, Sunday or holiday, will be deemed to have occurred as of 9 a.m. on the following business day.

17. Brokers, Finders and Commissions. Neither party has had any contact or dealings regarding the Property, or any communication in connection with the subject matter of this transaction, through any licensed real estate broker or other person who can claim a right to a commission or a finder's fee as procuring cause of the purchase and sale contemplated by this Agreement, except that Tom Quigley and Carl Guenzel of Kiemle & Hagood Company have represented Buyer. Upon closing Seller shall pay to Kiemle & Hagood Company a fee equal to three percent (3%) of the gross sales price. If any other broker or finder perfects a claim for a commission or finder's fee based upon any other contract, dealings or communication, the party through whom the broker or finder makes his or her claim will be responsible for that commission or fee and shall indemnify, defend and hold harmless the other party from and against any liability, cost or damages (including attorneys' fees and costs) arising out of that claim.

18. **AGENCY DISCLOSURE.** At the signing of this Agreement,

Selling Broker Tom Quigley and Carl Guenzel of Kiemle & Hagood Company represented QueenB Radio, Inc and the Listing Broker N/A represented N/A. Selling Firm, Selling Firm's Designated Broker, Selling Broker's Branch Manager (if any) and Selling Broker's Managing Broker (if any) represent the same party that Selling Broker represents. Listing Firm, Listing Firm's Designated Broker, Listing Broker's Branch Manager (if any), and Listing Broker's Managing Broker (if any) represent the same party that the Listing Broker represents. If Selling Broker and Listing Broker are different persons affiliated with the same Firm, then both Buyer and Seller confirm their consent to the Brokers' Designated Broker, Branch Manager (if any), and Managing Broker (if any) representing both parties as a dual agent. If Selling Broker and Listing Broker are the same person representing both parties, then both Buyer and Seller confirm their consent to that person and his/her Designated Broker, Branch Manager (if any), and Managing Broker (if any) representing both parties as dual agents. All parties acknowledge receipt of the pamphlet entitled "The Law of Real Estate Agency."

18. Amendments. This Agreement may be amended or modified only by a written instrument executed by Seller and Buyer.

19. Continuation and Survival of Representations and Warranties. All representations and warranties by the respective parties contained in this Agreement or made in writing pursuant to this Agreement are intended to and will remain true and correct as of the time of closing, will be deemed to be material and will survive the execution and delivery of this Agreement and the delivery of the Deed and transfer of title. Such representations and warranties, however, are not assignable and do not run with the land, except as may be expressly provided herein or contained in a written instrument signed by the party to be charged.

20. Governing Law. This Agreement will be governed by and construed in accordance with the laws of the state of Washington.

21. Entire Agreement. This Agreement and the exhibits to it constitute the entire agreement between the parties with respect to the purchase and sale of the Property, and supersede all prior agreements and understandings between the parties relating to the subject matter of this Agreement. It is expressly agreed that there are no verbal understandings or agreements which in any way change the terms, covenants and conditions herein set forth.

22. Attorney Fees. Each party shall pay its own legal fees relating to negotiation and drafting of this Agreement and the documents to be executed at closing. If either party fails to perform any of its obligations under this Agreement or if a dispute arises concerning the meaning or interpretation of any provision of this Agreement, the defaulting party or the party not

substantially prevailing in the dispute, as the case may be, shall pay any and all costs and expenses incurred by the other party in enforcing or establishing its rights under this Agreement, including, without limitation, court costs and reasonable attorney fees incurred in connection with any federal, state or bankruptcy court proceeding.

23. Time of the Essence. Time is of the essence of this Agreement.

24. Waiver. Neither Seller's nor Buyer's waiver of the breach of any covenant under this Agreement will be construed as a waiver of a subsequent breach of the same covenant.

25. Nonmerger. The terms and provisions of this Agreement, including, without limitation, all indemnification obligations will not merge in, but will survive, the closing of the transaction contemplated under this Agreement.

26. Negotiation and Construction. This Agreement and each of its terms and provisions are deemed to have been explicitly negotiated between the parties, and the language in all parts of this Agreement will, in all cases, be construed according to its fair meaning and not strictly for or against either party.

27. Governmental Approval. Buyer acknowledges and agrees that this Agreement does not bind the City of Spokane until it is signed by the Mayor following approval by the Spokane City Council in open public meeting.

28. Exhibit. The following exhibit is attached to and made a part of this Agreement by this reference.

EXHIBIT A – Legal Description of the Property
EXHIBIT A-1– Form of Promissory Note

29. Assignment. KXLY may assign this Agreement/ to any person, firm, partnership or corporation: (a) controlling, controlled by, or under common control with KXLY; (b) that is the successor in interest to KXLY; or (c) pursuant an agreement with a third party to purchase all or part of the Additional KXLY Property. The assignee shall be bound by and perform all the terms, conditions and covenants contained herein by expressly agreeing to assume the obligations of KXLY hereunder.

In witness whereof, the Buyer and Seller have signed this Agreement effective as of the date first hereinabove written.

By: _____
Mayor/City Administrator

Approved as to form:

Assistant City Attorney

By: _____
Its: _____

STATE OF WASHINGTON :
 :ss.
County of Spokane :

On this ____ day of _____, 20__, before me personally appeared _____, and _____, to me known to be the Mayor/City Administrator and the City Clerk, respectively, of the CITY OF SPOKANE, a municipal corporation, that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the State
of Washington, residing at Spokane
My Appointment expires _____

STATE OF WASHINGTON :
County of Spokane :ss.

On this ____ day of _____, 20__, before me personally appeared _____, to me known to be the _____ of _____, that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Notary Public in and for the State
of Washington, residing at Spokane
My Appointment expires _____

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

EXHIBIT A-1

FORM OF PROMISSORY NOTE

EXHIBIT B

ISP IMPLEMENTATION MEMORANDUM

Date: _____, 2015

To: Southgate Integrated Site Plan file

From: City of Spokane, Planning and Development Services

Regarding: Spokane Planning & Development interpretations for the Integrated Site Plan

Copy: G. Bernardo, BWA; T. Teske, Southgate Neighborhood Council

This memorandum to the file is intended, in part, to resolve a pending appeal filed by the Southgate Neighborhood Council (SNC) on or about April 14, 2014 and pending before the City of Spokane Hearing Examiner as the Regal Plaza Appeal, Hearing Examiner File #P1304658-AP (the “Appeal”).

This memorandum to the file will guide evaluation of subsequent site plans and development projects for the area defined by the **Southgate Integrated Site Plan (ISP)**, for the duration of the development agreements that required the ISP. This memorandum is not intended to amend or modify the terms of applicable development agreements approved by the City pursuant to chapter 36.70B RCW, and nor is it intended to provide a basis for exceeding the permissible scope of project review as set forth in chapter 36.70B RCW and other state and local regulations.

General procedures for project review throughout PDS Prior to Permit Issuance

We will notify and consult with the SNC on all development proposals that involve new construction, including building permits and requests for variances, within the area defined by the **ISP** at the earliest possible date and prior to any decisions. If the applicants are amenable, the City will facilitate discussions between the applicants and SNC over use of retail tenant branding as justification for deviation from common design. Subject to chapter 36.70B RCW, SNC will have a reasonable and limited time for evaluation and may make comments to the identified project manager or the director of Spokane Planning & Development.

No approvals in the development of the Target site shall serve as precedents for any future development within the area defined by the ISP.

Urban District

Spokane PDS will evaluate each development proposal and building permit as to its success in representing urban form as well as accommodation for future urban development intensity. This will include urban design that promotes pedestrian and vehicular circulation, without conflict, via a system of streets and pathways, identified ISP elements, applicable Center and Corridor Design Guidelines, the Spokane Municipal Code, and applicable provisions of the Comprehensive Plan in cases where approval criteria for the development proposal and/or building permit include consistency with the Comprehensive Plan. Driveways should be aligned across Regal and Palouse to allow driveways to transition to future urban-style intersections and should be located appropriately to provide urban-scale blocks.

Spokane PDS will recommend that the City Council memorialize these principles in The Comprehensive Plan as it considers the Southgate Neighborhood.

Public Plaza, Public Realm, and Streets

Spokane PDS will encourage and evaluate whether additional public plazas are consistent with the ISP, and those concepts from the neighborhood connectivity plan that were incorporated into the ISP, and The Comprehensive Plan.

Spokane PDS will require that all development and/or city-implemented improvements within the area defined by the ISP incorporate traffic calming measures, such as treed medians, as are set forth in the ISP, and relevant provisions of Center and Corridor Design Guidelines, the Spokane Municipal Code, and applicable provisions of the Comprehensive Plan in cases where approval criteria for the development proposal and/or building permit include consistency with the Comprehensive Plan. Spokane PDS will review projects for consistency with the pedestrian lighting requirements of SMC 17C.122.060 (Attachment A at 6).

All development will be reviewed for consistency with the requirement that it will facilitate integration of the area defined by the ISP into an urban district with a unified character. The ISP “kit-of-parts” for streetscape furniture, fixtures, and equipment is shown in the May ISP final document. Any proposed deviation from these standards must demonstrate conformance to the design theme as a whole and consistency of urban design character.

The ISP calls for urban form for development. With the exception of the square footage requirements of the large format stores allowed by the Development Agreements, Spokane PDS will evaluate all site plans and new construction to ensure conformance with urban design and development principles for public spaces – sidewalks, building access, transit, “build-to” lines for construction, and urban streetscape amenities.

Spokane PDS will also evaluate future uses (redevelopment) for conformance to an urban design system. Spokane PDS will evaluate all development and traffic impacts to determine whether, and where, on-street parking can be accommodated.

The City agrees to develop planted medians along Regal Street and Palouse Highway as outlined in the Integrated Site Plan, including elements that originated in the Southgate Connectivity Plan, and to create frictional traffic calming, as funding for such improvements becomes available to the City.

Subject to such approvals as may be required by the Spokane City Council, the City will lower speed limits on streets in the Southgate District Center to 30 MPH. The City also agrees to conduct engineering and traffic studies on a periodic basis to determine whether further reductions in the speed limit or other measures are necessary to create the pedestrian emphasized character called for by the Center and Corridor zoning. If determined to be necessary, the City agrees to take steps to reduce the speed and/or develop other measures in an expeditious manner.

Dismissal of the Appeal

The City and SNC shall jointly file a stipulated motion for dismissal with the City of Spokane Hearing Examiner for dismissal of the Appeal, with prejudice and without costs to either party.

Louis Meuler, Acting Director
Planning and Development

ACKNOWLEDGED AND AGREED

Southgate Neighborhood Council

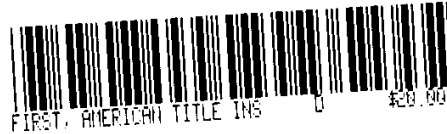
QueenB Radio, Inc.

By: _____

By: _____

Its: _____

Its: _____



5087368
Page: 1 of 2
06/21/2004 11:23A
Spokane Co, WA

AFTER RECORDING RETURN TO:
City Clerk
City of Spokane
W. 808 Spokane Falls Boulevard
Spokane, WA 99201

12

274653. msa

DEDICATION DEED

THE GRANTOR, SPOKANE SCHOOL DISTRICT NO. 81, a municipal corporation of Spokane County, Washington, also know as SPOKANE PUBLIC SCHOOLS, for good and valuable consideration in hand paid, dedicates to the CITY OF SPOKANE, a municipal corporation of the State of Washington, for public street purposes and all uses incidental thereto, the real property described as follows:


ptn. 31041.0038

The East 16.96 feet of the West 570.00 feet of the East 600.00 feet of the South 150 feet of Government Lot 8 in Section 4, Township 24 North, Range 43 East, Willamette Meridian, Spokane County Washington, and containing 2,543 sq. ft. of land, more or less.

SUBJECT TO all existing interests, including but not limited to all reservations, rights of way and easements of record

IN WITNESS WHEREOF, the Grantor, has caused this instrument to be executed by affixing its signature hereunto this 21 day of April, 2004.

GRANTOR

By: 
Its: Associate Superintendent

-1-
2

6/21/2004 CRG

\$2.00 200410734



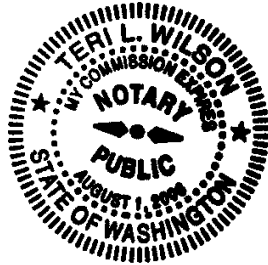
5087368
Page: 2 of 2
06/21/2004 11:23A
Spokane Co, WA

STATE OF WASHINGTON :
: ss.

County of Spokane :

On this 21st day of April, 2004, before me, personally appeared Mark E. Anderson, to me known to be the Associate Superintendent of SCHOOL DISTRICT 81, also known as SPOKANE PUBLIC SCHOOLS that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the school district for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Teri L. Wilson

Notary Public in and for the State of
Washington,

residing at Spokane

My commission expires: 8-1-2006

12/18/2013 02:42:26 PM

6272513

Recording Fee \$73.00 Page 1 of 2

Warranty Deed FIRST, AMERICAN TITLE INSURANCE COMPANY
Spokane County Washington



AFTER RECORDING MAIL TO:

City of Spokane
808 W. Spokane Falls Blvd
Spokane, WA 99201

Filed for Record at Request of:
First American Title Insurance Company

Space above this line for Recorders use only

STATUTORY WARRANTY DEED

File No: **4251-2139983 (Dm)**

Date: **December 11, 2013**

Grantor(s): **Spokane School District No. 81**

Grantee(s): **City of Spokane**

Abbreviated Legal: **PTN GL 8 SEC 4 TWP 24N RGE 43E, SPOKANE COUNTY**

Additional Legal on page:

Assessor's Tax Parcel No(s): **34041.0038**

SE 1/4

THE GRANTOR(S) Spokane School District No. 81, a Washington state municipal corporation for and in consideration of Government Transfer, in hand paid, conveys, and warrants to City of Spokane. a Washington state municipal corporation, the following described real estate, situated in the County of Spokane, State of Washington.

THE WEST 570 FEET OF THE EAST 600 FEET OF THE SOUTH 150 FEET OF GOVERNMENT LOT 8, IN SECTION 4, TOWNSHIP 24 NORTH, RANGE 43 EAST, W.M.;

EXCEPT REGAL STREET;

AND EXCEPT THAT PORTION DEEDED TO THE CITY OF SPOKANE IN DEED RECORDED JUNE 21, 2004, RECORDING NO. 5087368;

SITUATE IN THE CITY OF SPOKANE, COUNTY OF SPOKANE, STATE OF WASHINGTON.

Subject To: This conveyance is subject to covenants, conditions, restrictions and easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

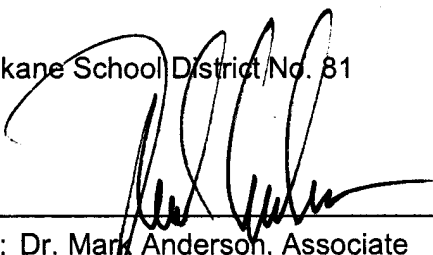
12/18/2013 201316410
CLR \$10.00

APN: 34041.0038

Statutory Warranty Deed
- continued

File No.: 4251-2139983 (Dm)

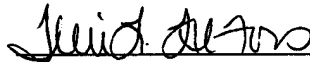
Spokane School District No. 81


By: Dr. Mark Anderson, Associate
Superintendent, Assistant Secretary

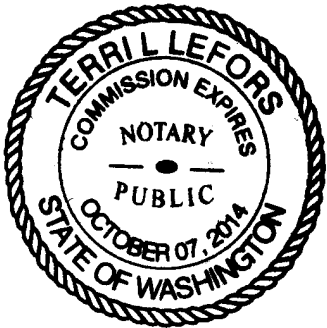
STATE OF Washington)
)-ss
COUNTY OF Spokane)

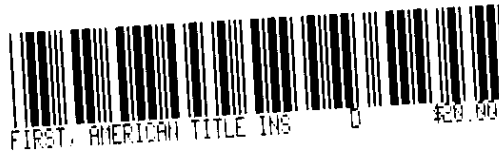
I certify that I know or have satisfactory evidence that **Dr. Mark Anderson**, is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated that he/she/they is/are authorized to execute the instrument and acknowledged it as the **Associate Superintendent, Assistant Secretary of Spokane School District No. 81** to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: December 12, 2013



Notary Public in and for the State of Washington
Residing at: Spokane
My appointment expires: 10/7/14





5087368
Page: 1 of 2
06/21/2004 11:23A
Spokane Co. WA

AFTER RECORDING RETURN TO:

City Clerk
City of Spokane
W. 808 Spokane Falls Boulevard
Spokane, WA 99201

12

274653. msa

DEDICATION DEED

THE GRANTOR, SPOKANE SCHOOL DISTRICT NO. 81, a municipal corporation of Spokane County, Washington, also know as SPOKANE PUBLIC SCHOOLS, for good and valuable consideration in hand paid, dedicates to the CITY OF SPOKANE, a municipal corporation of the State of Washington, for public street purposes and all uses incidental thereto, the real property described as follows:

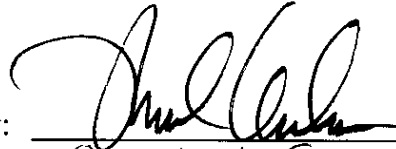
ptn. 31041.0038

The East 16.96 feet of the West 570.00 feet of the East 600.00 feet of the South 150 feet of Government Lot 8 in Section 4, Township 24 North, Range 43 East, Willamette Meridian, Spokane County Washington, and containing 2,543 sq. ft. of land, more or less.

SUBJECT TO all existing interests, including but not limited to all reservations, rights of way and easements of record

IN WITNESS WHEREOF, the Grantor, has caused this instrument to be executed by affixing its signature hereunto this 21 day of April, 2004.

GRANTOR

By: 
Its: Associate Superintendent



5087368
Page: 2 of 2
06/21/2004 11:23A
Spokane Co, WA

STATE OF WASHINGTON :
: ss.
County of Spokane :

On this 21st day of April, 2004, before me, personally appeared Mark E. Anderson, to me known to be the Associate Superintendent of SCHOOL DISTRICT 81, also known as SPOKANE PUBLIC SCHOOLS that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the school district for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Teri L. Wilson
Notary Public in and for the State of
Washington,
residing at Spokane
My commission expires: 8-1-2006

Earnest Money Promissory Note

PROMISSORY NOTE

Spokane County, Washington
_____, 2015

FOR VALUE RECEIVED, QUEENB RADIO, INC., a Washington Corporation ("Payor") promises to pay to the order of CITY OF SPOKANE, a Washington First Class Charter City ("Payee") the sum of EIGHTY NINE THOUSAND NINE HUNDRED SIXTY SIX and 80/100 DOLLARS (\$89,966.80).

This Promissory Note is submitted as Earnest Money for the Real Estate Purchase and Sale Agreement between the Payee and the Payor dated _____ (the "Agreement").

The City shall hold this Promissory Note in escrow pursuant to the terms of the Agreement. Pursuant to section 2 of the Agreement, if the Agreement has not been terminated prior to December 31, 2016, this Promissory Note shall become due and payable on December 31, 2016, and shall be deemed a no-refundable fee that the City may treat as its own; provided, at Closing this Promissory note shall be applied to the Purchase Price on the date of closing of the sale of property from Payee to Payor.

Subject to limitations in Section 15.2 of the Agreement, Payor may, at any time, prior to December 31, 2016 deliver to the City written notice cancelling or terminating the Agreement, whereupon this Promissory Note shall be returned to Payor without further obligation, penalty or payment to Payee.

Undefined capitalized terms in the Promissory Note shall have the meaning set forth in the Agreement.

QueenB Radio, Inc.

By: _____

Its: _____

[End of Promissory Note]



Agenda Sheet for City Council Meeting of:
10/26/2015

Date Rec'd	10/13/2015
Clerk's File #	ORD C35314
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	
Submitting Dept	CITY COUNCIL
Contact Name/Phone	BEN STUCKART 625-6269
Contact E-Mail	AMCDANIEL@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	0320 AN ORDINANCE RELATING TO THE TAX ON PULL-TAB GAMES

Agenda Wording

An ordinance relating to the tax on pull-tab games operated by non-profit corporations; amending sections 08.04.020 and 08.04.030 of the Spokane Municipal Code.

Summary (Background)

This ordinance creates step-wise reductions in the tax rate levied on the operations of pull-tab games conducted by bona fide non-profit and charitable operations. Under the ordinance, the tax will be reduced from 10% to 8% in 2016, and to 4% in 2017. On January 1, 2018, the tax will not be imposed on those pull-tab games operated by bona fide charitable or non-profit organizations.

Fiscal Impact

Budget Account

Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

Approvals

Council Notifications

<u>Dept Head</u>	MCDANIEL, ADAM	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	Finance
<u>Finance</u>	SALSTROM, JOHN	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT		Tim Dunivant
<u>For the Mayor</u>	SANDERS, THERESA		Theresa Sanders
<u>Additional Approvals</u>			Gavin Cooley

Purchasing

ORDINANCE NO. C35314.

An ordinance relating to the tax on pull-tab games operated by non-profit corporations; amending sections 08.04.020 and 08.04.030 of the Spokane Municipal Code.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 08.04.020 of the Spokane Municipal Code is amended to read as follows:

Section 08.04.020 Tax Levied

There is levied upon every person, association and organization conducting or operating within the City any gambling activity authorized by state law a tax upon gross receipts or gross revenues of the activity as follows:

- A. Amusement games: Two percent (2%) of gross receipts from the amusement game less the amount awarded as prizes except as otherwise provided (RCW 9.46.110(3)(b)).
- B. Bingo games or raffles: Gross receipts less the amount awarded as cash or merchandise prizes during the taxable period, multiplied by five percent or the maximum rate permitted by law, whichever is greater (RCW 9.46.110(3)(a)).
- C. Punchboards and pull tabs: Ten percent (10%) of gross receipts from the operation of the games, less the amount awarded as cash or merchandise prizes (RCW 9.46.110(3)(e)). Notwithstanding the foregoing, for the operation of punchboard and pulltab games by a bona fide charitable or nonprofit organization, the rate shall be reduced to eight percent (8%) on January 1, 2016, and to four percent (4%) on January 1, 2017.
- D. Social card games: Eight percent (8%) of gross revenue from such games, effective January 1, 2015. The rate shall be reduced to two percent (2%) effective January 1, 2016.

Section 2. That section 08.04.030 of the Spokane Municipal Code is amended to read as follows:

Section 08.04.030 Exemption

The tax is not imposed with respect to amusement or bingo games or raffles, or a combination of these activities, conducted by a bona fide charitable or nonprofit organization. Beginning on January 1, 2018, the tax is not imposed with respect to punchboards or pulltab games conducted by a bona fide charitable or nonprofit organization.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council Meeting of:
10/26/2015

Date Rec'd	10/8/2015
Clerk's File #	ORD C35316
Renews #	

Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	BEN 625-6269	Project #	
Contact E-Mail	AMCDANIEL@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0320 AMENDING 07.06.160 OF THE SPOKANE MUNICIPAL CODE;		

Agenda Wording

An ordinance relating to public works procurement standards; amending section 07.06.160 of the Spokane Municipal Code.

Summary (Background)

This new ordinance requires the City to make an applicant firm's proximity to the project location one of the evaluation criteria on GC/CM projects. The City Council adopted in 2014 the Quality Jobs package which included an ordinance requiring that the City consider "whether the location of the offices of the prime contractor and all subcontractors would have any impact in the ability of the design-build team to perform the work on the project." This ordinance was passed unanimously.

Fiscal Impact		Budget Account	
Neutral	\$	#	
Neutral	\$	#	
Neutral	\$	#	
Neutral	\$	#	
Approvals		Council Notifications	
Dept Head	MCDANIEL, ADAM	Study Session	
Division Director		Other	Public Works
Finance	SALSTROM, JOHN	Distribution List	
Legal	WHALEY, HUNT	The Prince	
For the Mayor	SANDERS, THERESA	Connie Wahl	
Additional Approvals		Brian McClatchey	
Purchasing		Adam McDaniel	
		Ben Stuckart	
		Karen Stratton	

ORDINANCE NO. C35316

An ordinance relating to public works procurement standards; amending section 07.06.160 of the Spokane Municipal Code.

WHEREAS, the City of Spokane participates in the local market for goods, labor, construction services, and design and engineering services on a routine, continuing, and substantial basis; and

WHEREAS, currently, the annual median household income ("MHI") in the City of Spokane is approximately \$12,000 lower than the Washington state-wide median income; and

WHEREAS, increasing the City's utilization of local labor and services, in the City's role as a participant in the local labor market, can be one method by which the City can have a direct impact on the MHI in the City of Spokane; and

WHEREAS, Washington law requires that, in the use of the general contractor/construction manager ("GC/CM") form of alternative procurement methods, the City must consider, as a selection factor, "[t]he firm's proximity to the project location" RCW 39.10.360(3)(a)(v); and

WHEREAS, the consistent consideration by the City of a firm's proximity to the project location in all GC/CM contract decisions, as one factor among others in the decision-making process, will further the City's economic development goals while still ensuring that the City receives the best value for the use of public funds.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 07.06.160 of the Spokane Municipal Code is amended to read as follows:

Section 07.06.16028.010 Alternatives to Public Bidding

- A. When it is considered impractical to initially prepare a procurement description to support an award based upon price, the purchasing director and the requesting department may utilize a request for information or a request for proposals, including in an appropriate case a design-build proposal. The information received in response to the requests may serve as the basis for a future invitation to bid or as the basis for competitive negotiation.
- B. When the city pursues an alternative public works contracting procedure, such as for design-build proposals or procurement under an approved general contractor/construction manager ("GC/CM") procurement method pursuant to Chapter 39.10 RCW, the City shall include, as part of the evaluation factors for all ~~((request))~~ requests for qualifications or ~~((request))~~ requests for proposals, ~~((the~~

~~city shall include criteria factors regarding whether the location of the offices of the prime contractor and all sub contractor would have any impact on the ability of the design-build team to perform the work on the project))~~ the firm's proximity to the project location.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council Meeting of:
11/02/2015

Date Rec'd	10/19/2015
Clerk's File #	ORD C35317
Renews #	

Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	BEN STUCKART 6256269	Project #	
Contact E-Mail	AMCDANIEL@YAHOO.COM	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0320 VACATING MISDEMEANOR POSSESSION OF MARIJUANA CONVICTIONS		

Agenda Wording

An ordinance relating to the vacation of misdemeanor possession of marijuana convictions in the City of Spokane; adopting new chapter 05A.17 of the Spokane Municipal Code; and adopting new sections 05A.17.010 and 05A.17.020

Summary (Background)

52,575 City of Spokane voters, 57.0% of the voting electorate, voted to legalize recreational marijuana through state Initiative 502 in 2012. Initiative 502 was supported by a majority of voters in each City Council District. From 1997 thru 2012, the City of Spokane had a total of 1,817 misdemeanor possession of marijuana convictions. Of these convictions, 90% were male. There was a high of 251 convictions in 1997, a low of 18 convictions in 2012.

Fiscal Impact		Budget Account	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	MCDANIEL, ADAM	Study Session	
Division Director		Other	Public Safety
Finance	DAVIS, LEONARD	Distribution List	
Legal	DALTON, PAT	Justin Bingham	
For the Mayor	SANDERS, THERESA	Nancy Isserlis	
Additional Approvals		Howard Delaney	
Purchasing		Brian McClatchey	
		Ben Stuckart	
		Adam McDaniel	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

This ordinance provides an opportunity to remove a criminal conviction for misdemeanor possession of marijuana in the City of Spokane prior to the legalization date of July 8, 2014. This ordinance also creates a requirement that Municipal Court provide annual reports to Council on the number of overall misdemeanor vacations, including type of conviction, rates of vacation, and number of applications.

Fiscal Impact		Budget Account
Select	\$	#
Select	\$	#

Distribution List

ORDINANCE NO. C-_____.

An ordinance relating to the vacation of misdemeanor possession of marijuana convictions in the City of Spokane; adopting new chapter 05A.17 of the Spokane Municipal Code; and adopting new sections 05A.17.010 and 05A.17.020

WHEREAS, 1.7 million Washingtonians, 55.7% of the voting electorate, voted to legalize recreational marijuana through state Initiative 502 in 2012; and

WHEREAS, 116,190 Spokane County voters, 52.15% of the voting electorate, voted to legalize recreational marijuana through state Initiative 502 in 2012; and

WHEREAS, 52,575 City of Spokane voters, 57.0% of the voting electorate, voted to legalize recreational marijuana through state Initiative 502 in 2012; and

WHEREAS, Initiative 502 was supported by a majority of voters in each City Council District; and

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That there is adopted new chapter 05A.17 to title 05A of the Spokane Municipal Code:

Chapter 05A.17 Vacation of Misdemeanor Convictions

Section 2. That there is adopted a new section 05A.17.010 to chapter 05A.17 of the Spokane Municipal Code:

05A.17.010 Misdemeanor Vacation Rates and Data

At least annually, the Spokane Municipal Court shall include conviction vacation data, including type of conviction, rates of vacation, and number of applications, to the City Council in the usual course of providing Council updates to the Public Safety Committee.

Section 3. That there is adopted a new section 05A.17.020 to chapter 05A.17 of the Spokane Municipal Code:

**05A.17.020 Vacation of Misdemeanor Possession of Marijuana
Convictions**

- A. Every person convicted in Spokane Municipal Court of a possession of marijuana misdemeanor under SMC 10.15.100 prior to July 8, 2014 may apply to the Spokane Municipal Court for a vacation of the applicant's record of conviction for

the offense. Upon such application, the court shall vacate the record of conviction by:

1. Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and
 2. the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.
- B. The City of Spokane shall inform the public of the ability of any convicted person to apply for such vacation of conviction.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council Meeting of:
10/19/2015

Date Rec'd	10/6/2015
Clerk's File #	ORD C35310
Renews #	

Submitting Dept	PLANNING & DEVELOPMENT	Cross Ref #	
Contact Name/Phone	TIRRELL BLACK 625-6185	Project #	
Contact E-Mail	NGWINN@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0670 - ORDINANCE RELATING TO APPLICATION Z1400065COMP		

Agenda Wording

An Ordinance amending the text of the City of Spokane Comprehensive Plan chapter 3, Land Use, adopting a new policy entitled "LU 1.X Mobile Home Parks."

Summary (Background)

This proposal is a Comprehensive Plan text amendment to add a new Land Use Policy regarding the location of appropriate areas to preserve mobile and manufactured home parks. The new policy is designated "LU 1.X Mobile Home Parks" and would be added to Chapter 3, Land Use, of the City of Spokane's Comprehensive Plan. The Plan Commission Held a Public Hearing on September 23, 2015 to consider this amendment and recommended denial of the amendment. Plan Commission Findings and Conclusions attached

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	MEULER, LOUIS	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	PCED 9/28/15 / PC
Finance	DAVIS, LEONARD	Distribution List	
Legal	RICHMAN, JAMES	lhattenburg@spokanecity.org	
For the Mayor	SANDERS, THERESA	tblack@spokanecity.org	
Additional Approvals		smsimmons@spokanecity.org	
Purchasing		jrichman@spokanecity.org	
		lmeuler@spokanecity.org	
		ngwinn@spokanecity.org	
		jsnyder@spokanecity.org / bstum@spokanecity.org	

ORDINANCE NO. C35310

AN ORDINANCE amending the text of the City of Spokane Comprehensive Plan chapter 3, Land Use, adopting a new policy entitled “LU 1.X Mobile Home Parks.”

WHEREAS, in compliance with the Washington State Growth Management Act, chapter 36.70A RCW (the “GMA”), the City of Spokane adopted a Comprehensive Plan on May 21, 2001; and

WHEREAS, the GMA requires continuing review and evaluation of the Comprehensive Plan and contemplates an annual amendment process for incorporating necessary and appropriate revisions to the Comprehensive Plan; and

WHEREAS, pursuant to RCW 36.70A.070(2)(c), the GMA requires jurisdictions to identify sufficient land for manufactured housing; and

WHEREAS, according to a June 2007 publication by the Washington State Housing Finance Commission (“Manufactured Housing Community Article”), manufactured housing communities are one of the largest sources of unsubsidized affordable housing in Washington State and provide affordable housing for about 500,000 people, or approximately 8 percent of Washington’s residents, many of them elderly; and

WHEREAS, according to the Manufactured Housing Community Article, in Washington State, approximately 143 communities have closed in the 15 years prior to 2007, displacing more than 4,000 families, and between May 2006 and December 2007, another 38 communities closed, displacing another 1,400 households; and

WHEREAS, for a majority of the residents displaced by manufactured home park community closures, residents may likely lose their homes because many older “mobile Homes” cannot be moved and must be demolished at the homeowner’s expense; and

WHEREAS, even when a mobile home can be moved, the homeowners often cannot find another park with room for their home; and

WHEREAS, while these communities continue to close in Washington, it is believed few are opening to take their place; and

WHEREAS, no new mobile/manufactured home parks have been proposed in Spokane for over a decade; and

WHEREAS, pursuant to GMA’s requirement to identify sufficient land for manufactured housing, the City Council previously adopted Resolution 2014-0103 requesting a Comprehensive Plan Amendment in 2015 that would establish a policy of

preserving manufactured housing as an affordable housing option in the City of Spokane; and

WHEREAS, following the City Council's adoption of Resolution 2014-0103, the City Council submitted an application seeking to amend Comprehensive Plan Chapter 3, Land Use, to add a new policy to designate appropriate areas for the preservation of mobile and manufactured home parks; and

WHEREAS, the proposed amendment does not seek to designate any particular mobile or manufactured home park or property for preservation but instead will establish a forum for exploring feasible methods for ensuring a sufficient supply of land for mobile and manufactured home parks in the future and for preserving mobile and manufactured home parks as an affordable housing option in the City of Spokane; and

WHEREAS, an annual survey of manufactured home parks conducted by the City of Spokane reported a total of 1,174 units in 19 manufactured home parks inside the City in 2015; and

WHEREAS, the 2015 Spokane area 80 percent median income limit used by the U.S. Housing and Urban Development Department to define a low-income, two-person family is \$41,300 annually; and

WHEREAS, the Spokane County Assessor's office reported in 2015 that 279 households within manufactured home parks in the city of Spokane participated in a homeowner property tax relief program for seniors and persons with disabilities with annual household incomes of less than \$35,000; such household income is less than the defined limit for area low-income families of any size; and

WHEREAS, the rate of participating households in property tax relief for seniors and persons with disabilities per residence type, based on the total of 1,174 units in the city's manufactured home parks, is more than three times the rate reported for other owner-occupied housing types in the city; and

WHEREAS, the high use of property tax relief by occupants in manufactured home parks in the city of Spokane indicates that those occupants are more likely to be seniors or disabled and have lower household income than people within the general population of the city; and

WHEREAS, manufactured home parks are a source of affordable single-family and senior housing to low-income households in Spokane; and

WHEREAS, the Washington Department of Commerce reported in March 2015 that the Manufactured Housing Relocation Fund was sufficient to reimburse only 89 low-income applicants statewide; and

WHEREAS, under current funding levels for the Washington Manufactured Housing Relocation Fund, increases in manufactured home park closures elsewhere in the state could increase the time by which local homeowners affected by a park closure would wait for reimbursement in the event of a park closure in the city of Spokane; and

WHEREAS, the proposed amendment is consistent with GMA's requirement that jurisdictions subject to the GMA must have a Comprehensive Plan that "...identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities;" [RCW 36.70A.070(2)(c)]; and

WHEREAS, the amendment is consistent with planning Goal #4 of the Growth Management Act: "Housing. Encourage the availability of affordable housing to all economic segments of the population of this State; promote a variety of residential densities and housing types; and encourage preservation of existing housing stock." [RCW 36.70A.020]; and

WHEREAS, the amendment is consistent with Goal H 1, Affordable Housing, of the City of Spokane Comprehensive Plan to provide sufficient housing for the current and future population that is appropriate, safe, and affordable for all income levels; and

WHEREAS, the preservation of manufactured home parks will help to maintain a sufficient amount of manufactured homes and other types of affordable housing units for the current and future population; and

WHEREAS, the State Housing Trust Fund has diminished in size; and

WHEREAS, the number of vacant affordable rentals available to low-income families reported by the Spokane Low Income Housing Consortium among its member housing providers has declined since 2011, the number of vacant units decreasing from 162 to 74 over that period, despite an increase in the combined number of occupied and vacant units offered by these providers, from 2,413 units to 3,210 units (2,371 of which are located in the city of Spokane); and

WHEREAS, the amendment is consistent with Comprehensive Plan Policy H 1.9, Low-Income Housing Development, to support and assist the public and private sectors in developing low-income or subsidized housing for households that cannot compete in the market for housing by using federal, state, and local aid; and

WHEREAS, the amendment is consistent with Comprehensive Plan Goal H 2, Housing Choice and Diversity, to increase the number of housing alternatives within all areas of the city to help meet the changing needs and preferences of a diverse population; and

WHEREAS, the preservation of manufactured home parks is consistent with Comprehensive Plan Policy H 2.2, Senior Housing, in that it would retain manufactured

housing among other forms in the city's housing stock as one alternative that allows senior homeowners to age in place; and

WHEREAS, the amendment is consistent with Comprehensive Plan Policy 3.3, Housing Preservation, to encourage preservation of viable housing; and

WHEREAS, manufactured home parks in Spokane exist in areas designated for residential, industrial and commercial use; and

WHEREAS, the preservation of manufactured home parks in certain areas may not be appropriate due to the community's expected transition of the property to other uses, or for other reasons which may be determined; and

WHEREAS, Spokane Municipal Code chapter 17G.020 "Comprehensive Plan Amendment Procedure" identifies terms and conditions for Comprehensive Plan amendments; and

WHEREAS, staff requested comments from agencies and departments on January 22, 2015, and a public comment period ran from March 9 to May 15, 2015; and

WHEREAS, the Spokane City Plan Commission held workshops regarding this proposed Comprehensive Plan amendment on April 8, July 22, and August 26, 2015; and

WHEREAS, stakeholder group meetings regarding the text amendment were held on June 17 and July 9, 2015; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were released on September 4, 2015 for the Comprehensive Plan text changes. The public comment period for the SEPA determination ended on September 23, 2015; and

WHEREAS, notice of the SEPA Checklist and Determination, the text amendment, and announcement of the September 23, 2015 Plan Commission Public Hearing were published in the Spokesman-Review on September 9 and 16, 2015; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice on September 14, 2015, before adoption of proposed changes to the Comprehensive Plan; and

WHEREAS, the City Plan Commission conducted a public hearing and deliberated on September 23, 2015, for the Application Z1400065COMP and other proposed amendments; and

WHEREAS, the Plan Commission voted 5 to 1 to recommend denial of Application Z1400065COMP, and further recommended that a Plan Commission

housing review program should be put on the 2016 Plan Commission work program; and

WHEREAS, the Spokane City Council held a public hearing on the proposed text amendment on _____, to accept public testimony relating to this matter; and

WHEREAS, after this amendment to the Comprehensive Plan is enacted by the City Council, it is anticipated that the City will conduct a public process to determine what implementation strategy to pursue, and whether or not that strategy will involve any change to local development regulations; and

WHEREAS, the Plan Commission and City Council will both hold public hearings on any future proposed amendments to the Unified Development Code; and

WHEREAS, the Spokane City Council, after considering all of the testimony and evidence, finds the proposed text amendment Application Z1400065COMP supports the health, safety, and welfare and is in the best interest of the residents of the City of Spokane; and

WHEREAS, the proposed amendment does not designate any particular mobile or manufactured home park(s) or property for preservation but instead establishes a forum for exploring feasible approaches to ensuring a sufficient supply of land for mobile and manufactured home parks in the future and for preserving mobile and manufactured home parks as an affordable housing option in the City of Spokane; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions from the Planning and Development Staff Report for the same purposes; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That Application Z1400065COMP is approved.

Section 2. That the text of Chapter 3, Land Use, of the City of Spokane Comprehensive Plan is amended to read as follows:

LU 1.X Mobile Home Parks

Designate appropriate areas for the preservation of mobile and manufactured home parks.

Discussion: Manufactured and/or mobile home parks provide affordable housing to many city residents. In many cases, they provide the opportunity of home ownership to households which cannot afford to purchase other types of housing. When existing manufactured home parks are redeveloped, many homeowners

are unable to move their homes to other sites. Additionally, redeveloped mobile and manufactured home parks are generally not replaced by new parks within the city, resulting in a net loss of this type of housing.

ADOPTED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**STAFF REPORT ON COMPREHENSIVE PLAN
TEXT AMENDMENT APPLICATION FILE NO. Z1400065-COMP
SPOKANE CITY COUNCIL**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL: This application, initiated by Council Member Jon Snyder by direction from the Spokane City Council, requests to add a new policy to Chapter 3, Land Use, of the Comprehensive Plan. The new policy would be added to support Land Use Goal LU 1, Citywide Land Use. It authorizes the designation of appropriate areas where manufactured home parks should be preserved.

Note: Citizen comment letters are included in the file.

II. GENERAL INFORMATION:

Agent/Applicant:	Council Member Jon Snyder, on behalf of the Spokane City Council
Location of Proposal:	Locations unknown - to be determined within the city of Spokane
Zoning/Land Use Plan Designation:	Varies
SEPA Status:	A SEPA threshold Determination of Non-Significance (DNS) was issued September 4, 2015. The appeal period will close September 23, 2015 at 12:00 P.M.
Enabling Procedure:	SMC 17G. 020, Comprehensive Plan Amendment Procedure
Plan Commission Hearing Date:	September 23, 2015
Staff Contact:	Nathan Gwinn, Asst. Planner, 808 W. Spokane Blvd., Spokane, WA 99201, Phone: (509) 625-6893 ngwinn@spokanecity.org

III. FINDINGS OF FACT:

- A. Site Description: No locations are directly affected by the proposal. The city of Spokane currently contains at least 19 existing mobile or manufactured home parks. Since the amendment concerns preserving existing manufactured home parks, the locations of existing mobile and manufactured home parks provide information about potentially affected locations, but the locations that may be affected by a future designation for manufactured home parks, or for incentives to preserve them, may include fewer or additional areas than the inventory of parks shown in maps submitted with the original application.
- B. Project Description: As authorized by Spokane Municipal Code chapter 17G.020, “Comprehensive Plan Amendment Procedure,” the applicant is requesting a comprehensive plan text change to the Comprehensive Plan, Chapter 3, Land Use. The changes would add text authorizing the designation of appropriate areas for preserving mobile and manufactured home parks in Spokane, and supporting discussion (see Section I above).
- C. Existing and Proposed Text: The text would be a policy with all new language in Chapter 3 (Land Use) to support Land Use Goal 1, Citywide Land Use:

LU 1.X Mobile Home Parks

Designate appropriate areas for the preservation of mobile and manufactured home parks.

Discussion: Manufactured and/or Mobile Home Parks provide affordable housing to many City residents. In many cases, they provide the opportunity of home ownership to house-holds which cannot afford to purchase other types of housing. When existing manufactured home parks are redeveloped many homeowners are unable to move to their homes to other sites. Additionally, redeveloped mobile and manufactured home parks are generally not replaced by new parks within the City, resulting in a net loss of this type of housing.

- D. Applicable Municipal Code Regulations: SMC 17G.020, Comprehensive Plan Amendment Procedures.
- E. Procedural Requirements:
- Application was submitted on October 31, 2014;
 - Notice of Application was posted and published on March 9, 2015, which began a 60-day public comment period;
 - A SEPA Determination of Nonsignificance was issued September 4, 2015, following the end of the public comment period May 15, 2015;
 - Notice of Plan Commission Public Hearing was posted and mailed by September 9, 2015;
 - Notice of Public Hearing was published in the Spokesman Review on September 9 and 16, 2015;
 - Plan Commission Public Hearing Date is scheduled for September 23, 2015.

IV. DEPARTMENT REPORTS and PUBLIC COMMENT

Notice of this proposal was sent to City departments and outside agencies for their review. No department or agency comments were received.

Written public comment has been received regarding this proposal. As of the date of the staff report, 147 comment letters and emails have been received, with 28 in support of the

proposal, and 109 opposing it, along with several neutral or informational comments.

V. CONCLUSIONS:

SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, in evaluating a proposal to amend the comprehensive plan. The following is a list of those considerations followed by staff analysis relative to each.

A. Regulatory Changes.

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

Relevant facts: The proposal is being considered and processed in accordance with the most current regulations of the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. There are no known recent state or federal or local legislative actions with which the proposal would be in conflict. Staff concludes this criterion is met.

B. GMA.

The change must be consistent with the goals and purposes of the state Growth Management Act.

Relevant facts: The “Legislative findings” included in the Revised Code of Washington pertaining to GMA is essentially a call for coordinated and planned growth that is done cooperatively between citizens, government, and the private sector. The complete text of the “Legislative findings” follows:

[RCW 36.70A.010](#), Legislative findings.

The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.

The Growth Management Act contains 13 goals to guide the development and adoption of the comprehensive plans and development regulations ([RCW 36.70A.020](#), “Planning Goals”). The two goals that are most related to the land use element state:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Following is an additional GMA goal related to this proposal:

- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

The GMA also requires under [RCW 36.70A.070](#)(2)(c) that sufficient land be available for all types of housing including manufactured housing. The proposed change would be consistent with these goals and requirements.

Staff concludes that this criterion is met.

C. Financing.

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

Relevant facts: *This proposal has been reviewed by city departments responsible for providing public services and facilities. No comments have been made to indicate that this proposal creates issues with public services and facilities. Staff concludes that this criterion is met.*

D. Funding Shortfall.

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

Relevant facts: *Staff concludes that this criterion is not applicable to this proposal. There are no funding shortfall implications.*

E. Internal Consistency.

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

Relevant facts: *The proposal is consistent with all supporting documents of the Comprehensive Plan. The proposed change to the text does not specify that a change to regulations is required. The proposal does not result in the need for other amendments to the comprehensive plan or development regulations. Staff concludes the proposal is consistent with the especially relevant Comprehensive Plan Goals and Policies listed below. See the [full text of the Comprehensive Plan](#) for discussion following most Policies.*

Relevant Comprehensive Plan Goals and Policies

From Chapter 3, Land Use

Goal: LU 1 CITYWIDE LAND USE

Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Spokane's role as the urban center.

Goal: LU 7 IMPLEMENTATION

Ensure that the goals and policies of the comprehensive plan are implemented.

- Policy LU 7.1 Regulatory Structure: *Develop a land use regulatory structure that utilizes creative mechanisms to promote development that provides a public benefit.*

Goal: LU 8 URBAN GROWTH AREA

Provide an urban growth area that is large enough to accommodate the expected population growth for the next 20 years in a way that meets the requirements of the [countywide planning policies].

- Policy LU 8.1 Population Accommodation: *Accommodate the majority of the county's population and employment in urban growth areas in ways that ensure a balance between livability, preservation of environmental quality, open space retention, varied and affordable housing, high quality cost-efficient urban services, and an orderly transition from county to city jurisdiction.*

From Chapter 6, Housing

Vision

"Affordable housing of all types will be available to all community residents in an environment that is safe, clean, and healthy. Renewed emphasis will be placed on preserving existing houses and rehabilitating older neighborhoods."

Goal: H 1 AFFORDABLE HOUSING

Provide sufficient housing for the current and future population that is appropriate, safe, and affordable for all income levels.

- Policy H 1.1 Regional Coordination: *Coordinate the city's comprehensive planning with other jurisdictions in the region to address housing-related needs and issues.*
- Policy H 1.2 Regional Fair Share Housing: *Participate in a process that monitors and adjusts the distribution of low-income housing throughout the region.*
- Policy H 1.5 Housing Information: *Participate in and promote the development of educational resources and programs that assist low and moderate-income households in obtaining affordable and appropriate housing.*
- Policy H 1.7 Socioeconomic Integration: *Promote socioeconomic integration throughout the city.*
- Policy H 1.9 Low-Income Housing Development: *Support and assist the public and private sectors in developing low-income or subsidized housing for households that cannot compete in the market for housing by using federal, state, and local aid.*
- Policy H 1.10 Low-Income Housing Funding Sources: *Support the development of low-income housing development funding sources.*
- Policy H 1.15 New Manufactured Housing: *Permit manufactured homes on individual lots in all areas where residential uses are allowed.*
- Policy H 1.16 Partnerships to Increase Housing Opportunities: *Create partnerships with public and private lending institutions to find solutions that increase opportunities and reduce financial barriers for builders and consumers of affordable lower-income housing.*

Goal: H 2 HOUSING CHOICE AND DIVERSITY

Increase the number of housing alternatives within all areas of the city to help meet the changing needs and preferences of a diverse population.

- Policy H 2.1 Distribution of Housing Options: *Promote a wide range of housing types and housing diversity to meet the needs of the diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs.*

- Policy H 2.7 Taxes and Tax Structure: *Support state consideration of property tax reform measures that provide increased local options that contribute to housing choice and diversity.*

Goal: H 3 HOUSING QUALITY

Improve the overall quality of the City of Spokane's housing.

- Policy H 3.2 Property Responsibility and Maintenance: *Assist in and promote improved and increased public and private property maintenance and property responsibility throughout the city.*
- Policy H 3.3 Housing Preservation: *Encourage preservation of viable housing.*
- Policy H 3.5 Housing Goal Monitoring: *Provide a report annually to the City Plan Commission that monitors progress toward achieving the housing goals and includes recommended policy change if positive direction toward achieving the housing goals is not occurring.*

From Chapter 8, Urban Design and Historic Preservation

Goal: DP 6 NEIGHBORHOOD QUALITIES

Preserve, improve, and support the qualities of individual neighborhood areas.

- Policy DP 6.2 Access to Housing Choices. *Encourage building and site design that that allows a variety of housing forms while being compatible with the character of the immediate surrounding area, thereby generating community support for development at planned densities.*

From Chapter 10 Social Health

Goal: SH 4 DIVERSITY

Develop and implement programs that attract and retain city residents from a diverse range of backgrounds and life circumstances so that all people feel welcome and accepted, regardless of their race, religion, color, sex, national origin, marital status, familial status, age, sexual orientation, economic status, or disability.

- Policy 4.1 Socioeconomic Mix. *Ensure that all neighborhoods contain a mixture of housing types in order to provide an environment that allows for socioeconomic diversity.*

From Chapter 11 Neighborhoods

Goal: N 2 NEIGHBORHOOD DEVELOPMENT

Reinforce the stability and diversity of the city's neighborhoods in order to attract long-term residents and businesses and to insure the city's residential quality and economic vitality.

- Policy N 2.4 Neighborhood Improvement. *Encourage rehabilitation and improvement programs to conserve and upgrade existing properties and buildings.*
- Policy N 2.6 Housing Options. *Provide housing options within neighborhoods to attract and retain neighborhood residents, consistent with the neighborhood planning process.*

Staff concludes that this criterion is met.

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions,

applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.

Relevant facts: Countywide Planning Policy Topic 7, Policy 5 provides for development regulations to facilitate rehabilitation, restoration and relocation of existing structures of affordable housing. The proposal does not conflict with facilities identified in the Citywide Capital Improvement Program.

G. Cumulative Effect.

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

1. Land Use Impacts.

In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.

2. Grouping.

Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.

Relevant facts: The text changes do not impact the land use plan map or development regulations at this time. Implementation of the changes may occur through eventual changes to the land use plan map or development regulations and, if so, will be subject to SEPA review at that time. This application is being reviewed as part of the annual cycle of comprehensive plan amendments.

Staff concludes that this criterion is met.

H. SEPA.

SEPA review must be completed on all amendment proposals.

1. Grouping.

When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.

2. DS.

If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

Relevant facts: The application is being reviewed in accordance with the State Environmental Policy Act (SEPA) that requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of information contained with the environmental checklist, the written comments from local and State departments and agencies concerned with land development within the city, and a review of other information available to the Director of Planning and Development, a Determination of Non-Significance (DNS) was issued on September 4, 2015.

I. Adequate Public Facilities.

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at

the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

Relevant facts: All affected departments and outside agencies providing services on the subject facilities have had an opportunity to comment on the proposal, and no agency or department offered comments suggesting the proposal would affect the City's ability to provide adequate facilities or services or consume public resources otherwise needed to support comprehensive plan implementation strategies. Staff concludes that this criterion is met.

J. UGA.

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

Relevant fact: This criterion is not applicable.

K. Consistent Amendments.

1. Policy Adjustments.

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

- a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- b. the capacity to provide adequate services is diminished or increased;
- c. land availability to meet demand is reduced;
- d. population or employment growth is significantly different than the plan's assumptions;
- e. plan objectives are not being met as specified;
- f. the effect of the plan on land values and affordable housing is contrary to plan goals;
- g. transportation and/or other capital improvements are not being made as expected;
- h. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.

Relevant facts: The proposed amendment to the text of the comprehensive plan is discussed under subsection "E. Internal Consistency" above. Staff concludes that these text changes will better achieve the community's original vision and values through the identification of areas for the preservation of existing housing, that they provide additional guidance, and that they are consistent with the comprehensive plan.

2. Map Changes.

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

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);
- b. The map amendment or site is suitable for the proposed designation;
- c. The map amendment implements applicable comprehensive plan policies better than the current map designation.

Relevant fact: This proposal is limited at this time to a text amendment to add a new policy, not a Land Use Plan Map amendment. This criterion is not applicable to this proposal.

3. Rezones, Land Use Plan Map Amendment.

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

Relevant fact: This proposal is limited at this time to a text amendment to add a new policy, not a Land Use Plan Map amendment. This criterion is not applicable to this proposal.

L. Inconsistent Amendments.

1. Review Cycle.

Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(C) and every other year starting in 2005.

2. Adequate Documentation of Need for Change.

- a. The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:
- b. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- c. the capacity to provide adequate services is diminished or increased;
- d. land availability to meet demand is reduced;
- e. population or employment growth is significantly different than the plan's assumptions;
- f. transportation and/or other capital improvements are not being made as expected;

- g. conditions have changed substantially in the area within which the subject property lies and/or Citywide;
- h. assumptions upon which the plan is based are found to be invalid; or
- i. sufficient change or lack of change in circumstances dictates the need for such consideration.

Relevant facts: This year (2015), the Plan Commission may consider proposals that are inconsistent with the comprehensive plan. Usually inconsistent amendments require amendments to the text of the comprehensive plan to achieve consistency with policies of the comprehensive plan. Consistency is discussed under subsections “E. Internal Consistency” and “K. Consistent Amendments” above. In this case, staff concludes that the changes to text amount to a new consistent policy, and do not cause a need to change any existing policy.

3. Overall Consistency.

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

Relevant facts: The proposed application has been determined to be consistent with the comprehensive plan. The criteria listed above are intended to be used to evaluate applications that are inconsistent with the comprehensive plan.

VI. CONCLUSION:

Under [SMC 17G.020.060](#)(M), the Plan Commission recommendation is made based “on the review guidelines and required decision criteria, public input, conclusions from any required studies, the staff report, and the SEPA determination.” The code provides that the Plan Commission may recommend (1) approval, (1)(a) approval with modification, or (2) denial based on such factors as insufficient information and that the proposal may be addressed by other means.

Plan Commission members raised several questions during consideration of the amendment proposal. The Plan Commission formed a three-member subcommittee to address the questions. The subcommittee participated in additional workshops with several manufactured home park stakeholders to determine problem areas, gather information, and try to generate consensus by discussing potential alternatives. Staff members worked within the application timeframe to assemble some information, provided in a supplemental background report (dated August 19, 2015).

Plan Commission Does Not Have Enough Information and Recommends Denial.

Following the stakeholder workshops, the subcommittee issued a report (dated August 18, 2015) that anticipated the Plan Commission, following its public hearing, may not be able to reach a recommendation of approval. Instead, it may find that there is still insufficient information to be able to make a decision based on the merits of the proposal and that before adopting the proposed policy, further study should be conducted on manufactured home park demographics and regulations, as well as broader issues related to local affordable housing and Comprehensive Plan goals. These factors are detailed at [SMC 17G.020.060](#)(M)(2) for recommendations of denial. At this time, many questions remain unanswered; the subcommittee’s recommended housing review study would provide answers and Plan Commission recommendations for action going forward.

Plan Commission Recommendation of Approval with Modifications. It is also reasonable to consider a final decision to adopt the proposed policy and that this adoption may not necessarily require a change to the land use plan map. In this case, options for preserving manufactured home parks might still be studied, developed and pursued, such as identification and implementation of existing housing incentive programs, without resulting in changes to any regulations. The Plan Commission may find that existing regulations already designate appropriate locations for preserving manufactured home parks by their allowed use in certain zones. The purpose of limiting the proposal to a text amendment, rather than pursuing a land-use plan map amendment as was originally conceived, was to step back, stimulate community discussion, identify issues, and pursue a strategy. Significant discussion is expected to continue to occur no matter what final decision is made on the application.

If the Plan Commission recognizes the merits of the proposal and decides on approval based on community support and/or that the proposed amendment is consistent with the comprehensive plan and the Spokane Municipal Code criteria for amendments, then staff suggests considering an amendment to the policy discussion that refers to and builds upon the work of the Plan Commission subcommittee and public participation on this proposal. Recommendations for modified approvals are provided at [SMC 17G.020.060\(M\)\(1\)\(a\)](#). The policy discussion text should state:

- A. That any proposed regulations, programs or legislation will be studied by the Plan Commission and considered along with other measures that are likely to further the goals and objectives of the Comprehensive Plan before their adoption, and
- B. That additional work is needed before specific areas are identified.

Summary of Described Options. As described above, the Plan Commission may find there is not enough information, and will recommend denial if that is the case. Alternatively, another option discussed would be to recommend approval, and if the Plan Commission decides on this option, then staff suggests an approval recommendation upon modification of the proposal with the added text as described.

**SPOKANE CITY PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND
RECOMMENDATION ON THE PROPOSED COMPREHENSIVE PLAN TEXT
AMENDMENT FOR MOBILE AND MANUFACTURED HOME PARK PRESERVATION
FILE NO. Z1400065COMP**

A recommendation from the City Plan Commission to the City Council to deny proposed Comprehensive Plan Amendments to add a new policy, LU 1.X Mobile Home Parks, to the text of Chapter 3, Land Use.

FINDINGS OF FACT:

- A.** The Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A).
- B.** The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act.
- C.** Spokane Municipal Code (SMC), Title 17G, Administration and Procedures, chapter 17G.020 Comprehensive Plan Amendment Procedure was used to prepare this proposed amendment to the Comprehensive Plan.
- D.** SMC chapter 17G.020 "Comprehensive Plan Amendment Procedure" identifies terms and conditions for Comprehensive Plan amendments.
- E.** City of Spokane Comprehensive Plan, Land Use Chapter, Goal LU 1, Citywide Land Use states: *Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Spokane's role as the urban center.*
- F.** City of Spokane Comprehensive Plan, Land Use Chapter, Goal LU 7, Implementation states: *Ensure that the goals and policies of the comprehensive plan are implemented.*
- G.** City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 7.1 Regulatory Structure states: *Develop a land use regulatory structure that utilizes creative mechanisms to promote development that provides a public benefit.*
- H.** City of Spokane Comprehensive Plan, Housing Chapter, Goal H 1, Affordable Housing states: *Provide sufficient housing for the current and future population that is appropriate, safe, and affordable for all income levels.*
- I.** City of Spokane Comprehensive Plan, Housing Chapter, Goal H 2, Housing Choice and Diversity states: *Increase the number of housing alternatives within all areas of the city to help meet the changing needs and preferences of a diverse population.*
- J.** City of Spokane Comprehensive Plan, Housing Chapter, Goal H 3, Housing Quality states: *Improve the overall quality of the City of Spokane's housing.*
- K.** City of Spokane Comprehensive Plan, Housing Chapter, Policy H 3.2 Property Responsibility and Maintenance states: *Assist in and promote improved and increased public and private property maintenance and property responsibility throughout the city.*
- L.** City of Spokane Comprehensive Plan, Housing Chapter, Policy H 3.3 Housing Preservation states: *Encourage preservation of viable housing.*

- M. City of Spokane Comprehensive Plan, Housing Chapter, Policy H 3.5 Housing Goal Monitoring states: *Provide a report annually to the City Plan Commission that monitors progress toward achieving the housing goals and includes recommended policy change if positive direction toward achieving the housing goals is not occurring.*
- N. City of Spokane Comprehensive Plan, Urban Design and Historic Preservation Chapter, Goal DP 6 Neighborhood Qualities states: *Preserve, improve, and support the qualities of individual neighborhood areas.*
- O. City of Spokane Comprehensive Plan, Urban Design and Historic Preservation Chapter, Policy DP 6.2 Access to Housing Choices states: *Encourage building and site design that allows a variety of housing forms while being compatible with the character of the immediate surrounding area, thereby generating community support for development at planned densities.*
- P. City of Spokane Comprehensive Plan, Social Health Chapter, Policy SH 4.1 Socioeconomic Mix states: *Ensure that all neighborhoods contain a mixture of housing types in order to provide an environment that allows for socioeconomic diversity.*
- Q. City of Spokane Comprehensive Plan, Neighborhoods Chapter, Policy N 2.4 Neighborhood Improvement states: *Encourage rehabilitation and improvement programs to conserve and upgrade existing properties and buildings.*
- R. Staff requested comments on the Environmental Checklist from City Departments and outside agencies on January 22, 2015. The comment period ended on February 5, 2015. No comments were received from agencies or departments.
- S. Staff presented the proposal to the Community Assembly at its meeting on March 6, 2015.
- T. Notice of the proposed Comprehensive Plan Amendment application and State Environmental Policy Act (SEPA) review was sent to agencies, organizations and neighborhood councils on March 9, 2015. This initiated a 60-day public comment period. Notice was also published in the *The Spokesman Review* on March 9 and 16, 2015 and the *Official Gazette* of the City of Spokane on March 4 and 11, 2015. Comments were provided by interested parties.
- U. The Spokane City Plan Commission held workshops to study the proposed amendment on April 8, July 22 and August 26, 2015.
- V. A Public Open House was held on April 15, 2015, in the Chase Gallery in the Lower Level of City Hall, to receive public feedback and respond to questions about the proposal.
- W. Stakeholder group meetings regarding the text amendment were held on June 17 and July 9, 2015.
- X. A State Environmental Policy Act (SEPA) Determination of Non-Significance was issued on September 4, 2015 relating to this Comprehensive Plan Amendment.
- Y. Announcement of the Plan Commission's September 23, 2015 hearing was published in *The Spokesman Review* on September 9 and 16, 2015. Notice was also provided in the September 9, 2015 issue of the *Official Gazette*.
- Z. On September 14, 2015, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Spokane Comprehensive Plan. An acknowledgement letter from the Department of Commerce was received by the City on September 15, 2015.

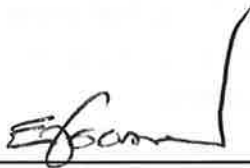
AA. The City Plan Commission held a Public Hearing on September 23, 2015 to obtain public comments on the proposed amendments; deliberations followed.

CONCLUSIONS:

- A.** The Plan Commission has reviewed all public testimony received during the public hearings.
- B.** The proposed amendments have been reviewed by the City Plan Commission, which believes there is not enough information available to determine the proposal's conformance with the goals and policies of the City's 2001 Comprehensive Plan.
- C.** The City Plan Commission questioned whether the proposal will achieve the desired mix of housing, whether it furthers affordable housing goals, and whether the policy is needed if other factors may be remedied.
- D.** The proposal will be more appropriately and effectively addressed through a complete housing review of existing policies, as recommended by the Plan Commission subcommittee that participated in the stakeholder meetings. The time needed for this review is outside the 2014/2015 comprehensive plan amendment cycle.
- E.** The City Plan Commission recognizes it has been some time since it has been briefed on the progress toward achieving the City's housing goals.
- F.** The City Plan Commission concurs with the subcommittee and believes the proposal may be more appropriately studied as part of the work program in the year 2016, outside the 2014/2015 comprehensive plan amendment cycle.
- G.** For the reasons outlined in the subcommittee's August 18, 2015 attached report, the Plan Commission believes there is not enough information to make a decision on the merits of the proposal at this time and that this proposal would be more appropriately addressed as another part of the Plan Commission's work program.

RECOMMENDATION:

By a vote of 5 to 1, the Plan Commission recommends to the City Council the denial of the proposed amendment to the Comprehensive Plan, and that a Plan Commission housing review program be put on the 2016 Plan Commission work program.



**Evan Verduin, Vice President
Spokane Plan Commission
September 23, 2015**

MEMORANDUM

DATE: August 18, 2015

TO: City Plan Commission

FROM: Commissioners F.J. Dullanty, Jr., John Dietzman, and Gail Prosser

RE: Plan Commission Subcommittee Report
for Proposed Comprehensive Plan Text Amendment
File Z1400065COMP, Mobile and Manufactured Home Park
Preservation

A subcommittee of the Plan Commission participated in discussions about manufactured home parks with a number of stakeholders that represented both park owners, industry consultants and tenants. The stakeholder group meetings were held June 17, 2015 and July 9, 2015 to provide information to the subcommittee and staff regarding issues surrounding manufactured home parks. This memorandum summarizes the Plan Commission subcommittee's consensus regarding suggested action by the Plan Commission on the proposed text amendment. It was the consensus of the subcommittee that the proposed Amendment Z1400065COMP should be sent to the City Council with a recommendation of denial for these summarized reasons, and for such other reasons the Plan Commission may adopt, if the Plan Commission cannot reach a recommendation of approval.

The subcommittee believes the application materials for the proposed text amendment offer insufficient evidence to support its adoption. The subcommittee feels that there is a lack of information on the relation of manufactured home parks to the promoting of increased densities in centers and corridors as well as affordable housing.

Plan Commission subcommittee members, however, developed an alternative to adopting the proposed Amendment. A Plan Commission workshop on the Mobile and Manufactured Home Park Preservation Amendment is scheduled for August 26, 2015. Following the workshop, staff will request a public hearing on this and the other proposed Comprehensive Plan amendments. The subcommittee asks that the Plan Commission consider the following alternative if the Commission cannot support the Amendment proposal. The Commission should then adopt the alternative into its Findings & Conclusions to be forwarded to the City Council.

PROPOSED ALTERNATIVE:

The Amendment should be denied and a Housing Review of progress toward all housing goals, including manufactured housing, should be conducted.

The subcommittee believes that the proposed Comp Plan Text Amendment should be denied, and the Plan Commission should conduct a complete Housing Review of existing housing goals and policies, including but not limited to, mobile/manufactured homes and mobile/manufactured home parks. Input to this Review will include City Comprehensive Plan Policy H 3.5, "Housing Goal Monitoring," which outlines instructions for Staff to produce a Monitoring Report that will provide direction to the Plan Commission for recommended policy change if progress toward the City's housing goals is not achieved. The Staff's preliminary report of the status of mobile home parks provides a good start on this effort. This Housing Review would necessitate further study outside the timeframe of the 2015 Comprehensive Plan amendment cycle, so it should be included as part of the Plan Commission's 2016 Work Program.

A component of a complete Housing Review would include review of Development Standards for Mobile Home Parks (17-345.120) both as to site size and current issues in manufactured housing as it may relate to affordable housing, plus policy implementation measures to incentivize the maintenance of current manufactured home parks and the creation of new parks. The current 10 acre minimum parcel size required for a new manufactured home park may actually restrict park development in the City. Revising the SMC Section 17C.345.120 would possibly eliminate the need for new Comp Plan language.

For all types of housing citywide, part of the analysis should include housing needs and housing location plus local job generation related to housing. A complete review would also include citywide options to upgrade housing infrastructure and affordable housing of all types as well as innovations such as current use taxation or utility assessment programs.

**SPOKANE ENVIRONMENTAL ORDINANCE
NONPROJECT DETERMINATION OF NONSIGNIFICANCE**

FILE NO(S): Z1400065COMP – Mobile/Manufactured Home Park Preservation Comprehensive Plan Text Amendment

PROPOSER: City of Spokane

DESCRIPTION OF PROPOSAL: Amendments to the Spokane Comprehensive Plan Chapter 3, Land Use, are proposed to insert a new policy and accompanying supportive discussion that states:

LU 1.X Mobile Home Parks

Designate appropriate areas for the preservation of mobile and manufactured home parks.

Discussion: Manufactured and/or Mobile Home Parks provide affordable housing to many City residents. In many cases, they provide the opportunity of home ownership to households which cannot afford to purchase other types of housing. When existing manufactured home parks are redeveloped, many homeowners are unable to move their homes to other sites. Additionally, redeveloped mobile and manufactured home parks are generally not replaced by new parks within the City, resulting in a net loss of this type of housing.

(Corrections to the attached checklist reflect changes from the original proposal.)

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: This proposal is to adopt a text amendment to the City's Comprehensive Plan. This proposal is limited to a community policy and does not directly change the land use category or zoning regulations governing any property.

LEAD AGENCY: City of Spokane

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

- [] There is no comment period for this DNS.
- [] This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.
- [x] This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments must be submitted no later than September 23, 2015 at 12:00 p.m. if they are intended to alter the DNS.

Responsible Official: Louis Meuler

Position/Title: Interim Director, Planning and Development **Phone:** (509) 625-6300

Address: 808 West Spokane Falls Boulevard, Spokane, WA 99201-3329

Date Issued: September 4, 2015

Signature: 

APPEAL OF THIS DETERMINATION, after it becomes final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane, WA 99201. The appeal deadline is fourteen (14) calendar days after the signing of the DNS. This appeal must be on forms provided by the Responsible Official, make specific factual objections and be accompanied by the appeal fee. Contact the Responsible Official for assistance with the specifics of a SEPA appeal.

Environmental Checklist

File No. 21400065 COMP

Purpose of Checklist:

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

Instructions for Applicants:

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

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

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

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

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply."

IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D).

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

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A. BACKGROUND

1. Name of proposed project, if applicable: **N/A.**
2. Name of applicant: **Spokane City Council.**
3. Address and phone number of applicant or contact person: **808 W. Spokane Falls Blvd., 509-625-6254.**
4. Date checklist prepared: **11/4/2014.**
5. Agency requesting checklist: **City of Spokane Planning Service**
6. Proposed timing or schedule (including phasing, if applicable): **Proposal would follow Comprehensive Plan Amendment timeline.**
7.
 - a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain: **No.**
 - b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain: **No, the applicant does not own any land that this proposal would impact.**
8. List any environmental information you know that has been prepared, or will be prepared, directly related to this proposal: **The applicant is not aware of any environmental information that has been prepared or will need to be prepared for this proposal.**
9. Do you know whether applicants are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain: **No.**
10. List any government approvals or permits that will be needed for your proposal, if known: **City Plan Commission and City Council Approval of Comprehensive Plan Amendment.**
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page: **Comprehensive Plan Amendment to create a new ~~land use designation and zoning designation~~ for Mobile Home Parks.**

9/2/2015 NG
Staff Note:
On 3/5/2015,
the applicant
limited the
proposal to a
text amendment
only. No change
to land use or
zoning designation
is proposed.
The proposed new
policy states,
"Designate
appropriate
areas for the
preservation of
mobile and
manufactured
home parks."
See application
for full text of
accompanying
discussion.

^
policy ← —

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12. Location of the proposal. Give sufficient information to a person to understand the precise location of your proposed project, including street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries for the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist: **This is a non-project proposal and is therefore not site specific at the moment.**

w/in city

13. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The General Sewer Service Area? The Priority Sewer Service Area? The City of Spokane? (See: Spokane County's ASA Overlay Zone Atlas for boundaries): **This is a non-project proposal and is therefore not site specific at the moment; but affected areas lie within the City of Spokane.**

14. The following questions supplement Part A.

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

- i. Describe any systems, other than those designed for the disposal of sanitary waste, installed for the purpose of discharging fluids below the ground surface (include systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities): **This is a non-project action; thus this does not apply.**
- ii. Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored?: **This is a non-project action; thus this does not apply.**
- iii. What protective measures will be taken to insure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems: **This is a non-project action; thus this does not apply.**
- iv. Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater?: **This is a non-project action; thus this does not apply.**

- b. Stormwater

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- i. What are the depths on the site to groundwater and to bedrock (if known)? **This is a non-project action; thus this does not apply.**
- ii. Will stormwater be discharged into the ground? If so, describe any potential impacts: **This is a non-project action; thus this does not apply.**

TO BE COMPLETED BY APPLICANT

B. ENVIRONMENTAL ELEMENTS

Evaluation for
Agency Use
Only

1. Earth

- a. General description of the site (circle one): *flat, rolling, hilly, steep, slopes, mountains, other*: **Current mobile home parks exist in a variety of locations that encompass flat, rolling, other, etc.**
- b. What is the steepest slope on the site (approximate percent slope)? **This is a non-project action; thus this does not apply.**
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and not any prime farmland: **Soil type is varied due to the fact that current mobile parks exist in numerous places in the city.**
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe: **This is a non-project action; thus this does not apply.**
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source to fill: **This is a non-project action; thus this does not apply.**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe: **This is a non-project action; thus this does not apply.**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example,

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asphalt or buildings)?: **This is a non-project action; thus this does not apply.**

Evaluation for
Agency Use
Only

- h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: **This is a non-project action; thus this does not apply.**

2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust automobile, odors, industrial, wood, smoke) during construction and when construction is completed? If any, generally describe and give approximate quantities known: **This is a non-project action; thus this does not apply.**

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe: **This is a non-project action; thus this does not apply.**

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: **This is a non-project action; thus this does not apply.**

3. Water:

a. SURFACE:

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal stream, saltwater, lakes, ponds or wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into: **N/A.**
2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans: **This is a non-project action; thus this does not apply.**
3. Estimate the amount of fill and dredge material that would be placed or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material: **This is a non-project action; thus this does not apply.**

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4. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known: **This is a non-project action; thus this does not apply.**
5. Does the proposal lie within a 100-year floodplain?: **This is a non-project action; thus this does not apply.**
6. Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge: **This is a non-project action; thus this does not apply.**

b. GROUND

1. Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known: **This is a non-project action; thus this does not apply.**
2. Describe waste material that will be discharged into the ground from septic tanks or other sanitary waste treatment facility. Describe the general size of the system, the number of houses to be served (if applicable) and or the number of persons the system(s) are expected to serve: **This is a non-project action; thus this does not apply.**

c. WATER RUNOFF (INCLUDING STORMWATER):

1. Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe: **This is a non-project action; thus this does not apply.**
2. Could waste material enter ground or surface waters? If so, general describe: **This is a non-project action; thus this does not apply.**

- d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water impacts, if any: **This is a non-project action; thus this does not apply.**

4. PLANTS

a. Check or circle type of vegetation found on the site:

Evaluation for
Agency Use
Only

_____ Deciduous tree: *alder*, *maple*, *aspen*, *other*.

_____ Evergreen Tree: *fir*, *cedar*, *pine*, *other*.

_____ Shrubs

_____ Grass

_____ Pasture

_____ Crop or grain

_____ Wet soil plants: *cattail*, *buttercup*, *bulrush*, *skunk cabbage*, *other*.

_____ Water plants: *water lily*, *eelgrass*, *milfoil*, *other*.

_____ Other types of vegetation.

b. What kind and amount of vegetation will be removed or altered?: **This is a non-project action; thus this does not apply.**

c. List threatened or endangered species known to be on or near site: **No known threatened or endangered species on or near site.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **This is a non-project action; thus this does not apply.**

5. ANIMALS

a. Circle any birds and animals which have been observed on or near the site that are known to be on or near the site: **Animals and birds on sites vary, but would not be impacted beyond existing impacts due to the fact that this is a non-project action.**

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b. List any threatened or endangered species known to be on or near the site: **No known threatened or endangered species on or near site.**

c. Is the site part of a mitigation route? If so, explain: **Not applicable to this proposal.**

6. ENERGY AND NATURAL RESOURCES

a. What kinds of energy (electric, natural gas, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.: **This is a non-project action; thus this does not apply.**

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe: **This is a non-project action; thus this does not apply.**

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: **This is a non-project action; thus this does not apply.**

7. ENVIRONMENTAL HEALTH

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe: **This is a non-project action; thus this does not apply.**

1. Describe special emergency service that might be required: **Emergency services already provided for areas under consideration in this proposal.**

2. Proposed measures to reduce or control environmental health hazards, if any: **This is a non-project action; thus this does not apply.**

b. NOISE:

1. What types of noise exist in the area which may be affected by your project (for example: traffic, equipment, operation, other)?
This is a non-project action; thus this does not apply.
2. What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site: **This is a non-project action; thus this does not apply.**
3. Proposed measure to reduce or control noise impacts, if any:
This is a non-project action; thus this does not apply.

Evaluation for
Agency Use
Only

8. LAND AND SHORELINE USE

- a. What is the current use of the site and adjacent properties?:
Sites under consideration for Comprehensive Plan amendment are current Mobile Home Parks; adjacent sites vary from Residential Single Family homes to General Commercial Businesses.
- b. Has the site been used for agriculture?: **No.**
- c. Describe any structures on the site: **Mobile and/or Manufactured Homes.**
- d. Will any structures be demolished? If so, which?: **This is a non-project action; thus this does not apply.**
- e. What is the current zoning classification of the site?: **The current zoning classification of the sites are Residential Single-Family.**
- f. What is the current comprehensive plan designation of the site?: **The current Comprehensive Plan designation of the sites are Residential R 4-10.**
- g. If applicable, what is the current shoreline master program designation of the site?: **Not applicable to this proposal.**
- h. Has any part of the site been classified as a critical area? If so, specify: **No.**

On 3/5/2015, the applicant limited the proposal to a text amendment only. No sites are under consideration.
9/2/2015 NG

Unknown
11/24 TMB

This is a nonproject action and no properties are being rezoned.
9/2/2015 NG

predominately RSF but also RMF and Industrial zoning.
11/24 TMB

other land use designations exist.

This is a nonproject action and no current comprehensive plan designations would change under this proposal.

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9/2/2015 NG

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Only

- i. Approximately how many people would reside or work in the completed project?: **According to the American Community Survey, there are 1,394 mobile/manufactured homes in the City of Spokane, most of which reside in these mobile home parks. Average household size in the City of Spokane is 2.32. This roughly translates to around 3,234 people who live in Manufactured Homes that would be impacted.**
- j. Approximately how many people would the completed project displace?: **This is a non-project action; thus this does not apply.**
- k. Proposed measures to avoid or reduce displacement impacts, if any: **This is a non-project action; thus this does not apply.**
- l. Proposed measure to ensure the proposal is compatible with existing and projected land uses and plans, if any: **Proposal is consistent with current land use.**

On 3/5/2015, the applicant limited the proposal to a text amendment only. No sites would be impacted. 9/2/2015 NG

9. HOUSING

- a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing: **This is a non-project action; thus this does not apply.**
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle or low-income housing: **This is a non-project action; thus this does not apply.**
- c. Proposed measures to reduce or control housing impacts, if any: **This is a non-project action; thus this does not apply.**

10. AESTHETICS

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?: **This is a non-project action; thus this does not apply.**
- b. What views in the immediate vicinity would be altered or obstructed?: **This is a non-project action; thus this does not apply.**

- c. Proposed measures to reduce or control aesthetic impacts, if any: **This is a non-project action; thus this does not apply.**

Evaluation for
Agency Use
Only

11. LIGHT AND GLARE

- a. What type of light and glare will the proposal produce? What time of day would it mainly occur?: **This is a non-project action; thus this does not apply.**
- b. Could light or glare from the finished project be a safety hazard or interfere with views?: **This is a non-project action; thus this does not apply.**
- c. What existing off-site sources of light or glare may affect your proposal?: **This is a non-project action; thus this does not apply.**
- d. Proposed measures to reduce or control light and glare, if any: **This is a non-project action; thus this does not apply.**

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?: **Due to the fact that this proposal encompasses multiple Mobile Home Parks, nearby recreational opportunities vary.**
- b. Would the proposed project displace any existing recreational uses? If so, describe: **This is a non-project action; thus this does not apply.**
- c. Proposed measures to reduce or control impacts on recreation opportunities to be provided by the project or applicant, if any: **This is a non-project action; thus this does not apply.**

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe: **This is a non-project action; thus this does not apply.**

*unknown but
this proposal does
not change
regulatory protection of
such
sites.*

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THB

- b. Generally describe any landmarks or evidence of historic archeological, scientific, or cultural importance known to be on or next to the site: **This is a non-project action; thus this does not apply.**

Evaluation for
Agency Use
Only

- c. Proposed measures to reduce or control impacts, if any: **This is a non-project action; thus this does not apply.**

14. Transportation

- a. Identify public streets and highways serving the site, and describe the proposed access to the existing street system. Show on site plans, if any: **Due to the fact that this proposal encompasses multiple Mobile Home Parks, public streets and highways to affected sites vary.**

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?: **All affected sites are currently within reasonable proximity to public transit.**

- c. How many parking spaces would the completed project have? How many would the project eliminate?: **This is a non-project action; thus this does not apply.**

- d. Will the proposal require any new roads or streets, or improvements to existing roads and streets not including driveways? If so, general describe (indicate whether public or private): **This is a non-project action; thus this does not apply.**

- e. Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe: **This is a non-project action; thus this does not apply.**

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak would occur: **This is a non-project action; thus this does not apply.**

- g. Proposed measures to reduce or control transportation impacts, if any: **This is a non-project action; thus this does not apply.**

15. Public Services

← On 3/5/2015, the applicant limited the proposal to a text amendment only. No sites are encompassed or affected.
9/2/2015 NG

- a. Would the project result in an increased need for public service (for example: fire protection, police protection, health care, schools, other)? If so, generally describe: **No. Mobile home parks under consideration already receive public services.**

Evaluation for
Agency Use
Only

- b. Proposed measures to reduce or control direct impacts on public services, if any: **No measures necessary for this proposal.**

16. Utilities

- a. Circle utilities currently available at the site: *electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:*
- b. Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in the immediate vicinity which might be needed: **Utilities already utilized at mobile homes on sites.**

C. SIGNATURE

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

Date: 11-20-14 Signature: [Signature]

Please Print or Type:

Proponent: Jon Snyder Address: 808 W. Spokane

Phone: 509-625-6254 Falls Blvd.

Person completing
form (if different
from proponent):

Blaine Stum Address: 808 W. Spokane

Phone: 509-879-3943 Falls Blvd.

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: _____

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

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

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D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS
(Do not use this sheet for project actions)

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

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

1. How would the proposal be likely to increase discharge to water, emissions to air, production, storage or release of toxic or hazardous substances; or production of noise?: **The Comprehensive Plan amendment would protect current land uses while changing the land use designation and zoning; as such, it would not increase any of the negative environmental impacts listed above.**

Proposed measures to avoid or reduce such increases are: **No proposed measures necessary for this action.**

2. How would the proposal be likely to affect plants, animals, fish or marine life: **The Comprehensive Plan Amendment would protect current land uses while changing the land use designation and zoning; as such it would not change current impacts on plants, animals, fish or marine life that the Mobile Home Park sites already have on site or in adjacent areas.**

Proposed measures to protect or conserve plants, animal's fish or marine life are: **No proposed measures necessary for this action.**

3. How would the proposal be likely to deplete energy or natural resources?: **The Comprehensive Plan amendment would protect current land uses while changing the land use designation and zoning; as such the impact on energy and natural resources would not change from current observed impacts.**

Proposed measures to protect or conserve energy or natural resources are: **No proposed measures necessary for this action.**

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered special habitat, historic or cultural sites,, wetlands, flood plains or prime farmlands?: **The Comprehensive Plan Amendment would protect current land uses while changing the land use designation and zoning; as such it is not estimated to have any more impact on the items listed above beyond the impact existing Mobile Home Parks may have already had.**

Staff Note:

- On 3/5/2015, the applicant limited the proposal to a text amendment.

No changes to land use designations or zoning.
9/2/2015 NG

- No change to land use designation or zoning.
9/2/2015 NG

- No change to land use designation or zoning.
9/2/2015 NG

Proposed measures to protect such resources or to avoid or reduce impacts are: **No proposed measures necessary for this action.**

Staff Note:
On 3/5/2015
the applicant
limited the
proposal to a
text amendment.

5. How would this proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?: **The Comprehensive Plan Amendment would protect current land uses while changing the land use designation and zoning; as such impacts to land use would remain the same as current impacts unless a proposed project to redevelop the land was approved via a Comprehensive Plan Amendment.**

No change to
land use designation
or zoning.

deleted
as out
of
scope.
THB

Proposed measures to avoid or reduce shoreline and land use impacts are: **No proposed measures necessary for this action.**

6. How would the proposal be likely to increase demand on transportation or public services?: **The Comprehensive Plan Amendment would protect current land uses while changing the land use designation and zoning; as such it will not increase demand on transportation or public services beyond what demand already exists.**

No change
to land use
designation
or zoning.
9/2/2015 NG

Proposed measures to reduce or respond to such demand(s) are: **No proposed measures necessary for this action.**

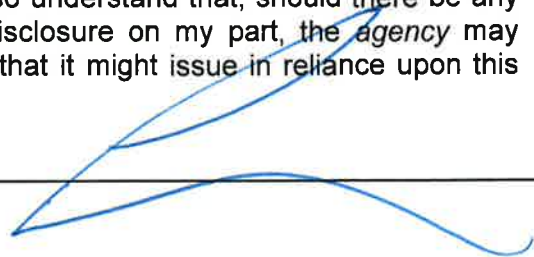
7. Identify, if possible, whether the proposal may conflict with local, state or federal laws, or requirements for the protection of the environment: **To the knowledge of the applicant, this proposal does not violate any local, state or federal laws, and does not violate any requirements for the protection of the environment.**

C. SIGNATURE

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

Date: 11-20-14

Signature: _____



Please Print or Type:

Proponent: Jon Snyder

Address: 808 W. Spokane

Phone: 509-625-6254

Falls Blvd.

Person completing form (if different from proponent):

Blaine Stum

Address: 808 W. Spokane

Phone: 509-879-3943

Falls Blvd.

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: _____

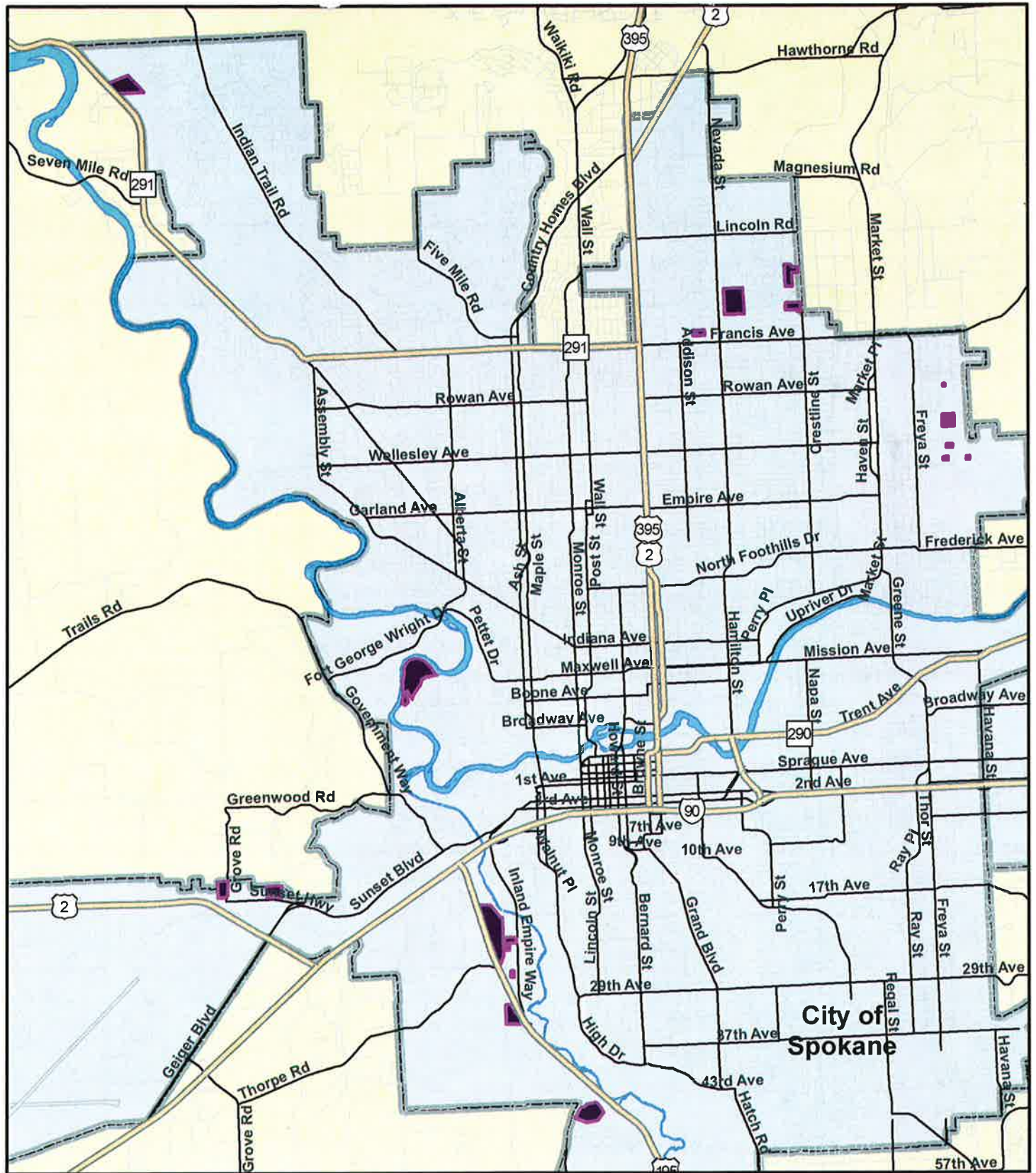
Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

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





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Legend

-  Manufactured Home Park
-  Municipal Boundary
-  Highway
-  River



Z1400065COMP – Manufactured Home Park Preservation Comprehensive Plan Amendment Application
Summary of Public Comment Received – Arranged by Date Received
October 6, 2015

Viewing Full Public Comment Online

Full public comment is public record and a part of the official file. Comments received may be viewed online under “related documents” at the application webpage:

<http://my.spokanecity.org/projects/policy-re-manufactured-and-mobile-home-parks/>

Comment Summary and Explanation of Response

Twenty-nine comments were generally supportive of the comprehensive plan amendment proposal, while 110 comments were generally opposed. Several comments were neutral. Some individuals submitted more than one comment. The Plan Commission and staff responded to the comments by convening a stakeholder group to share information about the proposed policy and develop alternative language. Participating Plan Commission members formed a subcommittee to study alternatives and ultimately the Plan Commission recommended denial of the application, and further recommended a Plan Commission housing review for the upcoming 2016 work program.

Below is a list of comments received and a general summary for each:

Date Rec'd	Comment From	General
4/3/2015	Cochran, Robert	Oppose
4/6/2015	Cochran, Robert	Informational
4/6/2015	White, Judith	Support
4/7/2015	Chapman, Randy	Informational
4/8/2015	Cochran, Robert	Informational
4/9/2015	Chapman, Randy	Informational
4/9/2015	Chapman, Randy	Informational
4/14/2015	Chapman, Randy	Informational
4/14/2015	Chapman, Randy	Informational
4/15/2015	Kendrick, Frances	Support
4/15/2015	Morin, Janet	Support
4/15/2015	Smith, Allison	Support
4/15/2015	Mansfield, Jere	Support
4/26/2015	Gerber, Sanford	Support
4/30/2015	Whittekend, Pam	Support
4/30/2015	Roberts, Cheryl	Support
5/6/2015	Jessup, Sue	Support
5/11/2015	Walters, Winnifred	Support
5/6/2015	Mason, Vicki	Support
5/6/2015	Toone, Janet	Support
5/10/2015	Doyle, Sharon	Support
5/11/2015	Suhr, Adolph	Support
5/12/2015	Marlowe, William	Support
5/13/2015	Spencer, Ken	Oppose
5/13/2015	Bailey, Brenda	Support
5/14/2015	Chapman, Randy	Support
5/14/2015	Cochran, Robert	Oppose
5/14/2015	Doyle, Carolyn	Support
5/14/2015	Stolz, Brian	Support
5/14/2015	Doyle, Sharon	Support

Date Rec'd	Comment From	General
5/14/2015	Sperber, Ron	Support
5/15/2015	Oyler, Jon	Support
5/15/2015	Powell, Nan	Support
5/15/2015	Smith, Nathan	Oppose
5/15/2015	Schwartz, Stanley	Oppose
5/15/2015	Dickens, Ishbel	Support
5/15/2015	Bishop, Sharon	Support
5/18/2015	Beaman, Delores G.	Support
5/18/2015	Pearson, Sandra	Support
7/9/2015	Dickens, Ishbel	Informational
7/14/2015	Cochran, Robert	Oppose
7/14/2015	Dickens, Ishbel	Support
7/21/2015	Smith, Nathan	Oppose
7/27/2015	Chapman, Randy	Informational
7/30/2015	Chapman, Randy	Informational
8/13/2015	Pappenheim, D.W.	Oppose
8/13/2015	Breza, Robert	Oppose
8/13/2015	Rodgers, Ronald	Oppose
8/13/2015	Kimberling, Kurt	Oppose
8/13/2015	MACQUARRIE, HARVEY	Oppose
8/13/2015	Wetmore, David	Oppose
8/13/2015	Bothman, Bruce	Oppose
8/13/2015	Pasteur, John	Oppose
8/13/2015	Dawe, Richard	Oppose
8/13/2015	Sterzelbach, Kurt	Oppose
8/13/2015	Lish, Mike	Oppose
8/13/2015	Chamberlin, David	Oppose
8/13/2015	Faulkner, Robert	Oppose
8/13/2015	Willey, Bill	Oppose
8/13/2015	Valentine, Robert	Oppose

Date Rec'd	Comment From	General
8/13/2015	Valentine, Barbara	Oppose
8/13/2015	Bech, James	Oppose
8/13/2015	Jeanneret, William	Oppose
8/13/2015	Berdal, James	Oppose
8/13/2015	Anderson, Frederic	Oppose
8/13/2015	Stewart, Jim	Oppose
8/14/2015	Campanella, David	Oppose
8/14/2015	Redeye, Thomas	Oppose
8/14/2015	Waterhouse, Gary	Oppose
8/14/2015	Vosecky, Reba	Oppose
8/14/2015	Cook, Duane	Oppose
8/14/2015	Bowe, Bright	Oppose
8/14/2015	Bowe, Bright	Oppose
8/14/2015	Buchanan, Merlin	Oppose
8/14/2015	Combs, Jerry	Oppose
8/15/2015	Brockstruck, James	Oppose
8/15/2015	Stark, Thomas	Oppose
8/15/2015	Conetto, Al	Oppose
8/15/2015	Kerber, Richard	Oppose
8/16/2015	Heebink, Jim	Oppose
8/16/2015	Felton, Tom	Oppose
8/16/2015	Martin, Dan	Oppose
8/17/2015	Toll, Ted	Oppose
8/17/2015	Gehrig, Roger	Oppose
8/17/2015	Manson, George	Oppose
8/17/2015	Richardson, Tom	Oppose
8/18/2015	Hall, Charles D.	Oppose
8/20/2015	Pasteur, Cynthia	Oppose
8/20/2015	Ball, Jasmes	Oppose
8/25/2015	Van Dyke, Gary	Oppose
8/25/2015	Roberts, Charles	Oppose
8/25/2015	Rodgers, Ronald	Oppose
8/25/2015	Morgan, Sean	Oppose
8/25/2015	Berg, Kim	Oppose
8/25/2015	Wilson, William	Oppose
8/25/2015	Williams, James A.	Oppose
8/25/2015	Johnston, Marc	Oppose
8/25/2015	Iverson, Merle	Oppose
8/25/2015	Brockman, Bob	Oppose
8/25/2015	Tellessen, Dave	Oppose
8/25/2015	Tellessen, Kathy	Oppose
8/25/2015	Flodin, Jason	Oppose
8/25/2015	Jones, Barry K.	Oppose
8/25/2015	Flynn, Stacy	Oppose

Date Rec'd	Comment From	General
8/25/2015	Flynn, Stacy	Oppose
8/25/2015	Neil, Melvin	Oppose
8/25/2015	Sijohn, Anthony	Oppose
8/26/2015	Woltersdorf, Leonard	Oppose
8/26/2015	Gendreau, Jerry	Oppose
8/26/2015	Valentine, Robert	Oppose
8/26/2015	Felton, Tom	Oppose
8/27/2015	Rutledge, Ed	Oppose
8/27/2015	Wiess, John A.	Oppose
8/29/2015	Ball, Sharon	Oppose
9/4/2015	Smith, Jay A.	Oppose
9/8/2015	Hearn, Dale	Oppose
9/8/2015	Oty, Brent	Oppose
9/8/2015	Miranda, Ernest	Oppose
9/8/2015	Sayre, Richard	Oppose
9/8/2015	Kalk, Gail	Oppose
9/8/2015	Kruse, Ben	Oppose
9/8/2015	Lind, Jon	Oppose
9/8/2015	Green, Ronald R.	Oppose
9/8/2015	Neil, Melvin	Oppose
9/8/2015	Black, Don	Oppose
9/8/2015	Young, Charles	Oppose
9/8/2015	Lindgren, Robert	Oppose
9/8/2015	Easley, David	Oppose
9/8/2015	Anderson, Frederic	Oppose
9/8/2015	Pew, Jesse	Oppose
9/8/2015	Black, Steve R.	Oppose
9/8/2015	Campanella, David	Oppose
9/8/2015	Harper, Mike	Oppose
9/8/2015	Schieche, Jerry	Oppose
9/8/2015	Hartwell, Susanne	Oppose
9/9/2015	Robertson, John	Oppose
9/9/2015	Gray, Linda	Oppose
9/9/2015	Eberly, Bill	Oppose
9/9/2015	Thompson, Gabe	Oppose
9/9/2015	Eberly, Judith A.	Oppose
9/9/2015	Harp, Jerry	Oppose
9/10/2015	Swannack, David L.	Oppose
9/10/2015	Kimberling, Elaine	Oppose
9/11/2015	Postlewait, Herb	Oppose
9/11/2015	Postlewait, Herb	Oppose
9/11/2015	Valentine, Robert	Oppose
9/14/2015	Kirkpatrick, James	Oppose
9/22/2015	Bailey, Brenda	Support
9/23/2015	Schwartz, Stanley	Oppose

If there are issues accessing the comments online at the link on page 1 above, then please contact Nathan Gwinn, ngwinn@spokanecity.org or 509-625-6893 to see entire public comments.



Agenda Sheet for City Council Meeting of:
10/26/2015

Date Rec'd	10/14/2015
Clerk's File #	ORD C35315
Renews #	
Cross Ref #	ORD C35134
Project #	
Bid #	
Requisition #	

Submitting Dept	PLANNING & DEVELOPMENT
Contact Name/Phone	KEN PELTON 625-6324
Contact E-Mail	KPELTON@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	0650 - PEDESTRIAN MASTER PLAN

Agenda Wording

An ordinance amending the City of Spokane Comprehensive Plan adopting a Pedestrian Master Plan as a subarea plan.

Summary (Background)

The Plan Commission has recommended approval of a Pedestrian Master Plan. The plan supports a more walkable Spokane encouraging a high-quality walking environment that supports increased levels of physical activity, important connections to transit, and more transportation options for all. The plan includes: goals for the pedestrian environment; description of the basic elements of providing a quality pedestrian experience; existing conditions for walking today; and, recommended policies

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	MEULER, LOUIS	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	Public Works 10/12/15
Finance	SALSTROM, JOHN	Distribution List	
Legal	RICHMAN, JAMES	lhattenburg@spokanecity.org	
For the Mayor	SANDERS, THERESA	lmeuler@spokanecity.org	
Additional Approvals		kemiller@spokanecity.org	
Purchasing		jhalvorson@spokanecity.org	
		kpelton@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

and actions. In addition, the plan identifies Pedestrian Priority Zones which are based on an assessment of indicators measuring pedestrian demand features and pedestrian deficiencies in order to clarify where the pedestrian needs are the greatest.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

ORDINANCE NO C35315

An ordinance amending the City of Spokane Comprehensive Plan adopting a Pedestrian Master Plan as a subarea plan.

WHEREAS, the City of Spokane began planning under the Washington State Growth Management Act (GMA) in 1993, and in May 2001 the City adopted a GMA compliant Comprehensive Plan.

WHEREAS, pursuant to RCW 36.70A.130, the City's Comprehensive Plan is subject to continuing evaluation and review.

WHEREAS, pursuant to RCW 36.70A.130(2) and SMC 17G.020.040(A), amendments to the Comprehensive Plan may not be considered more frequently than once per year, except that amendments may be considered more frequently in certain circumstances, including the initial adoption of a subarea plan that clarifies, supplements, or implements jurisdiction-wide comprehensive plan policies, so long as cumulative impacts are addressed by appropriate environmental review under chapter 43.21C RCW.

WHEREAS, the Pedestrian Master Plan, which is attached and incorporated herein as Exhibit "A", supplements and implements jurisdiction-wide comprehensive plan policies relating to planning for pedestrians as a part of the overall Comprehensive Plan Transportation Chapter.

WHEREAS, the Pedestrian Master Plan is a subarea plan of the Comprehensive Plan Transportation Chapter that supplements and implements jurisdiction-wide comprehensive plan policies relating to planning for pedestrians as a subarea of the overall topic of transportation planning, and planning for pedestrians is a basic element of the Transportation Chapter of the Comprehensive Plan.

WHEREAS, the Pedestrian Master Plan does not modify existing Comprehensive Plan policies and designations applicable to the subarea (Comprehensive Plan Chapter 4, Transportation).

WHEREAS, the following sections of the Pedestrian Master Plan clarify, supplement, and implement jurisdiction-wide comprehensive plan policies related to Transportation:

- Goals for the pedestrian environment.
- Description of the basic elements of providing a quality pedestrian experience.
- Assessment of existing walking conditions.
- A pedestrian needs-analysis and a pedestrian crash analysis.
- Policies and Actions.

WHEREAS, the Pedestrian Master Plan will guide decision-making on pedestrian facility improvements. The plan will be implemented through the adoption of the Six-Year Comprehensive Street Program and associated construction activities. Amendments to the City policies and development regulations may also be adopted to implement the Pedestrian Master Plan.

WHEREAS, the City of Spokane Pedestrian Master Plan is the initial phase of the Link Spokane - City of Spokane Integrated Transportation Plan Update. The Transportation Chapter is being updated with an eye towards modern multimodal transportation best practices, smart growth, and the City's Land Use Plan, and is intended to reconnect our transportation network to our community. The Pedestrian Master Plan will undergo a review as a part of the overall Transportation Plan Update to assure it is consistent with any amendments that are made as a part of the update.

WHEREAS, consistent with the City's public notice and participation program, the City has provided the public with notice and extensive opportunities to participate throughout the Comprehensive Plan amendment process and all persons desiring to comment on the proposal were given a full and complete opportunity to be heard.

WHEREAS, on August 20, 2015, the City notified state agencies of the City's intent to adopt the Pedestrian Master Plan. The City has not received comments in response to the notice.

WHEREAS, a State Environmental Policy Act (SEPA) Checklist was prepared and a Determination of Nonsignificance (DNS) was issued on September 4, 2015 for the proposed Pedestrian Master Plan. The appeal period for the SEPA determination ended on September 18, 2015.

WHEREAS, the Plan Commission held a public hearing on September 23, 2015 to obtain public comments on the proposed Pedestrian Master Plan and voted unanimously to send a recommendation to the City Council to approve the proposed Pedestrian Master Plan. A copy of the Plan Commission's Findings of Fact, Conclusions, and Recommendation are attached and incorporated into this Ordinance as Exhibit "B".

WHEREAS, the City Council finds that the amendments set forth herein are consistent with the Growth Management Act, and will protect and promote the health, safety and welfare of the general public; - - Now, Therefore,

The City of Spokane does ordain:

Section 1. Findings, Analysis and Conclusions. After reviewing the record and considering the arguments and evidence in the record and at the public meetings, the City Council hereby adopts the findings, conclusions and recommendations adopted by the Plan Commission on September 23, 2015.

Section 2. Initial adoption of a specific/subarea plan. The City of Spokane Comprehensive Plan is hereby amended by addition of the Pedestrian Master Plan contained in Exhibit A, incorporated herein by this reference as if set forth in full.

Section 3. Transmittal to State. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington Department of Commerce as required by law.

Section 4. Severability/Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases were unconstitutional or invalid.

ADOPTED BY THE CITY COUNCIL ON _____

Attest:

City Clerk

Mayor

Council President

Approved as to form:

Assistant City Attorney

Date

Effective Date

Exhibit "A"

Pedestrian Master Plan

Exhibit "B"

City Plan Commission Findings of Fact, Conclusions, and Recommendation on the
Pedestrian Master Plan

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1 SPOKANE PEDESTRIAN MASTER PLAN

PLAN PURPOSE

Walking is the most fundamental transportation choice -- the starting place for all journeys, even as people walk to their cars, transit, or bicycle to move between the places they visit throughout the day. Despite the fact that nearly all Spokane residents walk at some point, the details of the walking environment go largely unexamined; as for most people in Spokane the duration of a walking trip is so short that a facility of any quality that connects two places with the shortest path will do.

Like many cities, Spokane has focused its attention over the last 60 years on planning and design solutions that improve motor vehicle access and mobility. Street and intersection designs have come to accommodate high motor vehicle speeds and traffic volumes with limited delay. Furthermore, the probability of choosing transit or walking as a primary mode is reduced by missing or deteriorated sidewalks, a lack of high quality crossings on higher speed and volume streets such as arterial streets, and long trip distances along curvilinear streets.

In response to these conditions, and a demand for more safe transportation options, Spokane, like cities across the country is choosing to redesign its streets. These redesigns can provide a high quality barrier-free walking environment that supports increased levels of physical activity, important connections to transit, and more transportation options for all. Of particular note in considering these changes is that the Millennial generation (born between 1981 and 2000) is expecting diverse shared mobility options. According to the 2010 Census, the 85.4 million Millennials who make up close to 28% of the total U.S. population are traveling differently. Compared to their parents' generation, Millennials are:

- Purchasing fewer cars and driving less^{1 2}
- Not obtaining their driver's license³
- Biking, walking, and taking transit more^{4 5}

This chapter includes the following sections to support a more walkable Spokane:

- Goals for the pedestrian environment
- Description of the basic elements of providing a quality pedestrian experience
- Assessment of existing conditions for walking today
- Recommended policies and actions

¹ American Public Transportation Association. "Millennials & Mobility: Understanding the Millennial Mindset." <http://www.apta.com/resources/reportsandpublications/Documents/APTA-Millennials-and-Mobility.pdf>

² Ibid.

³ Federal Highway Administration, *Highway Statistics 2010—Table DL-20*, September 2011.

⁴ American Public Transportation Association. "Millennials & Mobility: Understanding the Millennial Mindset." <http://www.apta.com/resources/reportsandpublications/Documents/APTA-Millennials-and-Mobility.pdf>

⁵ U.S. PIRG. "A New Direction." 2013. <http://uspig.org/sites/pirg/files/reports/A%20New%20Direction%20vUS.pdf>.

This chapter also provides a number of relevant best practices which are intended to serve as a toolbox for Spokane as it addresses key pedestrian improvements. The best practices should be used to inform opportunities to improve and enhance Spokane's existing pedestrian environment.

Vision and Goals

Five goals guide the continued enhancement of the pedestrian environment in Spokane.

- **Goal 1 Well Connected and Complete Pedestrian Network** - Provide a connected, equitable and complete pedestrian network within and between Pedestrian Priority Zones that includes sidewalks, connections to trails, and other pedestrian facilities, while striving to provide barrier-free mobility for all populations.
- **Goal 2 Maintenance and Repair of Pedestrian Facilities** - Provide maintenance for and improve the state of repair of existing pedestrian facilities.
- **Goal 3 Year-Round Accessibility** - Address the impacts of snow, ice, flooding, debris, vegetation and other weather and seasonal conditions that impact the year-round usability of pedestrian facilities.
- **Goal 4 Safe and Inviting Pedestrian Settings** - Create a safe, walkable city that encourages pedestrian activity and economic vitality by providing safe, secure, and attractive pedestrian facilities and surroundings.
- **Goal 5 Education** - Educate citizens, community groups, business associations, government agency staff, and developers on the safety, health, and civic benefits of a walkable community.

Pedestrian Priority Zones

The Pedestrian Master Plan establishes Pedestrian Priority Zones to guide investments to areas with the greatest potential to support walking access to destinations such as employment, schools, parks, and transit stops. Priority zones were identified using an analysis of pedestrian demand and deficiency found later in this chapter. Identification of these zones will help the City target investments in pedestrian infrastructure such as sidewalks, curb ramps, and pedestrian crossings.

EXISTING GUIDING DOCUMENTS

Spokane's current plans, design guidelines, and best practices influence the recommendations in this chapter.

Neighborhood Plans Addressing Pedestrians

Since the adoption of the 2001 City of Spokane Comprehensive Plan, several neighborhoods have participated in localized planning efforts. They have engaged stakeholders, evaluated existing conditions, established visions and goals and identified key projects and implementation steps to improve neighborhood livability. Among other things, the neighborhood plans address many topics including pedestrian transportation, connectivity and safety. The following neighborhood plans have been adopted by resolution by the Spokane City Council:

- Browne's Addition: underway
- East Central: City Council resolution number: RES 2006-0032
- Emerson-Garfield: City Council resolution number: RES 2014-0086
- Five Mile: City Council resolution number: RES 2012-0007
- Grandview/Thorpe: City Council resolution number: underway
- Logan: City Council resolution number: RES 2006-0069
- Logan Neighborhood Identity Plan and Model Form-Based Code for Hamilton Corridor: RES 2014-0053
- Nevada Lidgerwood: City Council resolution number: RES 2012-0009
- North Hill: City Council resolution number: underway
- Peaceful Valley: City Council resolution number : underway
- Southgate: City Council resolution number: RES 2012-0008
- South Hill Coalition: City Council resolution number: RES 2014-0067
- West Central: City Council resolution number: RES 2013-0012

Many neighborhood plans include consideration of pedestrian improvements (see examples below). Although these plans will require further study for implementation, they provide direction to the City of Spokane as to the future desires of the neighborhood and are a useful tool for planning capital projects within a neighborhood. In the context of the Pedestrian Master Plan, the neighborhood plans are valuable for addressing neighborhood based connectivity improvements and in setting priorities for future projects. It is anticipated that the Spokane City Council will adopt additional neighborhood/subarea plans in the future that consider pedestrian improvements.



Southgate Neighborhood Connectivity Master Plan



Emerson-Garfield
Neighborhood
Action Plan 2014



Pedestrian Improvement Plan—Five Mile Prairie Neighborhood Plan



South Hill Coalition Connectivity and Livability Strategic Plan

Downtown Spokane Streetscape Inventory, SPVV Landscape Architects, November 2014

The Downtown Spokane Sidewalk Inventory and Assessment was completed in November of 2014. The inventory included the downtown area from Spokane Falls Boulevard to Interstate 90; west side of Monroe Street to the east side of Browne Street.

The goal of the Inventory and Assessment project was to gain an understanding of the conditions of the pedestrian surfaces in Downtown Spokane, including the pavement types and conditions; street furnishings; street trees and accessible ramps. The inventory process took place between August and October, 2014, and included data collection in the field in the form of written notes,

photographs, preparation of narratives for each block, and area take-offs that identify square footages of pedestrian surfaces needing replacement or repair; locations and types of street trees, tree grates, benches, trash receptacles, media boxes and other street furnishings; locations of access hatches into structural sidewalks; and identification of compliant- and non-compliant pedestrian cross-walks. The document contains individual chapters for each block within the study area, including a map graphic with colored representations of each type of sidewalk surfacing that needs repair/replacement, along with supporting photographs of each block and major elements within the inventory. In addition to graphic information found here, substantial amounts of information were uploaded to the City of Spokane GIS database regarding site furnishings, street trees, tree grates, etc.

Spokane Design Guidelines

The City's current design standards for pedestrian facilities are found in the adopted Comprehensive Plan, Unified Development Code, Street Design Standards, and Spokane's Standard Plans. The Street Design Standards developed as part of the Transportation Plan Update will become the design standards for the City.

NACTO Urban Street Design Guide

In November 2014, the Spokane City Council endorsed the National Association of City Transportation Officials (NACTO) Urban Street Design Guide and Urban Bikeway Design Guide.⁶ The NACTO guide offers a blueprint for modern urban streets, guiding design decisions for streets, intersections, and traffic control. The guide holistically integrates pedestrian planning into street design. Additionally, it offers documented guidance to support engineering decisions to use innovative treatments that are not yet found in other guides.

⁶ City of Spokane Council Resolution RES 2014-0113, December 11, 2014. Accessed online: http://nacto.org/wp-content/uploads/2014/12/Spokane-WA_USDG-UBDG-Resolution.pdf

WHAT IS THE QUALITY OF THE WALKING EXPERIENCE IN SPOKANE TODAY?

According to the US Census Bureau's American Community Survey (ACS), approximately 4% of Spokane's residents walk to work⁷ while another 4% use public transportation, a trip that most often requires a pedestrian trip on one or both ends of the journey⁸.

Short blocks, complete sidewalks, and marked crossings result in a walkable environment in the downtown core. Older streetcar suburbs like Browne's Addition feature shaded streets, sidewalks with planted buffers, and quieter streets that are comfortable to cross. Walking conditions are more challenging in other parts of the city, such as portions of North Division, where narrow sidewalks adjacent to high speed traffic are relatively uncomfortable to walk along and contain barriers for disabled populations where there is inadequate space to navigate around street furniture or utility poles. Other parts of the city have few or no sidewalks and a lack of marked crossing opportunities.

Any walking experience is made more safe and comfortable by design strategies that establish a clear path of travel for pedestrians separated from other modes, both along street segments and at intersections. In addition, because the pace of people walking is slower, intriguing and interesting adjacent buildings and land uses make the walk more pleasant. This section describes best practices for design and land use conditions and compares them to the state of walking in Spokane today, focusing on the considerations that have significant impact on the quality of the pedestrian experience:

- Continuous sidewalks and buffers
- Pedestrian accommodation at signalized intersections
- Convenient marked pedestrian crossings
- Driveway curb cuts
- Street connectivity
- Land use and building design
- Safe routes to school
- Universal accessibility

⁷ US Census, "Commuting Characteristics by Sex, 2009-2013 American Community Survey, 5-Year Estimates." Accessed January 12, 2015 online:
http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_5YR_S0801&prodType=table

⁸ ACS asks respondents to report their most common means of transportation taken to work, meaning it is possible that some residents choose to walk to work sometimes, but that travel goes unreported. Additionally, the journey to work is only one of a large number of purposes that generate daily travel activity. In 2013, work trips accounted for just 15.6% of all trips and 27.8% of vehicle miles of travel. It is for this reason that the Census journey to work question generally underestimates the amount of walking in a community.

Continuous Sidewalks and Buffers

Because they provide a place to walk that is physically separated from traffic, sidewalks are the most effective way to avoid pedestrian involved collisions. Yet they are often taken for granted as a basic design element.

Best Practices

A system of pedestrian ‘zones’ helps to organize sidewalk space and buffer cars from pedestrians:

- The Curb Zone provides a physical buffer between the walking/seating areas of the sidewalk and the roadway.
- Pedestrian Buffer Strip provides a place for shade trees that give shade and further physical separation between moving vehicles and pedestrians. The pedestrian buffer strip ideally includes landscaping and trees to add to the appeal and perceived safety of the street. Depending on the land use context, typical elements in the pedestrian buffer strip include pedestrian lighting, trash receptacles, seating, transit stops, and street utilities such as traffic signal controls and fire hydrants. Street trees in a landscaped buffer similarly protect the sidewalks from the cars beyond them and also create a perceptual narrowing of the street that can lower driving speeds.
- The Pedestrian Through Zone is the open sidewalk area for pedestrian movement, and should be free of obstacles. Commercial and activity districts tend to feature the widest pedestrian zones, often allowing people to walk side by side.
- The Frontage Zone is the area in front of buildings used for tables/chairs or displaying “wares” to entice shoppers.
- On-Street Parking complements the pedestrian buffer strip. Whether parallel or angled, occupied on-street parking provides a physical barrier between moving traffic and the sidewalk. It can also slow traffic, because drivers tend to slow down out of concern for possible conflicts with cars parking or pulling out.
- Lighting contributes to personal security, traffic safety and a high quality pedestrian environment.

Spokane’s Design Guidance regarding Sidewalks and Pedestrian Buffer

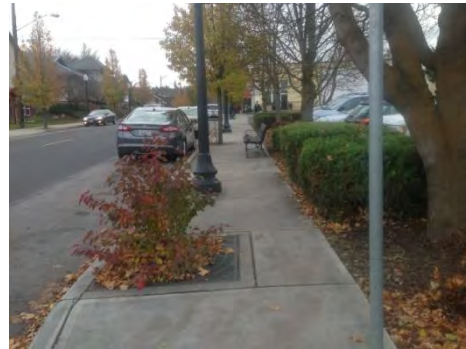
The City’s current design standards for sidewalks and pedestrian buffer widths are found in the adopted Comprehensive Plan, Unified Development Code, Street Design Standards, and Spokane’s Standard Plans. In Spokane’s four adopted standards, sidewalks are required on both sides of streets, with widths ranging from 5 feet to 12 feet depending on the land use context. There have historically been some discrepancies among the Design Standards, Unified Development Code, Standard Plans and the Comprehensive Plan, with respect to terminology and required dimensions within each land use type. A part of the Transportation Plan Update is updated Street Design Standards that provide sidewalk and buffer recommendations that should be reflected in future revisions to the Standard Plans.

Existing Sidewalk Conditions in Spokane

Wall Street, downtown Spokane



South Perry Street, a neighborhood center



Intersection of Mission Street and Greene Street



Decatur Avenue



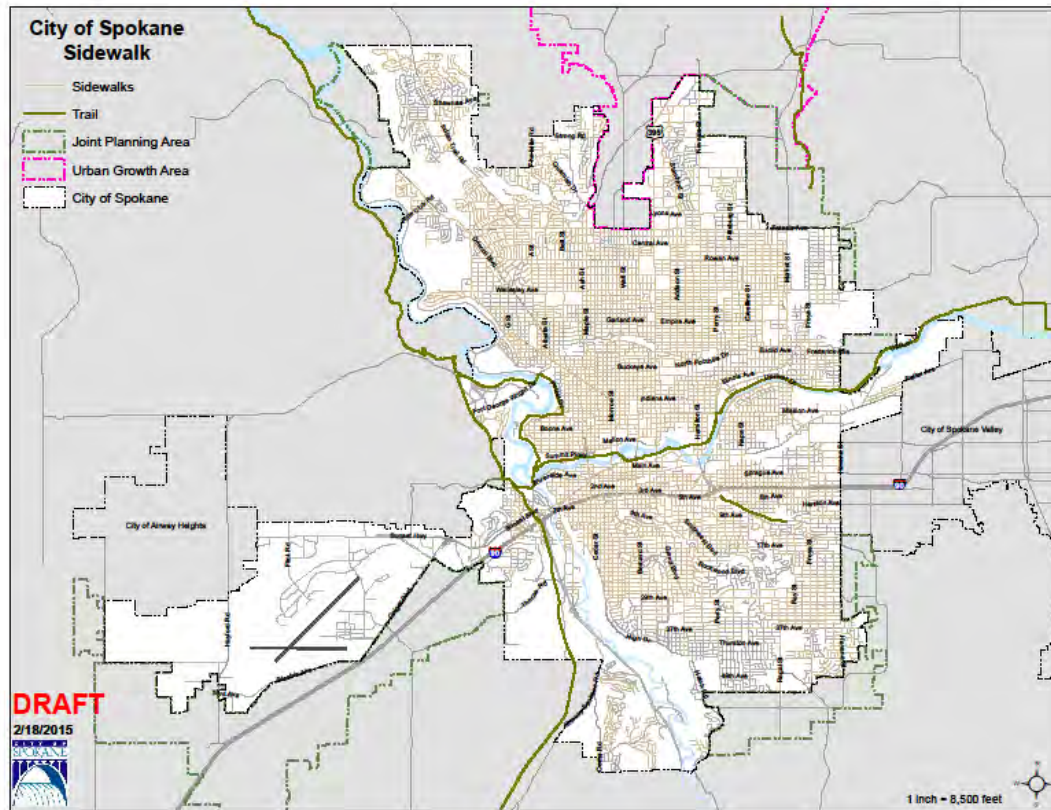
Pedestrian conditions vary along neighborhood streets, largely based on the age of the neighborhood. In older historic neighborhoods such as Browne's Addition, sidewalks on both sides of streets include wide pedestrian buffer strips; streets in older (up to the mid-20th century) neighborhoods such as Cliff/Cannon include sidewalks on both sides, with sidewalks and buffer strips narrower than historic neighborhoods. Mid-20th century to late 20th-century neighborhoods such as Southgate and the Nevada/Lidgerwood neighborhoods have a mix of streets with and without sidewalks, sometimes featuring sidewalks on one side of the street or with numerous sidewalk gaps.

Downtown sidewalks tend to be more than 12-feet wide, located alongside slower automobile traffic or buffered by parking. On arterials, it is common to find narrow sidewalks with widths of 5-feet or less and no landscaped buffer to separate pedestrians from adjacent traffic. Many arterial sidewalks have frequent obstructions, such as utility poles and signs. Sidewalk conditions vary depending on the age of the sidewalk. Many sidewalks are in need of repair due to tree root damage.

Citywide, sidewalks are missing on 38% (381 miles) of the 981 roadway miles suitable for sidewalks.⁹ Over 55% of City streets have sidewalks on both sides of the street while 6% have sidewalks on one side.¹⁰

⁹ City of Spokane. DRAFT ADA Transition Plan, 2014-2019. Accessed online:
<https://static.spokanecity.org/documents/about/spokanecity/accessibility/ada-transition-plans-draft.pdf>

Figure 1 - Spokane's Sidewalk and Path Network, Existing 2015

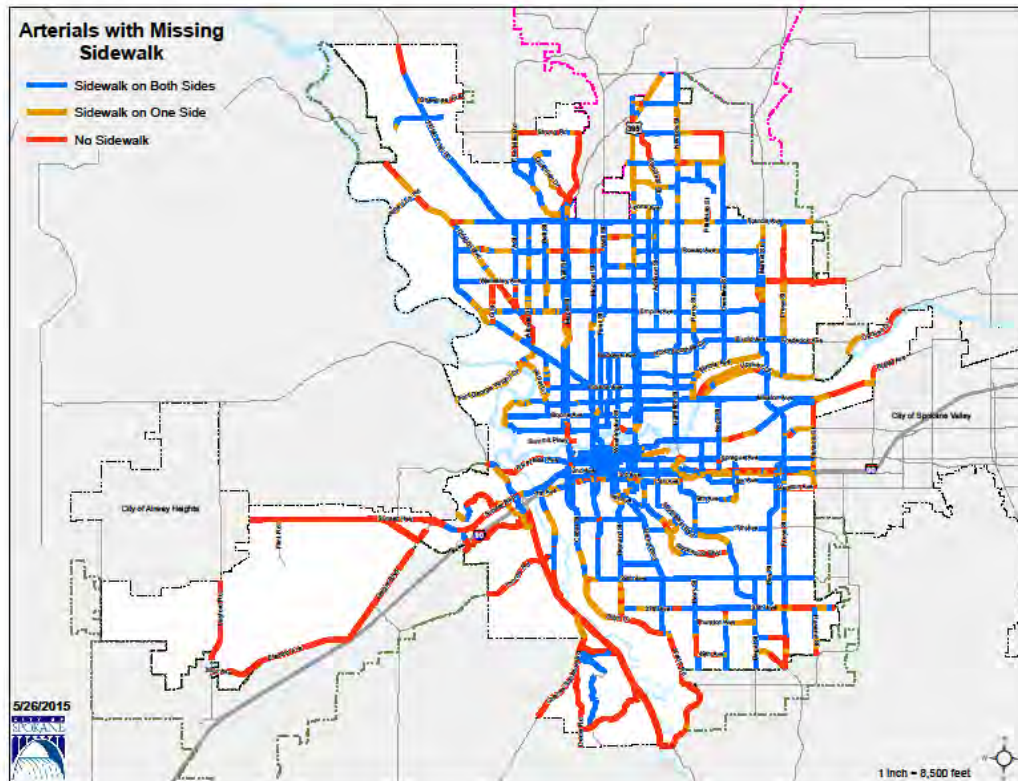


¹⁰ City of Spokane. DRAFT ADA Transition Plan, 2014-2019. Accessed online:
<https://static.spokanecity.org/documents/about/spokanecity/accessibility/ada-transition-plans-draft.pdf>

Sidewalks along Arterial Streets

Figure 2 shows the existing arterial streets in Spokane and identifies the arterial streets with sidewalk on both sides, sidewalk on one side, and no sidewalks. Most of the arterial streets have sidewalks along one or both sides. This map is useful for the identification of gaps in the sidewalk network and the prioritization of capital projects.

Figure 2 – Sidewalks along Arterial Streets



Pedestrian Accommodation at Signalized Intersections

The traffic operations of higher volume intersections typically benefit from signalization. However, the phased separation of conflicting motor vehicle phases also introduces pedestrian delay and conflict. The delay is caused by the need of the pedestrian to wait for their turn to move in the sequence after pressing the pedestrian push button, regardless of suitable gaps in traffic. Signalized intersections tend to be over-represented in collisions.

Best Practices

A number of tactics can improve pedestrian comfort and safety at signalized intersections:

- High visibility crosswalks (e.g. continental (zebra) striping or special paving) - raise driver awareness at unsignalized intersections that are in a zone where pedestrians are expected to be crossing.
- Leading pedestrian interval - gives pedestrians a few seconds head start to claim the right-of-way ahead of turning traffic, this may reduce conflicts with turning vehicles.
- Prohibiting right turns on red - prevents vehicles from turning into crossing pedestrians. Signal phases need to accommodate adequate time for through-movement to reduce the urge to violate the no-turn-on-red signal.
- Reducing intersection widths - improves visual contact between drivers and pedestrians and reduces crossing distances and the time needed to cross on foot.
- Curb extensions are often placed at the end of on-street parking lanes so that pedestrians standing on the curb can see and be seen by drivers before crossing. These can also be placed mid-block to effectively shorten block lengths.
- Rightsizing to reduce the width or number of travel lanes, often by converting a 4-lane street into a 2- or 3-lane plus bike lane and/or a center turn lane. This reduces crossing distances, vehicle speeds, and the number of travel lanes to cross the street. When using this approach, the entire traffic corridor must be considered, not just one intersection.
- Pedestrian recall – describes the situation where pedestrian is given the ‘walk’ signal at every signal phase, without having to push a button. Pedestrian recall is presently used in areas with higher levels of pedestrian activity (e.g., downtown), and could be considered in new locations with high pedestrian traffic. Some intersections work best using recall during busier hours of the day and switching to pushbutton operation at night.

Spokane’s Signalized Intersection Design Guidance

The City of Spokane operates over 250 signalized intersections. This number will change over time as new signalized intersections are added. Signal installation is warranted according to the Manual on Uniform Traffic Control Devices (MUTCD), and local guidance provides for basic signal timing parameters. Traffic signals are found in the Central Business District downtown, along major corridors, arterials and locations with high pedestrian volumes. The city uses the MUTCD standard of 3.5-feet per second to time the clearance phase, meaning that someone walking 3.5-feet per second who leaves the curb while the walk symbol is on can make it to the far curb before the conflicting motor vehicles get a green light.

Existing Signalized Intersection Conditions in Spokane

Signalized intersections represent about 4% of all intersections in the city. Most include pedestrian signal heads indicating the walking interval. Instead of recalling to the walking symbol icon when through-traffic has a green light, many intersections require pedestrians to push a push-button to ‘actuate’ or trigger the walking phase.

The intersections of arterials can create cross sections in excess of seven lanes to accommodate left- and right-turn pockets. These large intersections increase pedestrian exposure due to the long distance between the curbs. Slower pedestrians may be unable to make it all the way across the crosswalk before the conflicting light turns green.

Many signalized intersections have protected left turning phases, meaning only left turning vehicles move during the phase. While left turn phases introduce additional wait time for pedestrians, the benefit of this treatment is that it minimizes the chance of a left turning vehicle having a collision with oncoming traffic or a pedestrian in the crosswalk.

Drivers are often observed encroaching on pedestrians in crosswalks, both as they wait in the crosswalk and pass closely in front or behind them while pedestrians have the right of way. Washington State law requires operators of all vehicles to stop and remain stopped to allow pedestrians in marked or unmarked crosswalks to completely clear the lane of the operator.¹¹

Convenient Marked Pedestrian Crossings

People generally cross where it is most convenient, expedient, efficient, and in as direct a line to their destination as possible. This is known as the ‘desire line.’ A network of convenient and comfortable marked pedestrian crossings is essential to increase predictability for all road users.

South Grand Boulevard



North Foothills Drive



Best Practices

The placement of marked crosswalks should be considered carefully. Crossings should be provided where an analysis shows a concentration of origins and destinations across from each other.

¹¹ Washington State Legislature, Revised Code of Washington, RCW 46.61.235, Crosswalks.

- Crossings should be located according to the walking network rather than the driving network.
- There is no hard and fast rule for crossing spacing. Generally speaking, people will not travel far out of their way in order to cross at a signalized crossing, making midblock or marked crosswalks at unsignalized crossings important for connectivity.

There are circumstances in which a marked crosswalk alone is insufficient. The type of crossing treatment is largely a function of automobile speed, automobile volume, pedestrian volume, and roadway configuration. People informally cross narrow streets of low automobile speed and volume without marked crossings. On the other hand, in general, a marked crosswalk alone is insufficient for crossing more than two lanes of traffic. The following principles inform the selection of enhanced crossing treatments:

- Multi-lane, high-speed, and high-volume roads require more aggressive treatments such as lane narrowings, curb extensions, high visibility continental (zebra) crosswalks, median refuge islands, flashing beacons, overhead signs, and advance stop lines. The City Street Design Standards provide guidance for enhanced crossing treatments.
- Enhanced crosswalks are more visible and thus make it more clear to pedestrians where crossing is intended, and increases the probability that people driving will stop for them.
- Small curb radii and curb extensions reduce vehicle-turning speeds to 15 mph or less for passenger vehicles. Making the corner bigger through smaller curb radii also increases storage for people waiting to cross, and makes pedestrians more visible.

Spokane's Design Guidance regarding Marked Crossings

Spokane City Council adopted a new crosswalk ordinance in the fall of 2014 that lays out criteria for placement and design (see SMC 17H.010.210). These changes, summarized below, are intended to improve the connectivity and safety of Spokane's crossings:

- Marked crosswalks to be installed at intersections in centers and corridors adjacent to schools, parks, hospitals, trail crossings, and other pedestrian traffic-generating locations, at signalized intersections, and priority pedestrian areas.
- Mid-block crossings are permitted on arterial streets at pedestrian generators or where pedestrian conditions warrant. Exceptions are allowed if engineering studies determine that the proposed crosswalk does not meet nationally-recognized safety standards.
- Advanced stop-lines shall precede each crosswalk at arterial intersections and any mid-block crosswalks in pedestrian-generators in centers and corridors per direction from the Manual on Uniform Traffic Control Devices.
- On arterial streets with three or more lanes per direction in centers and corridors adjacent to schools, parks, hospitals, trail crossings, and other pedestrian-traffic generators, marked crossings with pedestrian refuge islands shall be constructed during the next street rehabilitation project such as resurfacing, unless the installation is in conflict with sub-area or neighborhood plans or contrary to engineering studies.

- Travel lanes may be narrowed, additional existing right-of-way may be utilized, and/or the number of travel lanes may be reduced to accommodate pedestrian refuges.
- Elevated crosswalks may be installed in lieu of pedestrian refuges.

Existing Crossing Conditions in Spokane

Outside of the dense street network in the downtown core, it is not uncommon for there to be distances of a half-mile or more between marked pedestrian crossings on streets such as south Grand Boulevard, east Sprague Avenue, north Greene Street, north Division Street, west Garland Avenue, and west Northwest Boulevard. Because pedestrians are typically unwilling to endure long distance out of direction travel, pedestrians must instead wait for breaks in traffic or rely on driver's yield compliance in accordance with Washington State law, which designates all intersections as crosswalks, whether or not they are marked. (State law RCW 46.61.235).¹²

The City of Spokane is increasingly using state-of-the-practice pedestrian design interventions to improve the pedestrian environment, particularly in locations with limited pedestrian amenities as well as areas with long distances between marked pedestrian crossings. Treatments such as median refuge islands, curb extensions, and High intensity Activated crossWalk (HAWK) beacons (such as installed near Gonzaga University at Hamilton Street and Desmet Avenue), have been demonstrated to improve visibility and increase yielding by motorists.

Figure 3 - Pedestrian crossing Grand Boulevard



Figure 4 - Bus rider crossing Francis & Belt



¹² Revised Code of Washington, RCW 46.61.235; Crosswalks. Accessed online: <http://apps.leg.wa.gov/RCW/default.aspx?cite=46.61.235>

Driveway Curb Cuts

Parking lots and drive-through facilities introduce hazards and psychological barriers to people on foot as each driveway introduces a potential conflict area with motor vehicles.

Best Practice

Efforts should be made to consolidate driveways across the sidewalk whenever possible. Corridor access management, which limits the frequency and width of driveways, is recognized by FHWA as a ‘proven’ safety countermeasure.¹³

Driveway Conditions in Spokane

On-the-ground access management in Spokane is inconsistent. Due to factors such as land use changes over time and changing design guidance, the number and width of driveways on some sections of arterials, such as Grand Boulevard and Division Street, exceeds the design guidelines. This creates uncomfortable walking conditions as the pedestrian traverses frequent and wide driveways, some with multiple lanes of traffic entering or exiting the street.

In the urban context, the Federal Highway Administration (FHWA) recommends smaller driveway radii of 25 to 35 feet as narrower driveway throats are more sensitive to pedestrian crossing. While FHWA does not provide direct guidance for driveway spacing, in urban contexts, FHWA recommends driveways positioned as upstream from intersections as possible.¹⁴

In designated Centers and Corridors curb cut limitations are placed on development. In the *Initial Design Standards and Guidelines for Centers and Corridors*, a curb cut for a nonresidential use should not exceed 30 feet for combined entry/exits. Where a sidewalk crosses a driveway, the driveway width should not exceed 24 feet. No driveways should be located on designated Pedestrian Streets.¹⁵

¹³ http://safety.fhwa.dot.gov/provencountermeasures/fhwa_sa_12_006.cfm

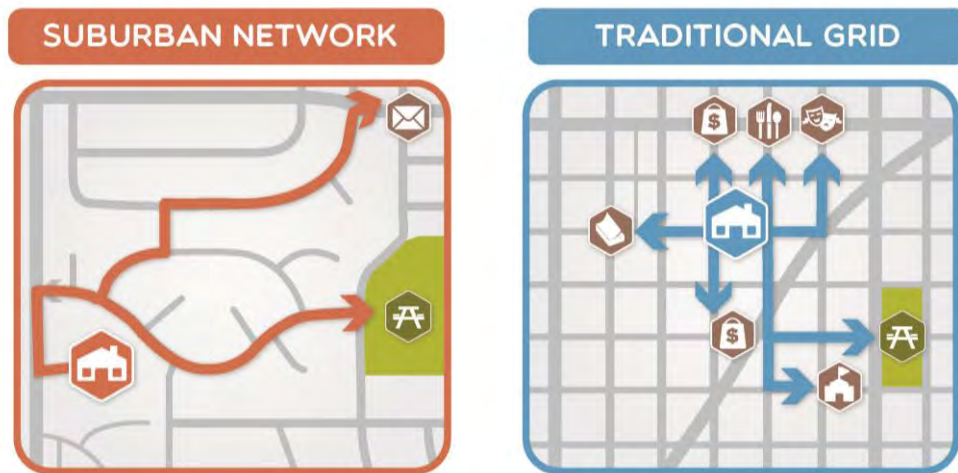
¹⁴ Federal Highway Administration, Technical Summary, *Access Management in the Vicinity of Intersections FHWA-SA-10-002*. Accessed online: <http://safety.fhwa.dot.gov/intersection/resources/fhwasa10002/>

¹⁵ City of Spokane, *Initial Design Standards and Guidelines for Centers and Corridors*. Adopted August 2002. Accessed online: <https://static.spokane.org/documents/business/resources/compplan/centerscorridors/centers-corridors-design-standards.pdf>

Street Connectivity

Best Practice

Street connectivity and block length have strong relationships with walking, bicycling, and transit use. Interconnected streets organized in a grid pattern tend to shorten distances for walking and biking trips. Neighborhoods where all roads are designed to connect to arterials or collector streets also allow transit customers to reach bus stops without walking out of their way and provide more efficient routing options that can support efficient transit service. These types of streets place destinations closer to each other, increasing the likelihood of walking.



Spokane's Street Connectivity Guidance

Spokane's Comprehensive Plan directs external and internal connections to neighborhoods. External connections apply to new subdivisions and planned unit developments (PUDs). Comprehensive Plan Policy TR 4.5 states, "design subdivisions and planned unit developments to be well-connected to adjacent properties and streets on all sides."¹⁶ Connections are needed for all transportation users and can take the form of both streets and paths. Policy 4.5 notes that well-connected neighborhoods with good connections for pedestrians, bicyclists, and automobiles, spreads traffic more evenly and reduces congestion and impacts on adjacent land uses.

Internal connections apply to all neighborhoods, subdivisions, and PUDs. Comprehensive Plan Policy TR 4.6 states, "design communities to have open, well-connected internal transportation connections."¹⁷ The Comprehensive Plan directs that designers promote ease of access through avoiding long, confusing routes and by using shorter block lengths. Policy 4.6 notes that internal connections are promoted by connecting streets and avoiding cul-de-sacs. Where cul-de-sacs and vacating streets cannot be avoided, Policy 4.6 recommends pedestrian pathways that link areas. Comprehensive Plan Policy LU 4.5 states, "Block lengths of approximately 250 to 350 feet on

¹⁶ City of Spokane, Comprehensive Plan, Revised Edition: June 2015, TR 4.5 External Connections.

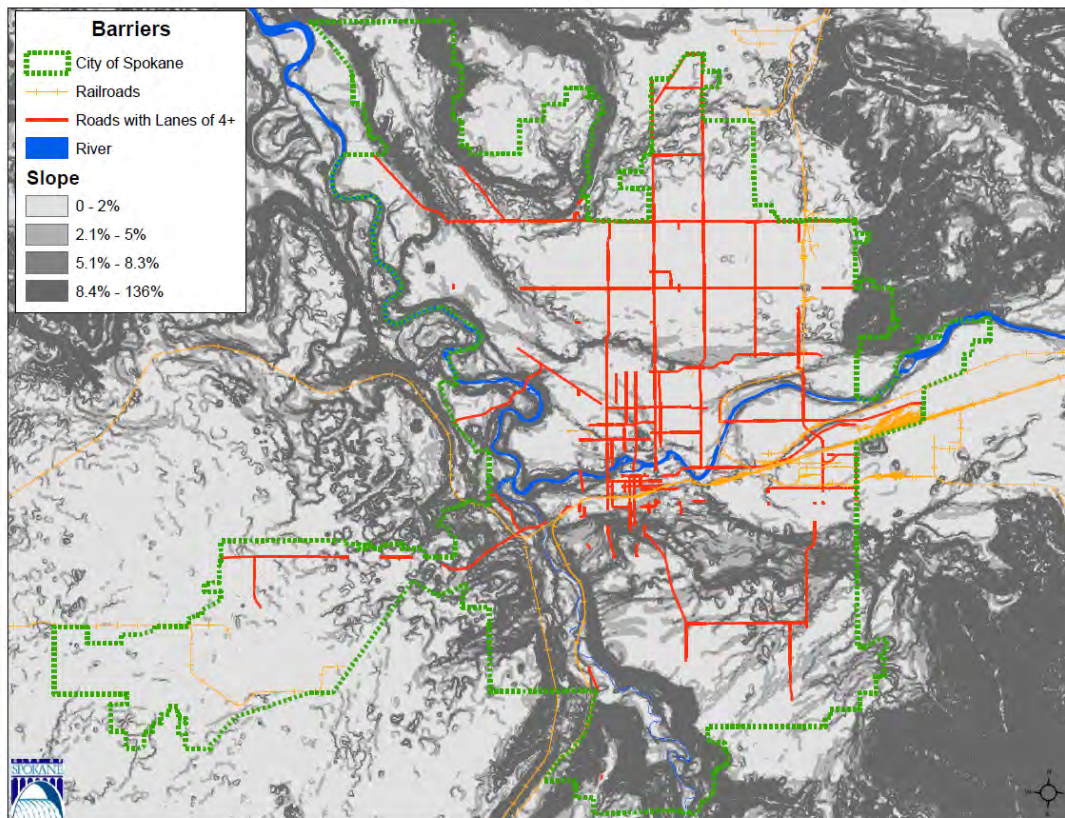
¹⁷ City of Spokane, Comprehensive Plan, Revised Edition: June 2015, TR 4.6 Internal Connections.

average are preferable, recognizing that environmental conditions, (e.g., topography or rock outcroppings), might constrain these shorter block lengths in some areas.¹⁸

Pedestrian Network Connectivity and Block Length in Spokane Today

Mid-20th century to late 20th-century neighborhoods such as Southgate and the North Indian Trail Neighborhood have a street network with features such as winding streets, dead ends and cul-de-sacs. This type of street pattern is less supportive of pedestrian travel as it makes walking trips longer and less intuitive. Many recent developments include sidewalks but feature a roadway network design that lacks pedestrian connections as walking routes are much longer than a more traditional grid street network. In addition, these streets often lack destinations nearby, like neighborhood shops, schools, and parks. Therefore walking activity is likely limited to recreational trips or trips to reach transit.

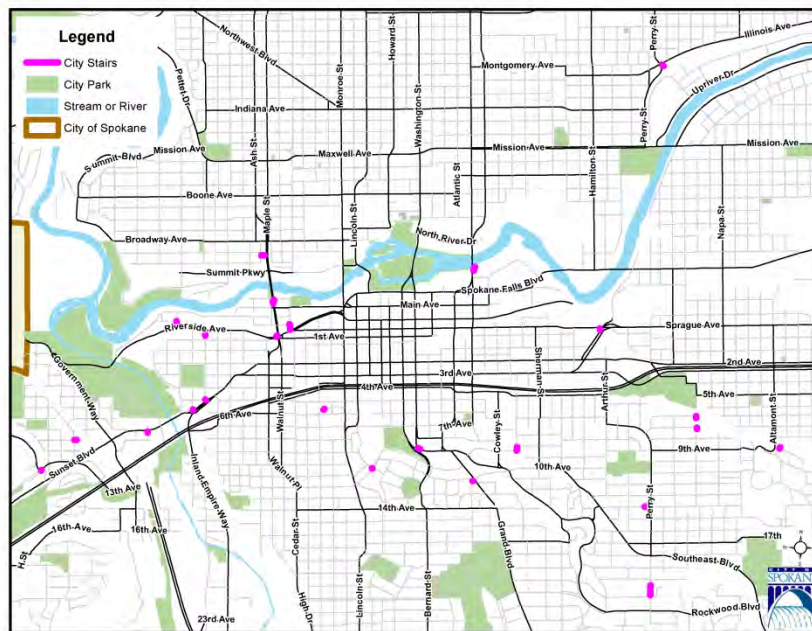
In areas of Spokane where the existing street grid provides smaller blocks, it is easier to get around by walking compared to many suburban areas. On the other hand, the ability to walk is more difficult in locations where the street grid is much larger due to the freeway, railroads, and large developments, and where there are natural barriers such as the river and steep slopes. Low pedestrian network connectivity in these areas deters walking by increasing walking distances and walking times.



¹⁸ City of Spokane, Comprehensive Plan, Revised Edition: June 2015, LU 4.5 Block Length

The City of Spokane has 24 sets of pedestrian stairways available for public use. The stairways are located in public rights-of-way or on city-owned parcels in neighborhoods generally closer to the city center. Typically the stairways are found in areas with steep slopes and provide important connections for pedestrians, allowing them to avoid lengthy detours to move between higher and lower lying areas. Publicly-accessible staircases are located throughout the city, making connections between locations such as Peaceful Valley and Riverside Avenue, and connecting South Perry Street between 20th Avenue and Overbluff Road. Where formal paths or staircases do not exist, such as Glass Avenue and Courtland Avenue, it is common to see informal “social paths” worn into the grass illustrating pedestrian demand.

Anecdotal evidence regarding the origins of the stairways is available from news media stories and other sources. Some stairs may have been developed to provide connections to former streetcar routes, while others, such as along Perry Street north of 20th Avenue, provided a way for people to get up steep hillsides to go to work. The stairs were said to connect Overbluff area mansions with their staff, who often lived below in the smaller, working class homes in the Perry District.



The City’s stair inventory provides information about stair locations, condition, and maintenance. Most of the stairways are very old, though dates of construction are not available. The type of material used in the construction of most of the stairs is concrete with railings made of metal pipe. The newer stairs are steel grate with pipe rails. The inventory notes that Spokane’s one wooden stairway (located on Spruce Street between Riverside Avenue and Bennett Avenue) is in disrepair.

The historic Tiger Trail is an example of a path/trail that is used to overcome a barrier (steep slopes). The Tiger Trail is a very steep set of stairs and an unimproved pathway located in Pioneer Park near the Corbin and Moore-Turner Heritage Gardens. It generally connects the area between West Cliff Avenue and 7th Avenue. It is named Tiger Trail because students from Lewis & Clark High School use the trail to get to and from school. Walkers and joggers in the neighborhood also use the trail. The South Hill Coalition Connectivity and Livability Strategic Plan identifies this as a potential Ped-Bike Linkage to improve neighborhood grid connectivity.

There is a need to complete additional planning for areas with low pedestrian network connectivity. This planning includes defining, mapping and identification of improvements including features for these areas such as bicycle/pedestrian trails and bridges, new streets with sidewalks, new sidewalk “shortcuts” through large blocks and new or updated stairways.

Land Use and Building Design

Best Practice

Buildings and streetscapes that activate the environment, such as sidewalk cafes and parks, build community and stimulate the desire to walk to reach destinations. Transparent building facades with windows at street level create interest and open up the pedestrian realm so people are not forced to walk beside an imposing blank wall. Active sidewalks and transparent building facades both create ‘eyes on the street’, which provide pedestrians with a sense of security. Land uses that attract pedestrians include coffee shops, grocery stores, and small-scale retail.

Spokane’s Land Use and Building Design Guidance

Spokane’s Comprehensive Plan directs the City’s zoning, including the urban growth strategies that focus on increasing the mix and density of uses at designated centers and along specific corridors. This is supported through zoning changes, municipal code requirements, the Centers and Corridors Design Guidelines, neighborhood plans, and economic development incentives.

Centers and Corridors are intended to promote pedestrian-orientation through limiting auto-orientation such as parking between and in front of buildings, curb cuts for driveways, and certain land uses such as drive-through restaurants. Direction for pedestrian scale lighting, pedestrian connections in parking lots, and pedestrian streets are detailed in the Municipal Code. Spokane’s Centers and Corridors include the corridors of North Hamilton Street near Gonzaga University and North Monroe Street from the river north to Cora Avenue and centers like the Garland District and South Perry Neighborhood.

The Comprehensive Plan defines Centers and Corridors as important places to encourage employment, shopping, and residential activities. In addition to district, employment, and neighborhood centers, pedestrian activity areas include locations along transit routes, near schools and community spaces, and near recreational facilities such as play fields and parks.

Land Use and Building Design in Spokane Today

Spokane’s Comprehensive Plan encourages much of the future growth to occur in district centers, employment centers, neighborhood centers, corridors and downtown. Downtown Spokane is the Regional Center and is a thriving neighborhood with a diversity of activities and a mix of uses. Another area of focus is the University District. In addition to centers and corridors, the comprehensive plan describes land uses throughout the city including a full range of residential, commercial, institutional, industrial and open space/recreational designations.

The Unified Development Code (UDC) guides the growth and development of the city. UDC standards for building and site features encourage building and site development that is consistent with the vision of the comprehensive plan. The UDC requires new development to provide features that support pedestrians, such as sidewalks. Site development is directed to provide pedestrian elements and building design that incorporate features that encourage walking and improve the pedestrian experience.

For the Pedestrian Master Plan it is helpful to further define the general city development pattern into two land use contexts:

- Urban –These are places with high levels of pedestrian activity and include retail and commercial hubs. All Centers and Corridors are in the Urban Context as defined in the proposed Street Design Standards.
- Mobility –Areas without much expected pedestrian activity, including state highways, corridors connecting retail centers, or areas without active land use frontages.

The Urban Context

The Downtown Core hosts government buildings, the Financial District, and the Davenport Arts District. Downtown is home to more than 13% of Spokane County’s jobs.¹⁹ Residential growth is expected in the downtown area including the University District. The downtown district’s businesses and residences benefit from the city’s most walkable area. WalkScore, which collects information such as block length, intersection density, and nearby amenities like shops, restaurants, and food stores, scores Downtown Spokane as 90/100. The University District has a Walk Score above 75.²⁰

Downtown streets have the highest level of pedestrian amenities in the city, with features including pedestrian countdown timers at signalized intersections, wider sidewalks, pedestrian areas protected from the elements by the overhang of adjacent buildings, and curb extensions to increase pedestrian visibility and shorten crossing distances. The Spokane Municipal Code requires permits and provides standards for placing sidewalk cafés, signs, bike racks and other features in or upon sidewalks in the public right-of-way. The standards address details such as insurance, terms, conditions, and clear distance (unobstructed width). Downtown also includes shared realms that minimize the demarcations between spaces for pedestrians and motor vehicles, such as Wall Street between Spokane Falls Boulevard and Riverside Avenue. The pedestrian network connects to multi-use paths along the river, offering transportation and recreational opportunities as well as connecting to destinations such as the University District, shopping, and recreational opportunities.

Spokane also features a popular skywalk system that offers pedestrians access throughout much of downtown. These walkways offer walking routes that are protected from the weather, passing from building to building, though walking routes are not always direct. Opportunities exist to improve wayfinding to help users navigate the skywalk system. The existence of these routes may reduce pedestrian activity along storefronts on the street below.

As Spokane grows—and grows more pedestrian friendly—many streets in designated Centers and Corridors will be redesigned in the urban context. Today, conditions on those streets vary depending on their location and age of development. Some of the existing districts included in the urban context include the Garland and Perry Districts and the University District.

The Spokane Transit Authority operates along many of the designated Corridors and through Centers. Some busy locations with transit stops, (e.g., The Grand District Center, along East 29th Avenue near the East 29th Avenue and South Grand Boulevard neighborhood center), lack marked crossings near bus stops causing riders to attempt risky crossings or to walk long distances out of direction to reach a signalized intersection. An analysis of such crossings should be considered in these situations to address possible issues with stop placement.

¹⁹ Spokane Central City Transit Alternatives Analysis Process Summary Report

²⁰ Walk Score: www.walkscore.com



The Mobility Context

Many of the Centers and Corridors remain strongly auto-oriented with high-speed arterial streets, limited marked crossings, long block lengths, and numerous driveways. Throughout the city, it is common to have more than half-mile stretches between marked crossings on arterial streets.

Today, approximately 52% of Spokane's arterial streets have sidewalks on both sides and another 19% have sidewalks on one side, leaving over 76 miles of arterials without sidewalks on either side.²¹ Where there are sidewalks, they are often narrow, and many are in a deteriorating condition, interrupted by frequent driveways, or obstructed by poles or utility vaults. To bring these streets up to the Centers and Corridors standards, they will need to have both "pedestrian emphasis... and [be] automobile-accommodating."²²

The Spokane Transit Authority uses many of the City's mobility-context arterials, locating stops along streets that may lack adequate sidewalks and crossings.



Indian Trail at Barnes is an arterial in the mobility context that is a planned Neighborhood Center.

²¹ City of Spokane. Draft ADA Transition Plan, 2014-2019. Accessed online:
<https://static.spokanecity.org/documents/about/spokanecity/accessibility/ada-transition-plans-draft.pdf>

²² City of Spokane Planning Services. Initial Design Standards and Guidelines for Centers and Corridors. Adopted 08/11/02. Accessed online:
<https://static.spokanecity.org/documents/business/resources/compplan/centerscorridors/centers-corridors-design-standards.pdf>

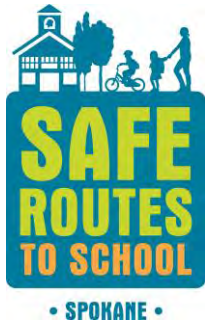
Safe Routes to School

Best Practice

Safe Routes to School is a national movement to improve school zone safety and encourage more children to walk and bicycle to school. Successful programs typically integrate engineering, education, enforcement, education and encouragement to foster a safe active transportation culture.

Safe Routes to School Spokane

In February 2015, the Spokane Regional Health District (SRHD) launched its Safe Routes to



School Spokane program (<http://www.srhd.org/news.asp?id=457>). The intent is to encourage more of Spokane's children to safely walk and bike to school. SRHD notes that the program to support walking or biking to school benefits children, families and the community. The program is slated to roll out to seven area public grade schools during the next three years, the program is being introduced this spring to two of them—Holmes Elementary in Spokane and Seth Woodard Elementary in Spokane Valley. The five other elementary schools include Stevens, Logan, Sunset, Bemiss and Moran Prairie. SRHD staff is designing the program to benefit each of the schools in ways unique to the barriers each faces in getting more students walking and

biking safely.

Spokane Public Schools Suggested Walk Routes

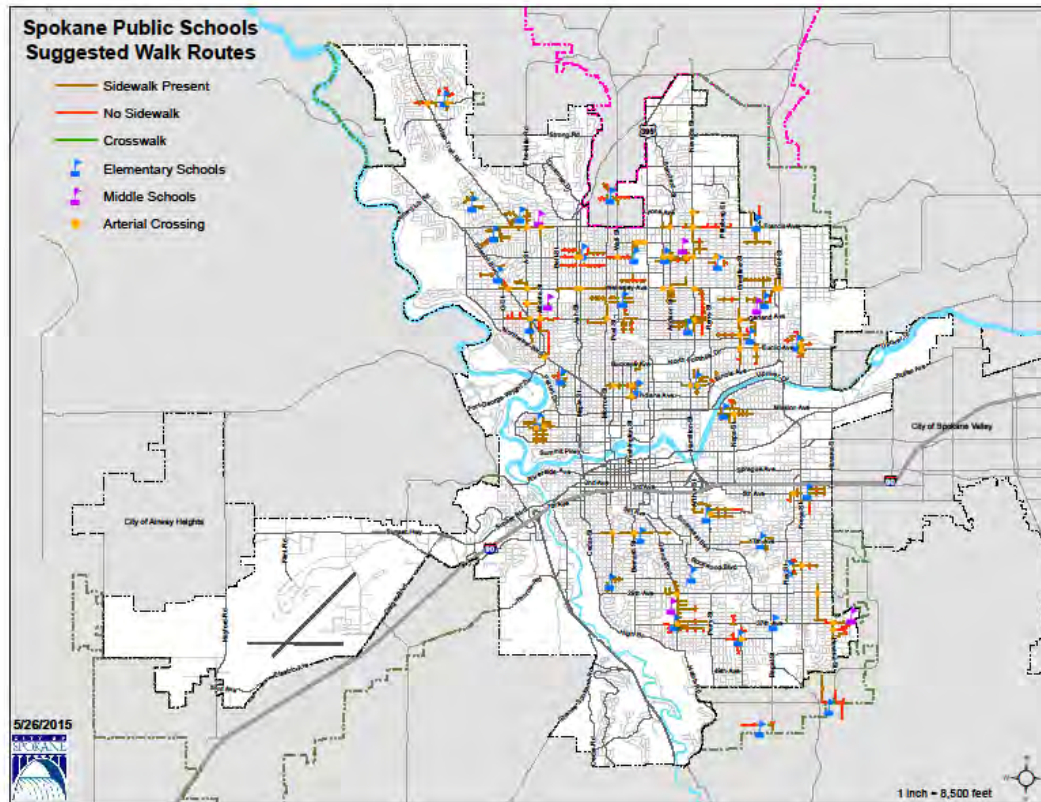
Spokane Public Schools provides information on its website regarding school attendance boundaries for all elementary, middle and high schools. These maps include school location, suggested walk routes, crosswalks, bus stops, and bus service areas (<http://www.spokaneschools.org/site/Default.aspx?PageID=89>).

The suggested walking route information has been converted to a GIS map in the City of Spokane GIS database. Figure 5 below shows the suggested walk routes information for all Spokane Public Schools consolidated on a single map. The map also shows the suggested walk routes that presently do not have sidewalks. Where there are no sidewalks, the suggested walk routes usually follow unimproved paths paralleling a low traffic residential street. The suggested walk routes guide children to school along the most favorable walking routes that lead to sidewalks and crosswalks with crossing guards. It should be noted that the suggested walk routes information is recognized as a guide and is subject to adjustment and change over time.

There are three school districts operating within the current Spokane city limits. The vast majority of the City of Spokane is served by Spokane Public School District. Cheney School District serves some small corners in the southwest area of the city and the west plains. Mead School District is generally located on Five-Mile Prairie and north of Lincoln Road. Any available Safe Routes to School information from Cheney and Mead School Districts should be considered in the identification of pedestrian facility development projects.

The information in Figure 5 related to the suggested walk routes and those without sidewalks is useful for the identification of gaps in the sidewalk network and the prioritization of capital projects.

Figure 5 – Spokane Public School Elementary School Suggested Walk Routes



Universal Accessibility

Universal Access Best Practice

Streets that are designed for children, the elderly, and people with mobility impairments serve everyone better.

- Americans with Disabilities Act (ADA) guidelines and requirements guide appropriate sidewalk, driveway cut design, curb ramp placement at intersections and building entrances. Driveway cuts should be limited, grades leveled, and cross-slopes reduced to make sidewalks safer and more comfortable for those using mobility devices like wheelchairs or canes.
- Obstacles such as litter, utility poles, and trash cans should be removed from the sidewalk to create a clear path for everyone.
- Visible and consistent placement of signage makes wayfinding systems more navigable and helpful for all people on foot.
- Pedestrians of all abilities benefit from adequate green signal phases with audible countdown signals to allow ample time to cross.
- When unique paving materials or raised crosswalks are used to provide a visual and tactile enhancement to the pedestrian environment, care must be given to ensure that any pavement treatments do not hinder movement for those using wheelchairs or canes.
- Pedestrians need street lighting which contributes to personal safety, traffic safety and a high quality pedestrian environment. Some areas in Spokane have missing or infrequent street lighting.

Spokane's Universal Accessibility Design Guidance

ADA accessibility requires a navigable, safe pedestrian environment for all people, including those with physical disabilities. This includes curb ramps with shallow approach angles and smooth transitions, detectable warning strips with truncated domes, and ideally includes audible crossing signals at priority locations. The City of Spokane uses ADAAG (Americans with Disabilities Act Accessibility Guidelines) guidance to inform all capital projects and land development and consistently utilizes PROWAG (Public Right of Way Accessibility Guidelines) which exceed ADAAG standards.²³

Accessibility in Spokane Today

The City of Spokane's Draft ADA Transition Plan and the Pedestrian Master Plan identify the City's inventory and need for sidewalk and curb cut gaps. The ADA Transition Plan finds that 38% of the City's roadway miles that are suitable for sidewalks do not have sidewalks on either side and 6% have sidewalks on one side. About 52% of arterial streets have sidewalks on both sides and an additional 19% of arterials have sidewalks on one side.

²³ City of Spokane. Draft ADA Transition Plan, 2014-2019. Accessed online:
<https://static.spokanecity.org/documents/about/spokanecity/accessibility/ada-transition-plans-draft.pdf>

The curb ramp inventory of the ADA Transition plan states that of the 6,928 intersections included in the inventory, 82% are missing at least one access ramp, 1,700 on arterial and highway street intersections and 4,000 on local street intersections.²⁴

Pedestrian Needs Analysis

This section provides a pedestrian needs analysis that considers factors indicative of walking potential as compared to the supply (or lack thereof) of pedestrian infrastructure, to illustrate where there is a mismatch in the demand for and availability of walking infrastructure. Indicators included in the analysis are described below. Each indicator is given a numerical value ranging from 1 to 5 according to the visual and physical qualities tied to each indicator, along with weights for each factor. Generally speaking, areas with higher demand (i.e., walking potential) and lower supply (i.e., supply deficiency) are higher priorities for investment as compared to areas with higher demand / higher supply or areas with lower demand / lower supply. This analysis identifies the Pedestrian Priority Zones described in Goal 1.

Pedestrian Demand (Walking Potential)

Figure 6 presents a composite map of the factors included in the analysis of walking potential:

- Employment density - Major employment centers such as downtown and the University District, can generate walking trips both on the journey to and from work (including in connection with other modes) as well as mid-day activity for lunch, errands, etc.
- Population density - Higher density residential areas tend to be more supportive of having destinations within a walkable distance, with a mix of land uses located in close proximity to each other.
- Proximity to destinations (Centers and Corridors, neighborhood shopping, social services, transit stops, schools, parks) – These destinations attract walking trips. Neighborhood shopping and schools are major destinations for daily activities, most transit trips in Spokane begin or end with a walking trip, and children are potential walkers to school.
- Demographic factors from the US Census (% of people with no vehicle available, % of households below the poverty level, % of people under 18, and % of people 65 or over) – These population groups can be dependent on walking due to financial considerations or a lack of access to a personal vehicle.

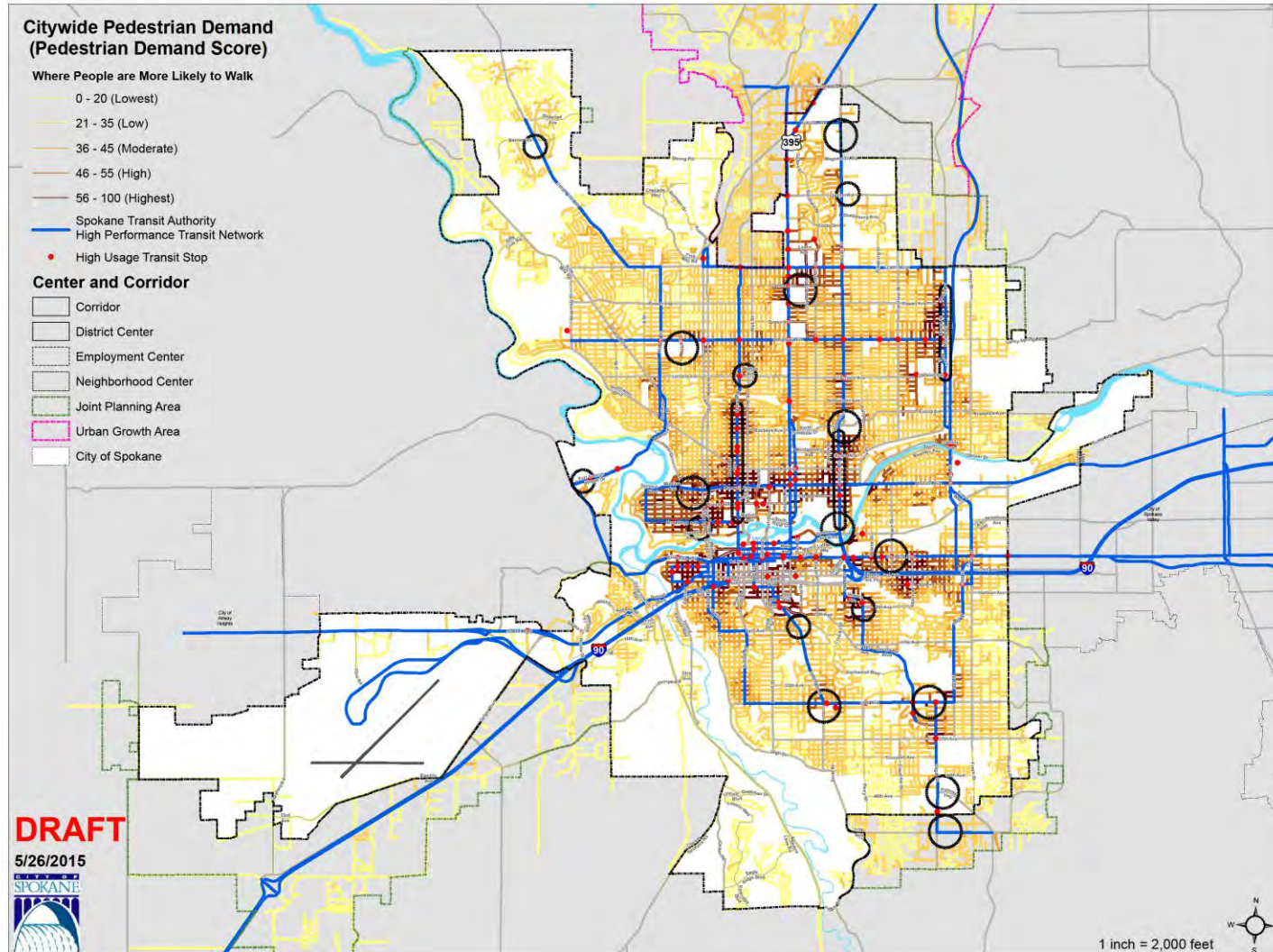
Demand Map Observations

- Higher demand areas correspond with designated centers and corridors and STA's High Performance Transit Network and high usage transit stops
- The Highest demand areas include Holy Family, Hillyard, North Monroe, West Central, North Riverbank, Gonzaga/Logan, Browne's Addition, Downtown, Lower South Hill, East Sprague/East Central, Sacred Heart Medical Center, 9th and Perry, Manito Shopping Center, and Lincoln Heights Shopping Center

²⁴ City of Spokane. Draft ADA Transition Plan, 2014-2019. Accessed online:
<https://static.spokanecity.org/documents/about/spokanecity/accessibility/ada-transition-plans-draft.pdf>

- Higher demand corridors on the north side of Spokane include Monroe, Hamilton/Nevada, east and west along Wellesley between Shadle and Hillyard, and Market Street
- Higher demand areas on the north side of Spokane include the area near Franklin Park Commons, Tombari Center, and Lowe's.
- Higher demand areas on the South Hill include Lincoln Street near Wilson Elementary School and the area near 29th Avenue and Grand Boulevard, the intersection of 29th Avenue and Regal, and the intersection of 37th Avenue and Regal.
- In general, single family residential areas display lower demand, which increases with proximity to a school, park, or bus route.

Figure 6 – Pedestrian Demand map



Pedestrian Deficiency

Figure 7 presents a composite map of the factors included in the pedestrian deficiency analysis:

- Presence of sidewalks - Sidewalks provide a dedicated facility separated from the roadway (may or may not provide a pedestrian buffer strip)
- Width of the street – Wider roads tend to enable higher vehicle speeds, which reduces comfort for pedestrians and makes roadway crossings more difficult ²⁵ ²⁶
- Collision history – A history of multiple pedestrian collisions likely reflects difficult walking or crossing conditions.

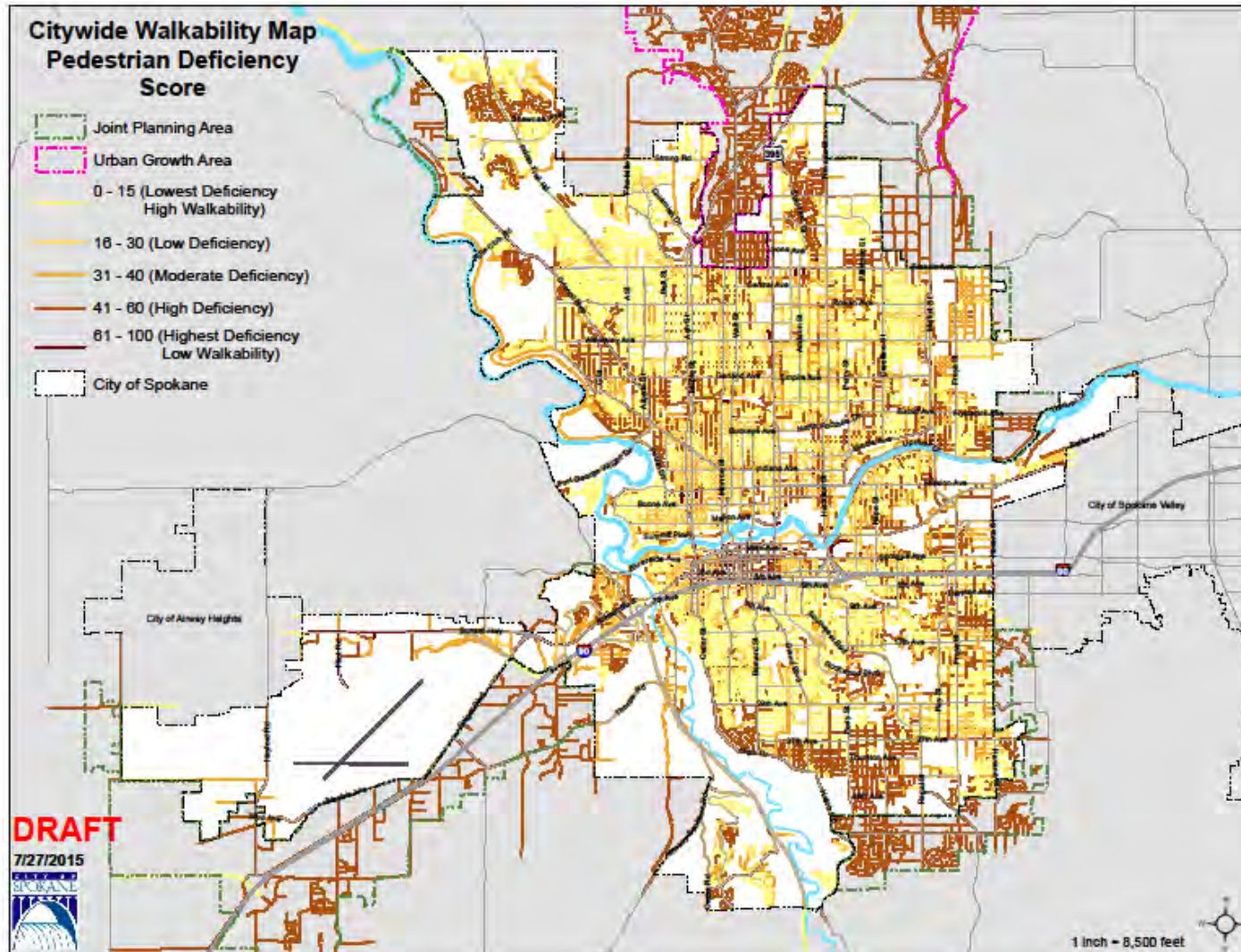
Deficiency Map Observations

- The highest deficiency scores tend to align with streets that lack sidewalks, cul-de-sacs, unpaved streets, long street segments (e.g., Antietam Drive south of Magnesium Road) and very wide streets without sidewalks (e.g., Oak Street near Sinto Avenue and Sycamore Street east of Freya Street north of Sprague Avenue)
- High deficiency scores are common on wider streets (about 36 to 40 feet curb to curb) that lack sidewalks on both sides of the street. (e.g., Nevada Street between Calkins Drive and St. Thomas Moore Way)
- Most arterial streets have sidewalks and about half have sidewalks on both sides. Arterial streets that lack sidewalks (e.g., Cochran Street-Alberta Street-Northwest Boulevard area; Maple Street and Ash Street south of Garland Avenue) score high on the deficiency map
- Areas with longer block lengths show moderate deficiency due the longer distances between crossing opportunities (e.g., Broad Avenue between Alberta Street and Nettleton Street, Longfellow Avenue between Alberta Street and Belt Street, and Northwest Boulevard west of Assembly Street)
- Several areas with moderate to high deficiency are areas with a history of pedestrian collisions (e.g., streets throughout downtown).

²⁵ “Previous research has shown various estimates of relationship between lane width and travel speed. One account estimated that each additional foot of lane width related to a 2.9 mph increase in driver speed.” Kay Fitzpatrick, Paul Carlson, Marcus Brewer, and Mark Wooldridge, “[Design Factors That Affect Driver Speed on Suburban Arterials](#)”: Transportation Research Record 1751 (2000):18–25.

²⁶ “Longer crossing distances not only pose as a pedestrian barrier but also require longer traffic signal cycle times which may have an impact on general traffic circulation.” Macdonald, Elizabeth, Rebecca Sanders and Paul Supawanich. [The Effects of Transportation Corridors’ Roadside Design Features on User Behavior and Safety, and Their Contributions to Health, Environmental Quality, and Community Economic Vitality: a Literature Review](#). UCTC Research Paper No. 878. 2008.

Figure 7 – Pedestrian Deficiency Map



Composite Pedestrian Needs Map: Pedestrian Priority Zones

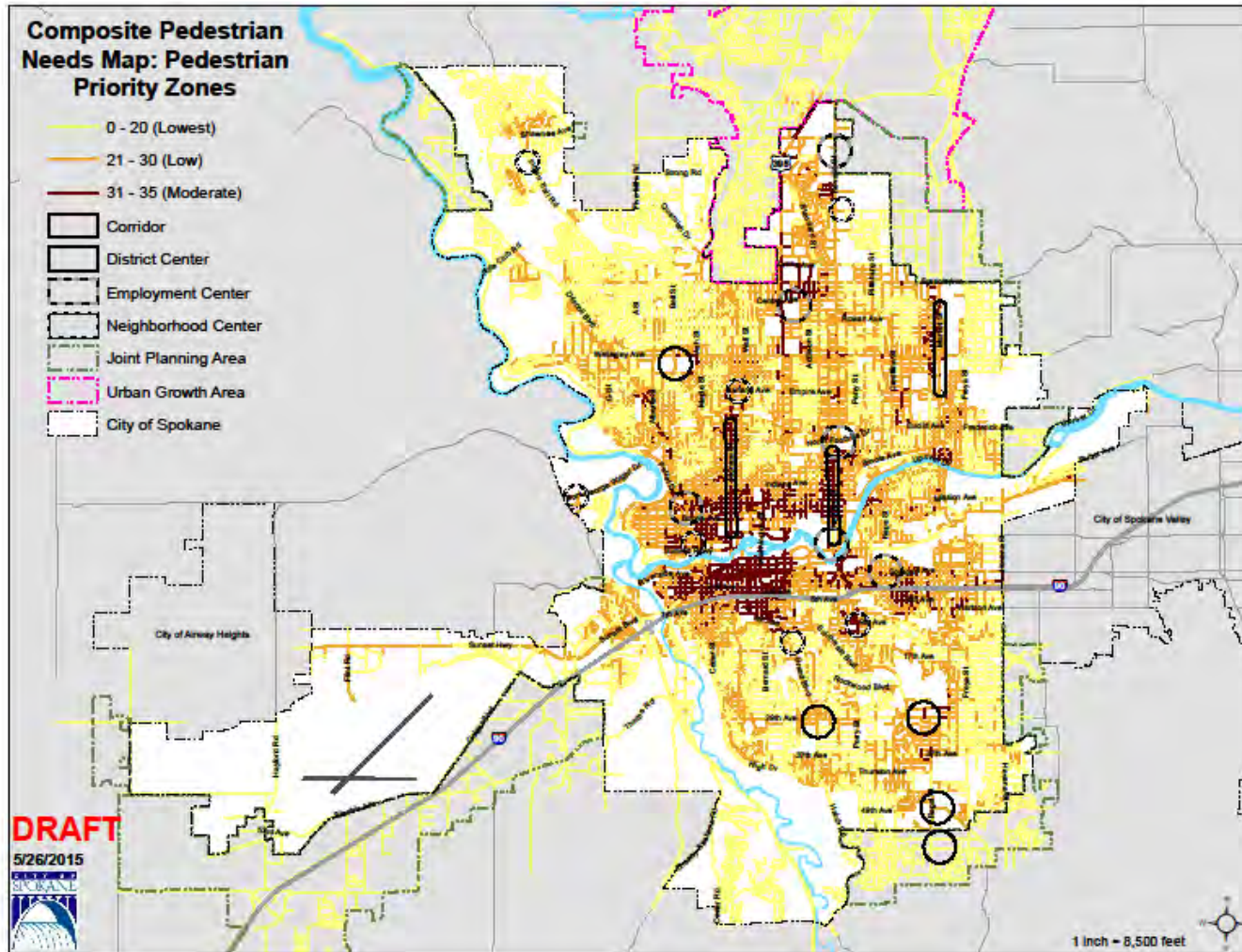
Figure 8 illustrates the results of the composite map which combines the assessment of pedestrian demand and pedestrian deficiency. This map serves to clarify where the pedestrian needs in the city are greatest. Figures 14 and 15 below provide additional data regarding pedestrian and vehicle collisions between 2005 and 2012. Areas with higher demand and deficiency scores are candidates for designation as Pedestrian Priority Zones and include:

- Downtown/Browne's Addition/University District
 - Where: Throughout downtown, Browne's Addition and the University District
 - Why: Downtown and the University District have the highest pedestrian demand and a vibrant mix of uses and destinations. While downtown has relatively good pedestrian infrastructure, this area still has a significant number of collisions involving pedestrians, offering opportunities for further improvement.
- West Central/Emerson-Garfield/Logan neighborhoods north of the Spokane River
 - Where: Boone Avenue at Maple Street/Ash Street; along Maxwell Avenue/Mission Avenue between Belt Street and Hamilton Street.
 - Why: Neighborhoods includes a mix of residential, employment areas such as Spokane County offices, and recreational activities including Spokane Arena. Major arterial crossings make pedestrian connections difficult. One area with many pedestrian-vehicle collisions is the intersection of Division Street & North River Drive.
- Holy Family Employment Center/Norhttown/Francis -Division
 - Where: Along Francis near Division; near Holy Family Hospital, Franklin Park, Franklin Park Commons and Northtown Mall.
 - Why: The Holy Family Employment Center, the two shopping centers and the higher intensity land uses including offices, high density residential living, as well as an elementary school and major park are significant generators of pedestrian demand. The streets in this area have very high pedestrian demand scores. Vehicle speeds on Francis Avenue and Division Street are often very high. This area includes a designated Employment Center and a pedestrian fatality took place near the intersection of Division and Francis. Access to Franklin Park from the east side of Division Street is challenging due to high speeds and traffic.
- Mission Park/Mission and Napa area
 - Where: In the area near Mission Park and the Spokane River extending to the east including Stevens Elementary School and the Mission and Napa neighborhood business area.
 - Why: This is an active area with a concentration of activities including mixed land uses, schools, employment, and connections to the Centennial Trail.
- Lincoln Heights activity area
 - Where: Area in the vicinity of the 29th Avenue and Southeast Boulevard intersection east to Ray and along Regal south to 37th Avenue.
 - Why: The Lincoln Heights District Center is the principal activity node of surrounding neighborhoods. The area is a shopping center close to two parks, a senior center, and schools. The area also includes three grocery stores. Pedestrian deficiency scores are high in several locations within this area.

- North Monroe Street Corridor
 - Where: From the Spokane River north along Monroe Street to the Garland District
 - Why: Pedestrian need is relatively low in the residential neighborhoods bordering Monroe, but people in these neighborhoods rely on a variety of services along the corridor, creating high pedestrian demand. The Garland District is a designated Neighborhood Center.
- Market Street, Hillyard Business Corridor
 - Where: Market Street between Wellesley Avenue and Francis Avenue.
 - Why: Developing commercial corridor with residential and employment areas nearby. Demand is very high and pedestrian deficiency scores are moderate.
- South University District, Sprague Avenue
 - Where: Along Sprague Avenue, in the vicinity of Sherman Street.
 - Why: This is a part of the South University District and is an employment area with a mix of commercial and industrial uses. This area is expected to develop with residential uses and along with the planned University District Bridge providing a north-south connection to the University District campus, significant pedestrian demand is anticipated. Demand and overall need scores are high.
- Hamilton Street
 - Where: Hamilton Street, north of the Spokane River to Foothills Drive.
 - Why: Rapidly growing high demand corridor near Gonzaga University which includes parks, grocery stores, employment, and schools. Hamilton is an arterial roadway that is a designated Corridor. Hamilton divides many university uses and passes through residential areas. This corridor illustrates moderate to high pedestrian need scores.
- East Sprague/5th and Altamont
 - Where: In the neighborhood of East Sprague Avenue and extending south of Sprague in the area near Altamont Street.
 - Why: The East Sprague – Sprague and Napa Employment Center is an area with higher pedestrian demand scores, a school, social services and a commercial corridor. Altamont Street connects the neighborhood south of I-90 with Sprague. The area west of Altamont is the location of the East Central Community Center and the East Side Library. There have been recent improvements to the pedestrian environment in portions of this area along Sprague Avenue.
- Driscoll Boulevard/Northwest Boulevard/Alberta/Cochran
 - Where: In the area generally north of Northwest Boulevard along Alberta and Cochran Streets and connecting to Driscoll Boulevard.
 - Why: These arterial streets have higher pedestrian deficiency scores largely because of a lack of sidewalks. The pedestrian demand score for the areas nearby are moderate to high. High traffic volumes on these major arterials make pedestrian crossings difficult.
- Lincoln and Nevada - future opportunity – new development Lincoln and Nevada Neighborhood Center
 - Where: Lincoln Road and Nevada Street.

- Why: Many residential streets north of Lincoln lack sidewalks but connect to destinations including schools and parks. Vehicle speeds on Nevada Street are often very high. This area includes a Neighborhood Center. A pedestrian fatality took place at the intersection of Magnesium and Nevada to the north when a city truck hit a teenager while turning at the signal. Sidewalk exists on the west side of Nevada. Sidewalk on the east side of Nevada will be constructed as this area develops in the future.
- South Perry
 - Where: In the neighborhood of South Perry Street and 9th Avenue.
 - Why: The South Perry Neighborhood Center is an area with higher pedestrian demand scores, an elementary school, higher density housing, a city park, and social services. Perry Street is a minor arterial that connects to the vicinity of the University District to the north and Southeast Boulevard to the south. The heart of the Perry District is an active business center. There have been recent improvements to the pedestrian environment in this area with improved sidewalks, street trees and other features.
- Lower South Hill/Sacred Heart Medical Center
 - Where: The lower South Hill area generally extending from Maple Street to Cowley Street.
 - Why: This area has some of the highest employment and population density in the city. Sacred Heart Medical Center is a major employer and there are significant office uses in this area. Higher density residential housing is located throughout this area of the South Hill. Lewis and Clark High School generates a large amount of pedestrian activity. Other generators of pedestrian demand include city parks and social services in nearby downtown Spokane.

Figure 8- Composite Pedestrian Needs Map: Pedestrian Priority Zones



Crash Analysis

This section provides a snapshot of pedestrian-involved crashes in Spokane between 2005 and 2012. Figure 9 below identifies the number of reported pedestrian collisions and fatalities in Spokane by year. Over this time period, there has been an average of 172 reported pedestrian collisions per year, while the number of pedestrian fatalities in a given year varies significantly.

Figure 9 – Summary of Pedestrian-Vehicle Collisions by Year

Year	Non-Fatal	Fatalities
2005	104	1
2006	198	2
2007	128	4
2008	111	0
2009	107	8
2010	118	1
2011	117	4
2012	131	5

Approximately 90% of reported pedestrian collisions took place at an intersection. Figure 10 relates the number of intersection collisions during this period with the traffic control present. During this period, about 88% of all pedestrian-involved collisions at intersections took place at locations with some form of traffic control, either stop signs or traffic signals. Eleven-percent of pedestrian-involved collisions took place at locations without a traffic control device. The large number of collisions at locations with some form of traffic control suggests a need to improve these conditions through protected turn phases, enhanced crosswalks, driver behavior change, and other strategies.

Figure 10 - Location of Pedestrian-Vehicle Collisions (2005-2012)

Location of Pedestrian-Vehicle Collision	Collision Count
Collision at intersection with no traffic control	94
Collision at traffic signal	379
Collision at stop control	343
Collision at traffic circle	0
Total number of collisions at intersections	816

Figure 11 provides a map of all pedestrian crashes, with fatal crashes identified in red. Figure 12 utilizes a density analysis to illustrate further high crash corridors and intersections. These maps illustrate locations with concentrations of pedestrian-involved collisions.

The highest amount of pedestrian activity takes place in Downtown Spokane and this is where the greatest concentration of pedestrian-vehicle collisions took place during the analysis period. Intersections in downtown with the highest concentration of pedestrian-vehicle collisions include Second Avenue & Washington Street (11 collisions), Pacific Avenue & Browne Street (9 collisions), Second Avenue & Monroe Street (8 collisions), Second Avenue & Maple Street (7 collisions), Sprague Avenue & Wall Street (7 collisions) Sprague Avenue & Stevens Street (7 collisions) and Sprague Avenue & Browne Street (7 collisions).

Many crashes are concentrated along arterial streets, including those that are wide and with higher posted speeds that make them difficult to cross without marked crossings such as traffic signals or pedestrian refuge islands. Outside of Downtown, a number of corridors register including multiple intersections along Division Street, Mission Avenue in the Chief Garry Park neighborhood, Hamilton Street near Gonzaga University and the intersection of Francis Avenue and Ash Street.

Figure 11 – Map of Pedestrian Collisions, 2005-2012

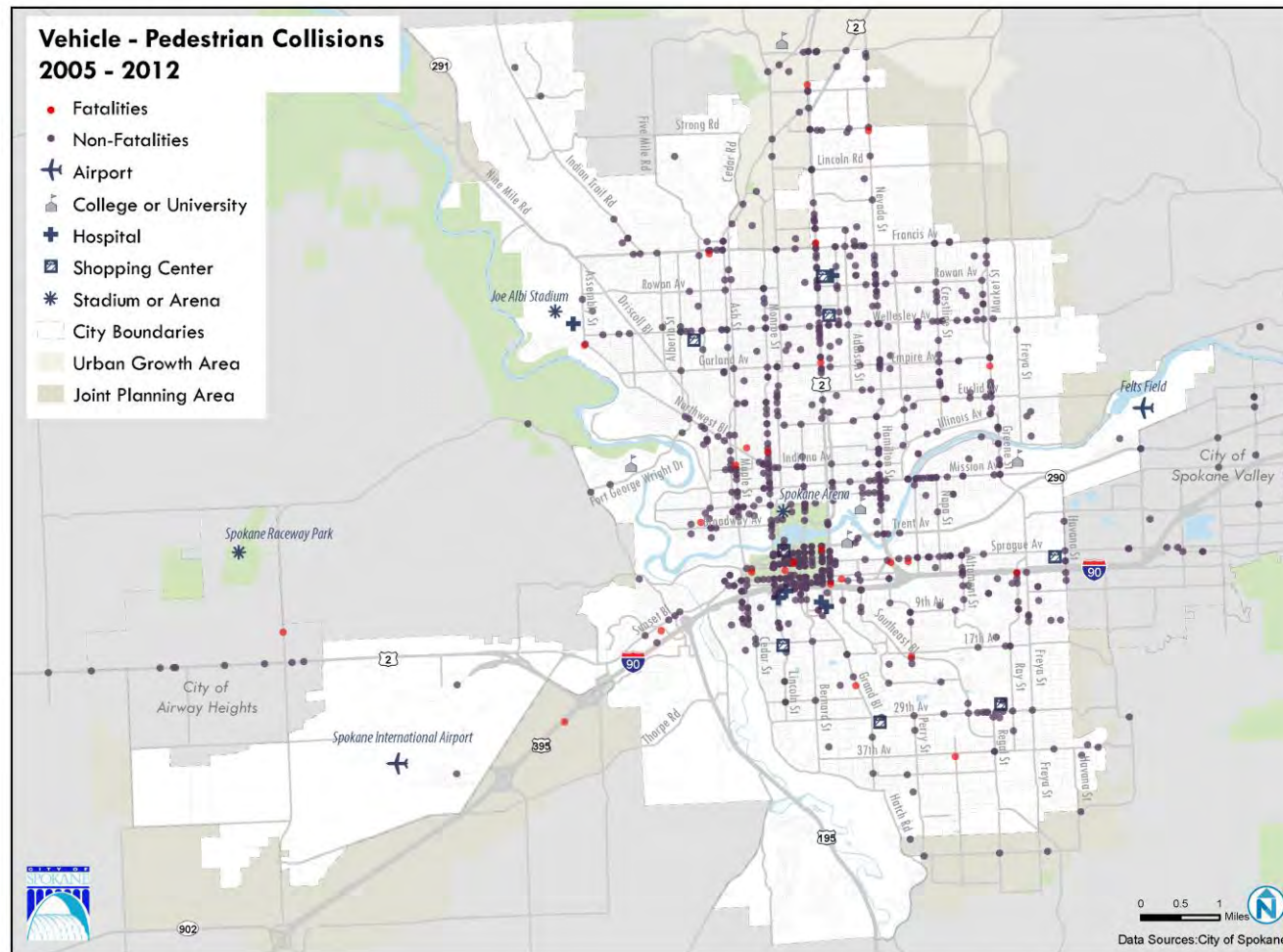


Figure 12 – Map of High Concentrations of Pedestrian Collisions, 2005-2012

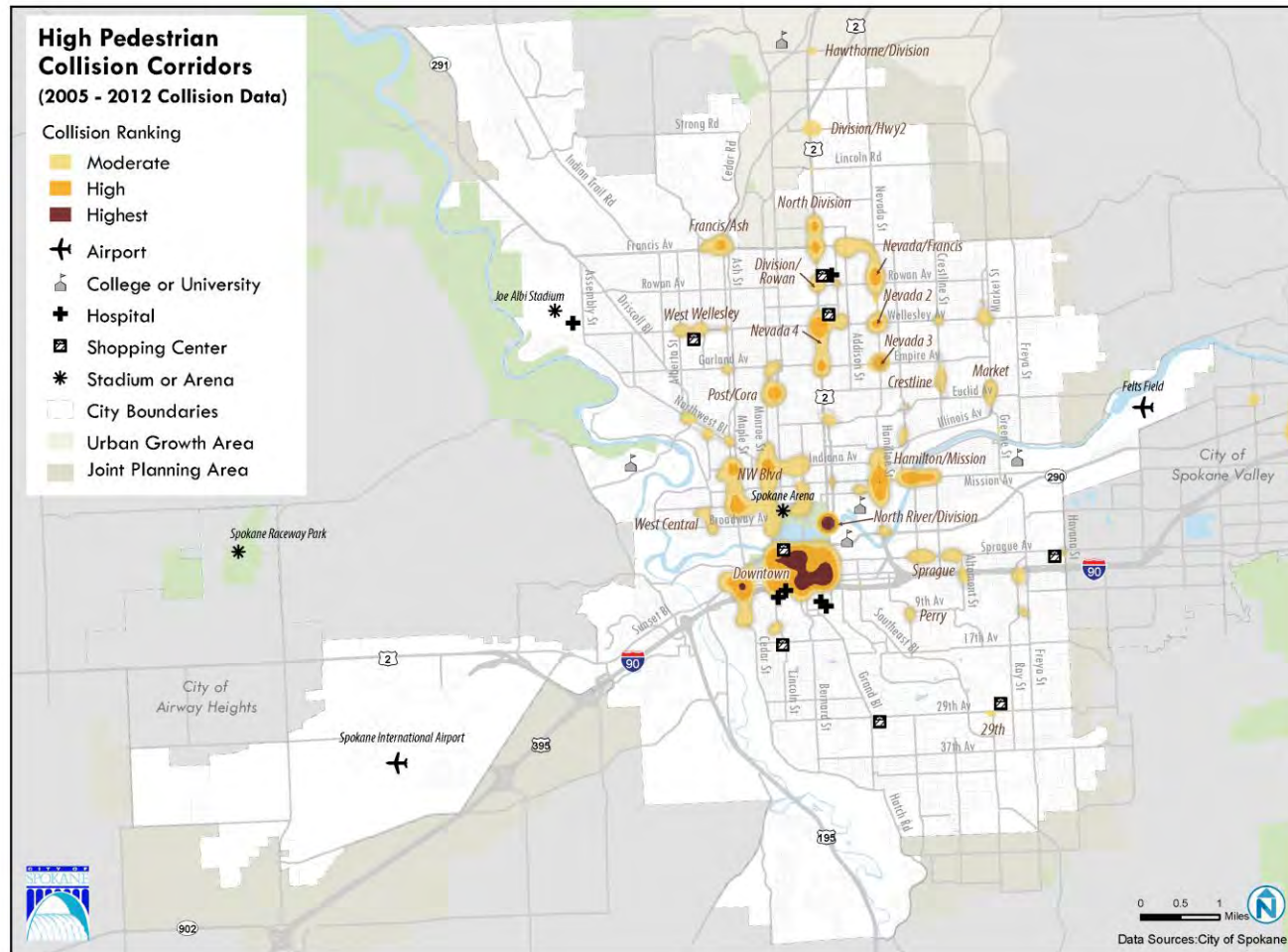


Figure 13 – High Crash Corridors, 2005-2012

Street	Crashes	Fatalities	Length (Miles)	Crashes/Mile	High Crash Intersections
Hamilton from Illinois to Cataldo	36	0	0.8	45	Hamilton & Mission(11), Hamilton & Indiana(4), Hamilton & Sharp(6)
Washington from Maxwell to North River	10	0	0.4	33.3	Sinto & Washington(2), Maxwell & Washington(1), Boone & Washington(3)
Division/Ruby from Desmet to Division St. Bridge (This location requires further analysis due to possible collision data mapping anomalies.)			0.5		Division & North River(2)
Mission from Perry to Lee	19	0	0.6	31.6	Mission & South Riverton(4), Mission & Upriver(3), Magnolia & Mission(5)
Market from Courtland to Cleveland	7	0	0.3	23.3	Euclid & Market(1), Liberty & Market(2), Bridgeport & Market(2)
Division from Wedgewood to Gordon	49	2	2.1	23.3	Division & Lyons(5), Division & Wellesley(9), Division & Empire(2)
Crestline from Empire to Bridgeport	7	0	0.3	23.3	Crestline & Gordon (3), Crestline & Empire (1)
Sprague from Ivory to Cook	19	1	0.9	21.1	Lee & Sprague(4), Pittsburg & Sprague(4), Helena & Sprague(3), Altamont & Sprague(3)
Nevada from Lyons to Garland	35	0	1.8	19.4	Joseph & Nevada(6), Nevada & Wellesley(6), Empire & Nevada(7), Nevada & Rowan(3)
Monroe from Garland to Monroe St Bridge	36	1	2.2	16.4	Boone & Monroe(2), Monroe & Spofford(3), Maxwell & Monroe(2), Indiana & Monroe(2), Garland & Monroe(1)
Wellesley from Milton to Maple	12	0	0.8	15	Wellesley & Belt(3), Wellesley & Alberta(3), Wellesley & Ash(2)
Wellesley from Martin to Greene	10	0	0.8	12.5	Lee & Wellesley(2), Lacey & Wellesley (2), Crestline & Wellesley(1)
Francis from Alberta to Cedar	9	1	0.8	11.25	No intersections along Five Mile Shopping
Maple/Ash from Knox to Maple St Bridge	22	1	2.2	10	Indiana & Maple(4), Ash & Gardner(2), Maple & Maxwell(2), Boone & Maple(2), Ash & Maxwell(1)
Northwest from Fairview to Maple	6	0	0.8	7.5	Cochran & Northwest(1),

Figure 14 - Top Crash Intersections within high crash corridors, 2005-2012

Intersection	Traffic Control	Crashes	Corridor
Second Av & Washington St	Signal	11	Downtown
Hamilton St & Mission Av	Signal	10	Hamilton
Browne St & Pacific Av	None	9	Downtown
Monroe St & Second Av	Signal	8	Downtown
Maple St & Second Av	Signal	7	Downtown
Sprague Av & Wall St	Signal	7	Downtown
Sprague Av & Stevens St	Signal	7	Downtown
Browne St & Sprague Av	Signal	7	Downtown
Empire Av & Nevada St	Signal	7	Nevada
Joseph Av & Nevada St	Stop	6	Nevada
Hamilton St & Sharp Av	Signal	6	Hamilton
Fourth Av & Maple St	Signal	6	Downtown
Nevada St & Wellesley Av	Signal	6	Nevada
Browne St & Second Av	Signal	5	Downtown
Browne St & Third Av	Signal	5	Downtown
Division St & Lyons Av	Signal	5	North Division
Division St & Second Av	Signal	5	Downtown
Monroe St & Sprague Av	Signal	5	Downtown
Magnolia St & Mission Av	Stop	5	Mission
Hamilton St & Indiana Av	Signal	4	Hamilton
First Av & Washington St	Signal	4	Downtown
Riverside Av & Stevens St	Signal	4	Downtown
Mission Av & South Riverton Av	Stop	4	Mission*
Mission Av & Upriver Dr	Stop	3	Mission
Division St & North River Dr	Signal	2	North River
Boone Av & Monroe St	Signal	2	Monroe

*This intersection has been modified to right-in, right-out from South Riverton Avenue to Mission Avenue

Figure 15 – Top Crash Intersections independent of high crash corridors, 2005-2012

Intersection	Traffic Control	Crashes
9th Av & Perry St	Stop	5
Boone Av & Walnut St	Stop	4
Garland Av & Post St	Signal	4
Ash St & Five Mile Rd	Signal	3

PROGRAMMATIC RECOMMENDATIONS

This section provides a series of goals, policies and actions to continue making Spokane a more walkable community over time. Making steady progress by implementing these and other actions will help Spokane achieve recognition as a Walk Friendly Community as well as support other community initiatives related to livability, public health and economic development. By applying for a Walk Friendly Community designation, the city will receive specific suggestions and resources on how to make needed changes for pedestrian safety. Through the questions in the assessment tool, the city will be able to identify the areas of needed improvements that can form the framework for a comprehensive pedestrian improvement plan. Communities awarded with a Walk Friendly Community designation will receive national recognition for their efforts to improve a wide range of conditions related to walking, including safety, mobility, access and comfort.

Goal 1 Well Connected and Complete Pedestrian Network - Provide a connected, equitable and complete pedestrian network within and between Pedestrian Priority Zones that includes sidewalks, connections to trails, and other pedestrian facilities, while striving to provide barrier-free mobility for all populations.

- Policy 1.1 Create walkable environments through short and connected blocks.
 - Action 1.1.1 Review concurrency and developer requirements and recommend modifications to achieve greater connectivity.
- Policy 1.2 Create direct connections for users of all abilities.
 - Action 1.2.1 Map concentrations of vulnerable users such as older adults, children, or people with disabilities.
 - Action 1.2.2 Create design standards for these areas, including consideration of longer street crossing clearance intervals, if appropriate.
 - Action 1.2.3 Implement the City’s ADA Disability Transition Plan for Physical Facilities.
- Policy 1.3 Close gaps in the sidewalk network.
 - Action 1.3.1 Apply a prioritization methodology to identify capital projects, including ADA retrofits and sidewalk infill.
 - Action 1.3.2 Identify new funding sources for construction of sidewalks and crossings.
 - Action 1.3.3 Program projects in the capital budget.

Definition of Programmatic Recommendations’ Organization

The adopted Spokane Comprehensive Plan states, “Goals and policies provide specificity for planning and decision-making. Overall, they indicate desired directions, accomplishments, or aims in relation to the growth and development of Spokane.”

- A **goal** is a general statement of the community’s desired outcome
- **Policies** are a course of action that a community will take to meet its goals. They are focused and direct actions
- **Actions** are specific projects and activities directed to achieve the goals.

- Policy 1.4 Document the number of each type of improvement to the pedestrian system.
 - Action 1.4.1 Continue and expand the sidewalk inventory, curb ramp inventory, and crosswalk inventory.
 - Action 1.4.2 Track and report new pedestrian facilities and investments.
- Policy 1.5 Support the continued development and identification of shared-use pedestrian and bicycle pathways.
- Policy 1.6 Provide connections for pedestrians to adjacent jurisdictions.

Goal 2 Maintenance and Repair of Pedestrian Facilities - Provide maintenance for and improve the state of repair of existing pedestrian facilities.

- Policy 2.1 Increase funding for maintenance of pedestrian facilities.
 - Action 2.1.1 Continue and expand the crosswalk maintenance program.
 - Action 2.1.2 Develop an annual program to repair and replace broken sidewalks in Pedestrian Priority Zones.

Goal 3 Year-Round Accessibility - Address the impacts of snow, ice, flooding, debris, vegetation and other weather and seasonal conditions that impact the year-round usability of pedestrian facilities.

- Policy 3.1 Define and maintain the walkable zone to facilitate clear pedestrian travelways.
 - Action 3.1.1 Use available funding sources for maintenance of pedestrian facilities, including snow clearance on regional trail system.
- Policy 3.2 Improve awareness and enforcement of snow clearing and maintenance policies.
 - Action 3.2.1 Improve public information resources for pedestrian facility maintenance.
 - Action 3.2.2 Implement the improvements to the public information resources and document the impacts.

Goal 4 Safe and Inviting Pedestrian Settings - Create a safe, walkable city that encourages pedestrian activity and economic vitality by providing safe, secure, and attractive pedestrian facilities and surroundings.

- Policy 4.1 Increase pedestrian safety both along and across the roadway.
 - Action 4.1.1 Use targeted enforcement programs to ensure the safety and security of pedestrians in crosswalks and on city streets, trails, and walkways.
 - Action 4.1.2 Build new sidewalks and crossings in accordance with street design standards.
- Policy 4.2 Remediate areas of known pedestrian safety incidents.
 - Action 4.2.1 Conduct regular coordination of traffic engineers and planners to work with police to review sites in need of safety improvement for motorists and pedestrians.
 - Action 4.2.2. Use pedestrian crash data to identify problem areas and potential solutions.
- Policy 4.3 Create vibrant places that invite walking and gathering.

- Action 4.3.1 Create a pilot parklet program.
- Action 4.3.2 Adopt development standards and guidelines to encourage lively, attractive, safe and walkable pedestrian environments.
- Policy 4.4 Evaluate the impacts of pedestrian improvements.
 - Action 4.4.1 As warranted, conduct field studies to assess changing conditions including yield compliance, visibility triangles, and prevailing speed at project locations.
 - Action 4.4.2 Explore pedestrian count technology to assess change in activity over time.
 - Action 4.4.3 Consider pursuing application for Walk Friendly Community designation.

Goal 5 Education - Educate citizens, community groups, business associations, government agency staff, and developers on the safety, health, and civic benefits of a walkable community.

- Policy 5.1. Partner with other agencies in the promotion of the benefits of walking.
 - Action 5.1.1 Develop and train staff to implement a citywide pedestrian education program based on national best practices.
 - Action 5.1.2 Provide information to Spokane residents about the benefits of new pedestrian facilities.
 - Action 5.1.3 Develop pedestrian messaging campaigns, including public health campaigns related to walking and the benefits of investing in pedestrian facilities.
 - Action 5.1.4 Develop public service announcements to encourage safe walking and driving.
 - Action 5.1.5 Identify funding and partnering opportunities with City agencies and local, regional, and national partners for effective and wide dissemination of the walking encouragement programs.
 - Action 5.1.6 Develop Walking maps (e.g., neighborhood maps, school route maps, city-wide maps, trails and greenways, etc.).
 - Action 5.1.7 Support implementation of a uniform pedestrian wayfinding system.

PROJECT IDENTIFICATION/PEDESTRIAN IMPROVEMENT METHODOLOGY

The Pedestrian Priority Zones provide guidance for identifying high priority areas for future pedestrian improvements. The Pedestrian Priority Zones were identified using the pedestrian needs analysis. The Pedestrian Needs Analysis compares pedestrian demand indicators with existing pedestrian infrastructure, and is used to compare different locations to help make data-driven decisions that are equitable and fair. This is only one tool to assist with prioritizing locations for pedestrian projects; it should not be used as the sole determinant for making decisions. An integrated approach that includes availability and stipulations of funding, community support, and cost sharing opportunities with other planned projects will be considered in the decision making process. Pedestrian projects and other street projects are identified in the Six-Year Comprehensive Street Program which is updated annually.

Figure 16 shows the general location of the Pedestrian Priority Zones.

Figure 16 – Pedestrian Priority Zones

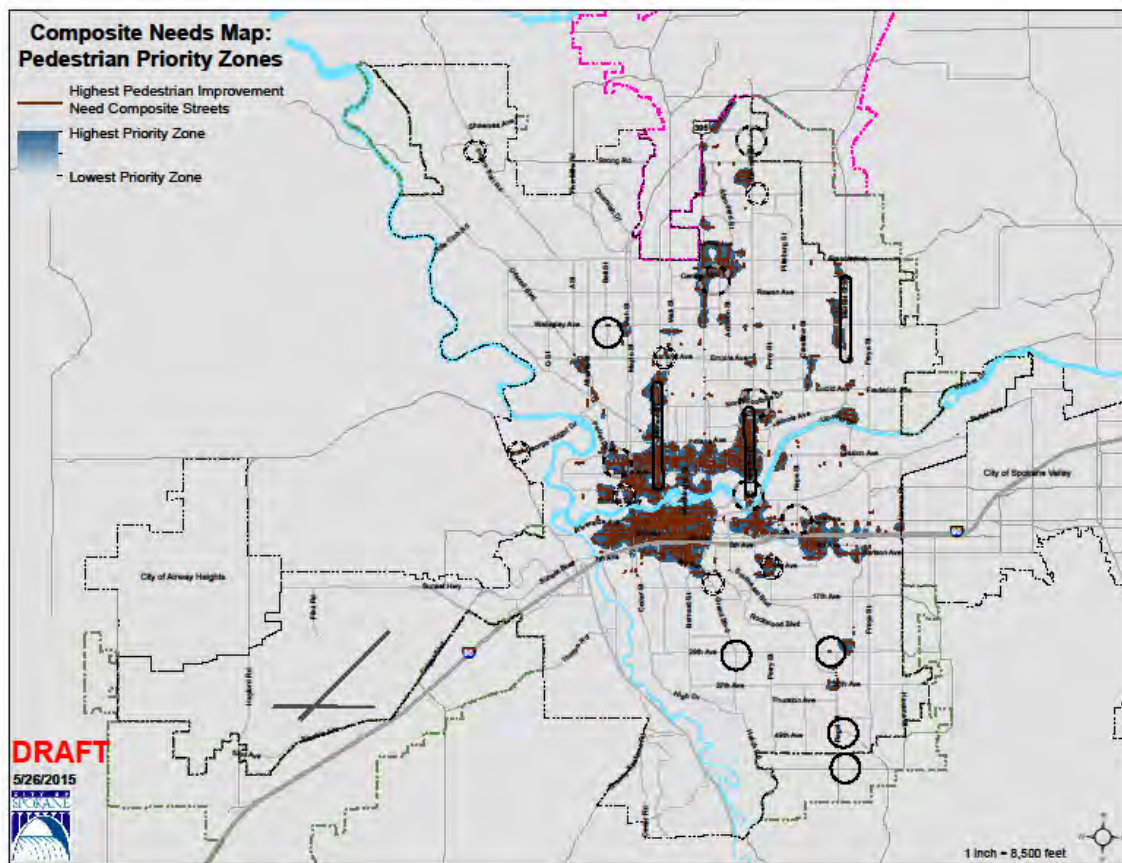


Figure 17 shows the Pedestrian Priority Zones with the 2015 construction projects that include pedestrian facilities and the 2016-2021 6-year Street Program projects that include pedestrian facilities. The street projects incorporate calming traffic and improving safety for pedestrians by reducing road and lane width; providing wider sidewalk, installation of curb extensions; modifying ADA ramps; adding a pedestrian pathway; improving transit accessibility; placing missing sidewalk; repairing sidewalk; installation of pedestrian lighting; improved median refuge islands; and other improvements. Many of the projects are within Pedestrian Priority Zones and are consistent with the guidance provided by the Pedestrian Master Plan.

Figure 17 – 2015 Construction Projects and 2016-2021 6-year Street Program projects that include pedestrian facilities

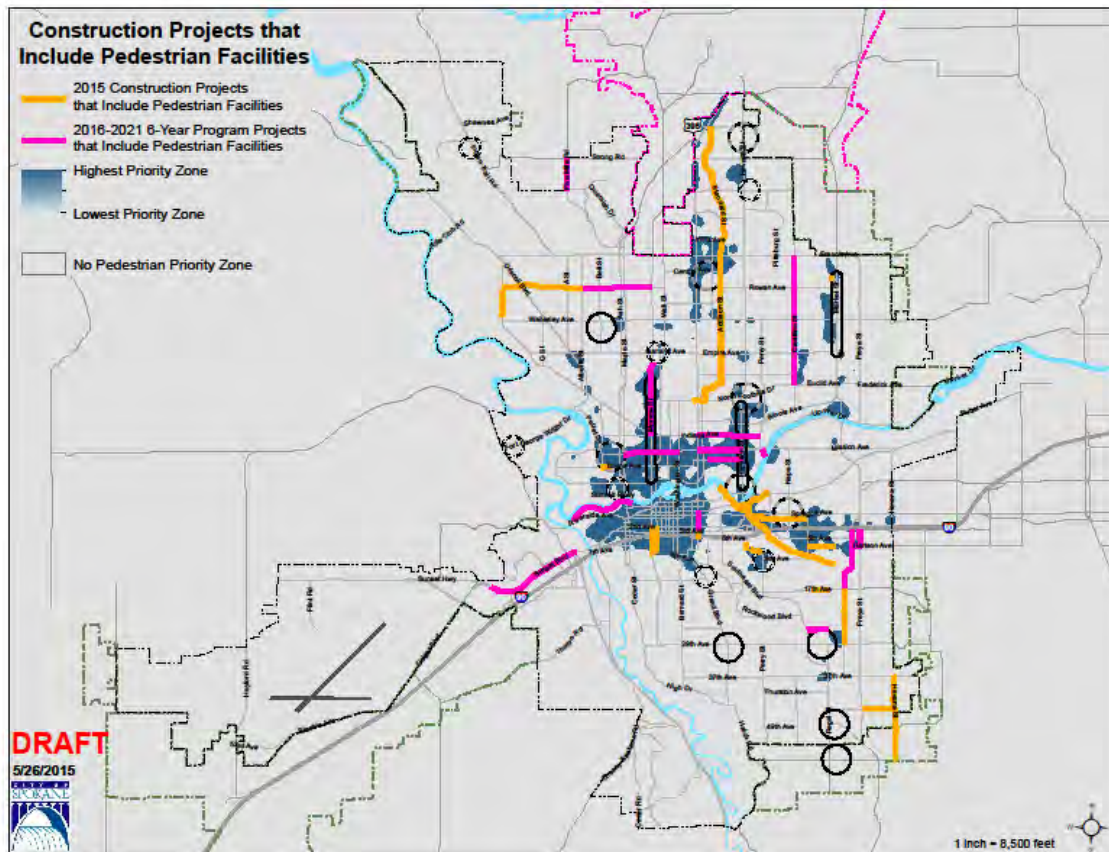
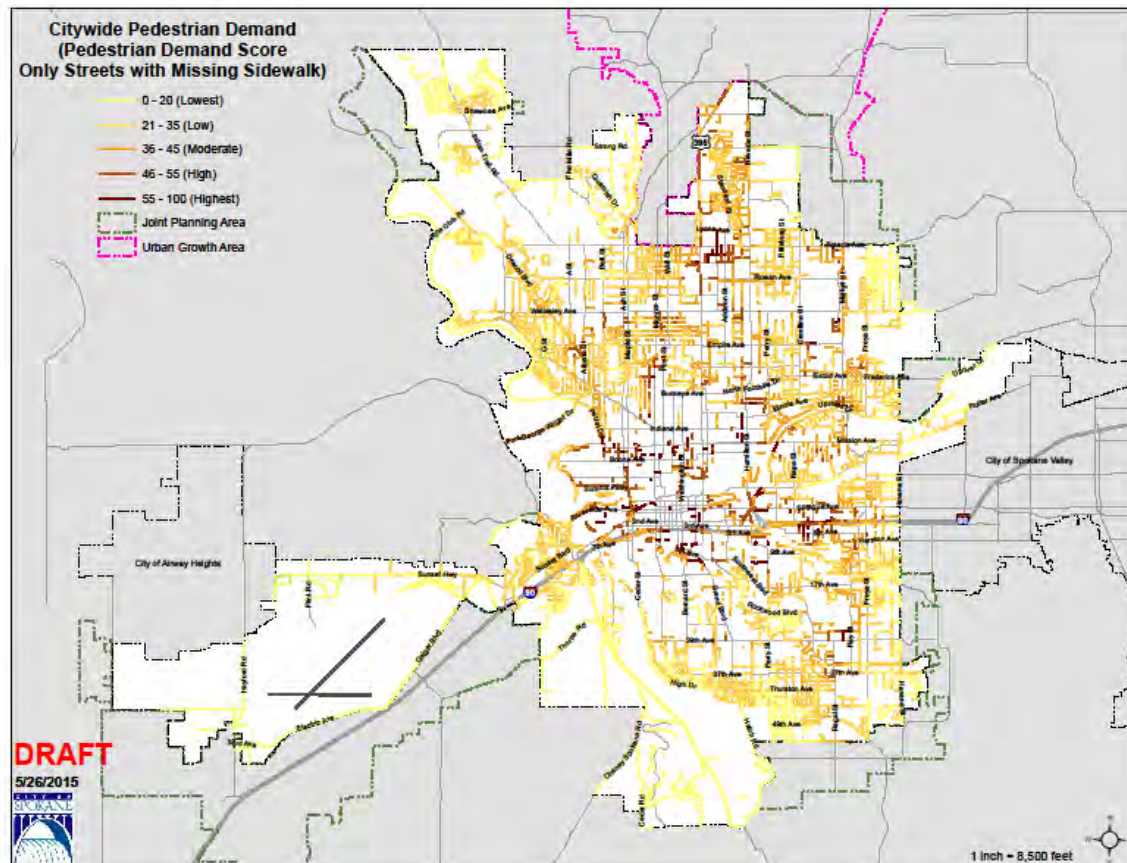


Figure 18 provides an example of how potential sidewalk improvement projects may be identified using the pedestrian demand analysis. The map identifies missing sidewalks on one or both sides of a street. The missing sidewalk data is compared to the Pedestrian Demand Score. The result is an identification of locations where there is missing sidewalk in areas with the highest pedestrian demand.

Figure 18 – Comparison of Pedestrian Demand and Missing Sidewalk



POTENTIAL FUNDING SOURCES

The Pedestrian Master Plan should be used as a guide to identify pedestrian improvement projects and decide which to fund. The evaluation of pedestrian improvement needs should be considered as a part of all projects when city controlled sources of funding are eligible to pay for pedestrian projects.

Several examples of funding sources available for financing pedestrian improvement projects are included below. Other funding sources should be identified and utilized whenever opportunities arise.

Local

- **Transportation Benefit District (TBD)**
On February 14th 2011, City Council adopted Ordinance No. C34690 establishing the allocation of 10% of the Transportation Benefit District (TBD) revenue generated to implement the Pedestrian Program of the City of Spokane's Six-Year Comprehensive Street Program. The funding will remain in place for six years beginning in 2012. The collection of the TBD funds began in September of 2011. The Pedestrian Master Plan will help identify the pedestrian facilities that would ultimately be funded with TBD revenue under the Pedestrian & Bikeways section of the Program. TBD funding available in 2012 is on the order of \$150,000 and is expected to be at almost \$180,000 in subsequent years. The front-work of the Pedestrian Master Plan was utilized to select projects for 2012, and future projects under this program will also be identified from the Pedestrian Master Plan.
- **Local Improvement District (LID) bonds**
A major fund source for the construction of new residential streets and alleys is the use of Local Improvement District (LID) bonds. These bonds are financed through direct property assessment. General obligation bonds financed through property tax (GO bonds) are also used to fund specific projects. Sidewalk construction may be included as a part of an LID project.
- **Automated Traffic Safety Cameras funding allocation**
On September 30, 2013 the City Council passed Resolution No. 2013-0070 related to allocation of funds from infractions issued with automated traffic safety cameras. Among the items to be allocated funding, the resolution provides a flexible matching fund for neighborhood traffic calming projects, neighborhood business districts, streetscape improvement or community development projects related to public safety.
- **2014 Street Levy**
In 2014 city voters passed a 20-year levy to create a sustainable, long-term funding source for streets. The levy concentrates new investments on the arterial streets, which account for more than 90 percent of vehicle miles traveled through the City. The levy supports the City's "integrated" way of looking at streets. Integrated streets consider pavement conditions, multi-modal transportation components (including pedestrian facilities), stormwater management, water and wastewater infrastructure, and economic development opportunities. The levy will generate about \$5 million a year to fund new street work. Those funds would be matched with local utility dollars and state and federal matching funds to support about \$25 million in street improvements annually.

State

- **Paths and Trails Reserve**
A portion of the State gasoline tax revenue which, by Washington State Law, is returned to local government to be used for the development and maintenance of paths and trails. One half of one percent (0.5%) of the tax is returned to the City. Presently the City receives approximately \$14,000 per year from this funding source. Both pedestrian and bike facilities can utilize these funds, however historically these funds have been extremely limited.

- **State Arterial Street Funds**

State Arterial Street Funds may be obtained for both pedestrian and bikeway facilities as long as the facility is a component part of a street improvement project and available for funding.

- **State Transportation Improvement Board (TIB) Funds**

A sidewalk program is included in TIB's funding program. Historically these funds have been limited to projects under \$250,000 and TIB will not participate in any needed right-of-way costs.

Federal

- **Community Development Block Grant Program**

This funding comes from the Housing and Community Development Act of 1974 and authorizes the Department of Housing and Urban Development to distribute funds to local governments for the purpose of improving their community. The Community Development Block Grant (CDBG) program primarily addresses capital construction needs in low-to-moderate income neighborhoods. Funds for pedestrian and bicycle facilities are included.

- **Federal Arterial Street Funds**

Pedestrian facilities may utilize these funds, as long as the facility is a component part of a street improvement project and available for funding.

Implementing new programs and solutions will require funding and there likely will never be enough money to do everything. As a way to prioritize projects, the Pedestrian Master Plan supports incorporating pedestrian safety and accessibility improvements (including ADA) into existing transportation projects that fall within the City's priority areas.

Any project being designed in the public right-of-way, from a street being resurfaced to the placement of the new transit stop, should be reviewed to ensure that pedestrian safety and accessibility improvements are included. For example, as mentioned above, projects funded using the 2014 Street Levy will incorporate multimodal transportation components including pedestrian improvements. Other street projects, including those involving non-arterial streets, will include improvements to meet ADA standards such as the addition of new curb ramps or replacement curb ramps. There will also be an assessment of existing pedestrian facilities such as sidewalks and repair or replacements will be completed as necessary.

Another potential resource is the partnering with other agencies, foundations and the private sector for future awareness and education campaigns. The City should continue partnering with other agencies like the Spokane Regional Health District that have a considerable interest in improving pedestrian safety. Strengthening these partnerships and forming new ones will provide additional opportunities to increase awareness of pedestrian safety issues.

Appendix A - Pedestrian Needs Analysis Methodology

A pedestrian needs analysis was completed that considered factors indicative of walking potential (pedestrian demand) as compared to the supply (or lack thereof) of pedestrian infrastructure (pedestrian deficiencies), to illustrate where there is a mismatch in the demand for and availability of walking infrastructure. Indicators included in the pedestrian demand analysis are:

- Employment density - Major employment centers such as downtown and the University District can generate walking trips both on the journey to and from work (including in connection with other modes) as well as mid-day activity for lunch, errands, etc.
- Population density - Higher density residential areas tend to be more supportive of having destinations within a walkable distance, with a mix of land uses located in close proximity to each other.
- Proximity to destinations (Centers and Corridors, neighborhood shopping, social services, transit stops, schools, parks,) – These destinations attract walking trips. Neighborhood shopping and schools are major destinations for daily activities, most transit trips in Spokane begin or end with a walking trip, and children are potential walkers to school.
- Demographic factors from the US Census (% of people with no vehicle available, % of households below the poverty level, % of people under 18, and % of people 65 or over) – These population groups can be dependent on walking due to financial considerations or a lack of access to a personal vehicle.

The methodology's premise is that the highest priority improvements should be located in those areas where walking potentials (pedestrian demand) are high and pedestrian facilities are lacking. Each street segment received a pedestrian demand score rating and an infrastructure deficiency rating. The rating values were applied to each street segment based on a conversion of the unique indicator measurement units into a common set of rating criteria. Additionally, the methodology weighted the importance of each indicator relative to other indicators. Pedestrian demand indicators were weighted separately from infrastructure deficiency indicators to support the methodology's two separate indices.

After all street segments received their weighted scores for pedestrian demand and infrastructure deficiency, the highest scoring segments on both indices were found by taking the geometric mean of the two score sets. This produced the pedestrian priority zones which are the areas with the greatest need for improvements.

For the pedestrian demand scoring, using the relative weighting allows placement of emphasis on indicators that are likely to generate more pedestrian demand than other indicators. The results more accurately reflect how an indicator influences pedestrian demand. As an example, employment density is given a higher weight because major employment centers such as

downtown and the University District, can generate walking trips both on the journey to and from work as well as mid-day activity for lunch, errands, etc.

Figure 20 and 21 below shows the factors that were considered in the pedestrian needs analysis. The City's GIS database was used to map the indicators and the relative weighting based on the importance of each indicator relative to the other indicators.

Figure 7 of the Pedestrian Master Plan provides the results of the pedestrian demand mapping.

Pedestrian deficiency indicators were also mapped. See Figure 2 below. Indicators included in the pedestrian deficiency analysis are:

- Presence of sidewalks - Sidewalks provide a dedicated facility separated from the roadway (may or may not provide a pedestrian buffer strip).
- Width of the street – Wider roads tend to enable higher vehicle speeds, which reduces comfort for pedestrians and makes roadway crossings more difficult.
- Collision history – A history of multiple pedestrian collisions likely reflects difficult walking or crossing conditions.

Figure 8 of the Pedestrian Master Plan provides the results of the pedestrian deficiency mapping.

Figure 9 of the Pedestrian Master Plan illustrates the results of the composite map which combines the assessment of pedestrian demand and pedestrian deficiency. This map serves to clarify where the pedestrian needs in the city are greatest. Areas with higher demand and deficiency scores are candidates for designation as Pedestrian Priority Zones.

Maps with background information used in the Pedestrian Needs Analysis follow the Pedestrian Demand Score and Pedestrian Deficiency Score tables. See Figure 21 through Figure 34 below.

Pedestrian Master Plan
City of Spokane 92415

Figure 19 Pedestrian Demand Score

Indicator	Weight	Indicator Score	Rating Value
Centers and Corridors	5	0 -330	500
		330 -660	375
		660 -990	250
		990 - 1320	125
		1320+	0
*Using City Zoning (CC1, CC2, DTC, DTG, DTS & DTU), City Zoning Overlay (CC3), County Zoning (NC, MU)			
Street Segment Length (ft)	10	0-400	500
		400-500	400
		500-750	300
		750-1000	200
		1000-1500	100
1500+	0		
* Left segments broken as they are in the street network.			
Employees per Acre	15	0-3.5	0
		3.5-8	100
		8.1-16	200
		16-32	300
		32-80	400
80+	500		
*Employees by TAZ given to us from SRTC. These numbers were generated by SRTC to show in their Horizon 2040			
Population per Acre	15	0-5	0
		5-10	100
		10-15	200
		15-20	300
		20-25	400
25+	500		
*Using Block 2010 Census			
Neighborhood Shopping Proximity (ft.)	5	0 -330	500
		330 -660	375
		660 -990	250
		990 - 1320	125
		1320+	0
*Using City Zoning (NR)			
Social Service Proximity (ft.)	5	0 -330	500
		330 -660	375
		660 -990	250
		990 - 1320	125
		1320+	0
* Used list of Resources for Disabled			
Transit Proximity (ft.)	10	0 -330	500
		330 -660	375
		660 -990	250
		990 - 1320	125
		1320+	0
*Used STA HPTN Bus Routes			
Park Proximity (ft.)	5	0 -330	500
		330 -660	375
		660 -990	250
		990 - 1320	125
		1320+	0
*Used City GIS layer but only kept neighborhood parks, major parks and community parks			
School Proximity & Community Centers (ft.)	10	0 -330	500
		330 -660	375
		660 -990	250
		990 - 1320	125
		1320+	0
*Used City GIS layer for schools. Also Included Community Centers			
People with No Vehicle Available (%)	5	0-3.2%	0
		3.3% - 4.9%	125
		5% - 8.4%	250
		8.5% - 15.4%	375
		15.5%+	500
*Used tract data from American Community Survey. The categories were created by using natural breaks.			
Below Poverty Level (%)	5	0 - 6.92	0
		6.93 - 11.43	100
		11.44 - 19.36	200
		19.37 - 26.4	300
		26.41 - 32.9	400
32.91 +	500		
*Used tract data from American Community Survey.			
Under 18, 65 or Over (%)	5	0%	0
		1 - 24%	100
		24.1 - 32.14%	200
		32.15 - 38%	300
		38.1 - 44.74%	400
44.75% +	500		
*Used block from 2010 Census data			
Bus Stop (ft.)	5	0 -330	500
		330 -660	375
		660 -990	250
		990 - 1320	125
		1320+	0
*Used STA Bus Stops			
Total Weight	100		

Figure 20 – Pedestrian Deficiency Score

Indicator	Weight	Indicator Score	Rating Value
Street Width (ft.)	20	0-25	0
		25-35	100
		35-45	200
		45-55	300
		55-65	400
		65+	500
Sidewalk (%)	50	0 - 20	500
		20 - 35	400
		35 - 50	300
		50 - 65	200
		65 - 80	100
		80 - 100	0
Accidents	30	0 - 13.37	0
		13.38 - 66.88	100
		66.89 - 173.91	200
		173.92 - 356.73	300
		356.74 - 642.11	400
		642.12+	500

*Used City of Spokane Pavement Management System data

* Numbers are based on a raster dataset.

The background maps for the Pedestrian Master Plan Pedestrian Needs Analysis are provided below:

- STA HPTN and Transit Stops (Figure 21)
- Street Width (Figure 22)
- Street Segment Length (Figure 23)
- Social Services (Figure 24)
- Sidewalk Coverage (Figure 25)
- Schools and Community Centers (Figure 26)
- Percentage of Population Below Poverty Level (Figure 27)
- Population Density (Figure 28)
- Percentage of Population with No Vehicle Available (Figure 29)
- Parks (Figure 30)
- Neighborhood Retail Zoned Areas (Figure 31)
- Employment Density (Figure 32)
- Center and Corridor and Downtown Zoning (Figure 33)
- Percentage of the Population Under 18 and 65 and Over (Figure 34)

Figure 21 - STA HPTN and Transit Stops

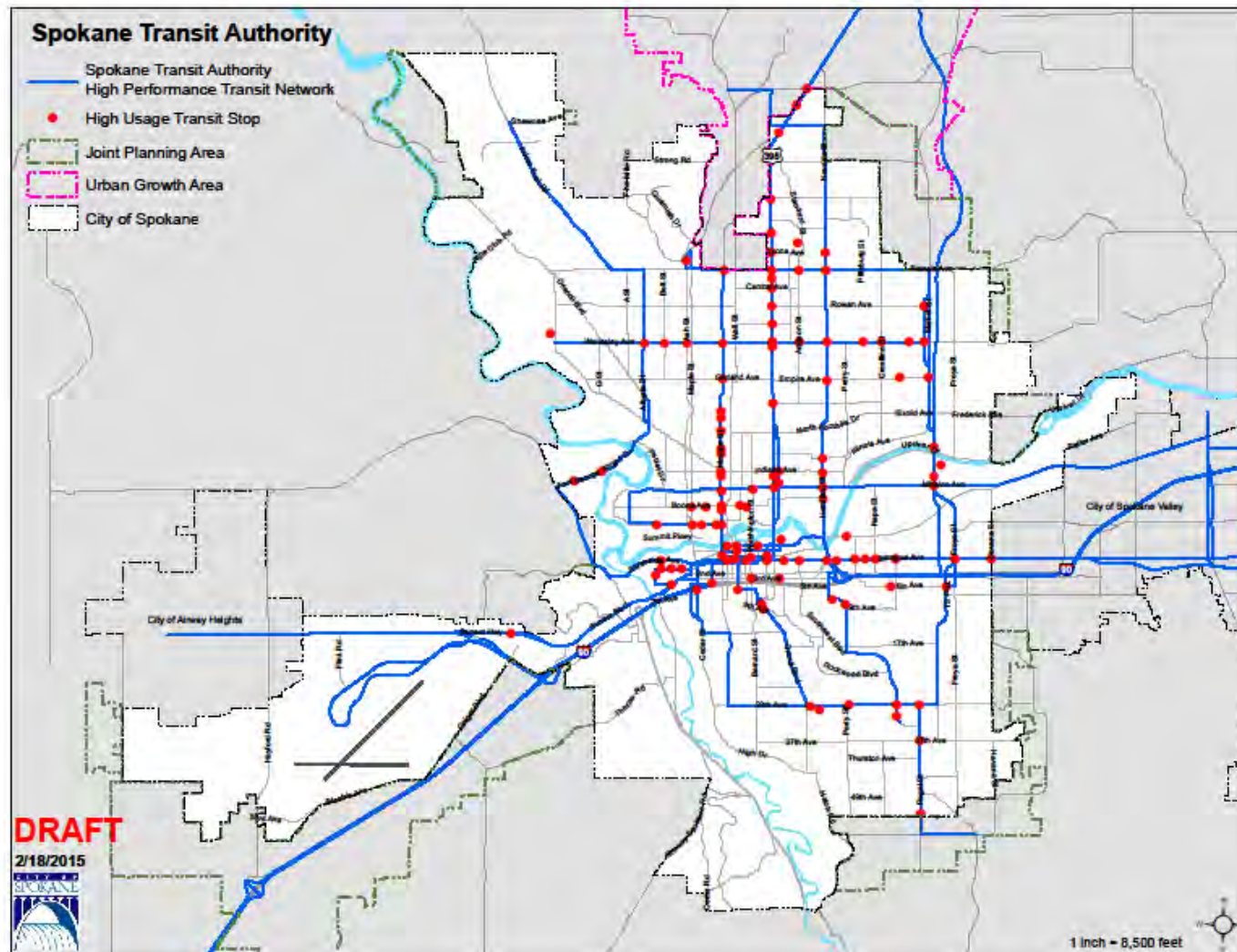


Figure 22 – Street Width

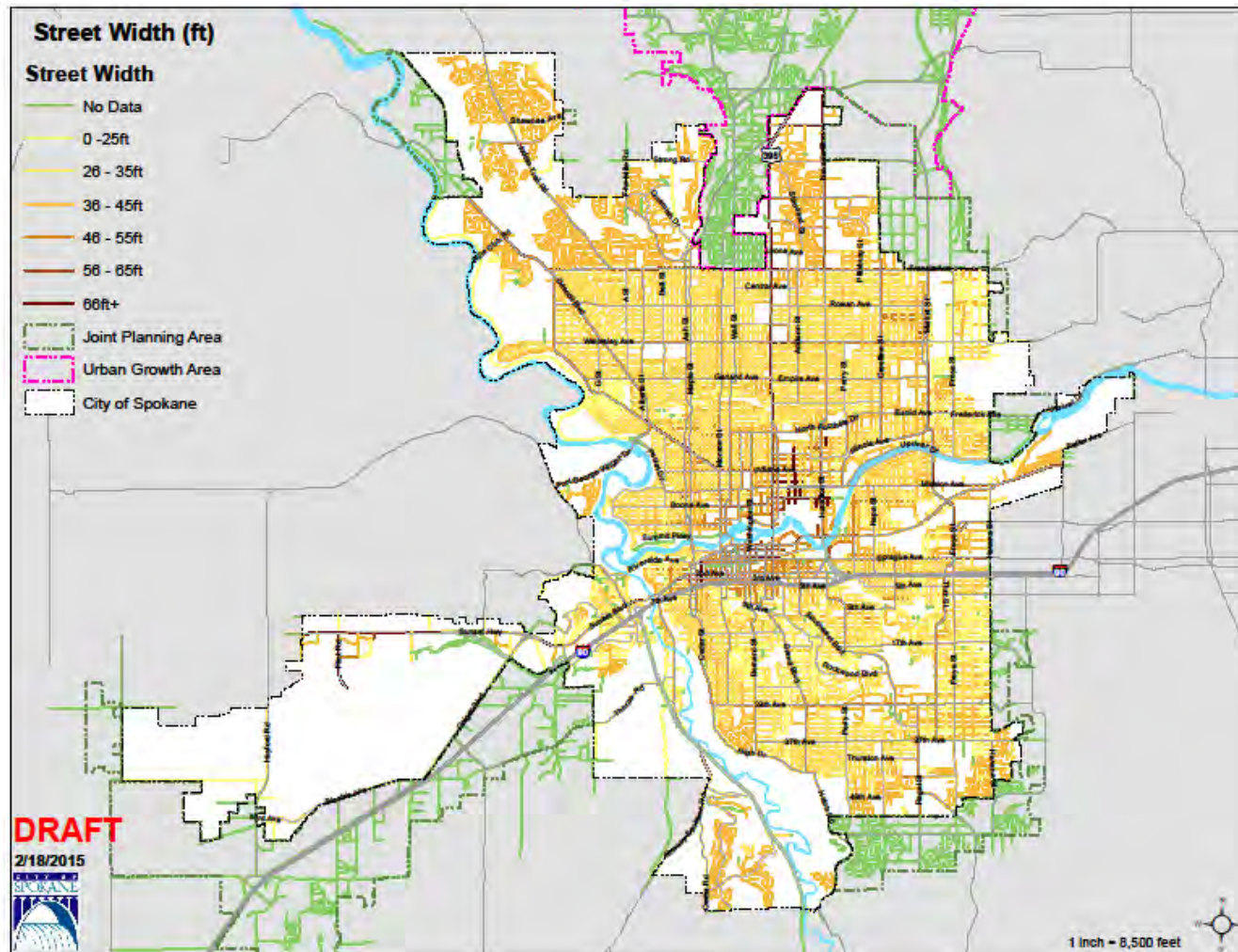


Figure 23 - Street Segment Length

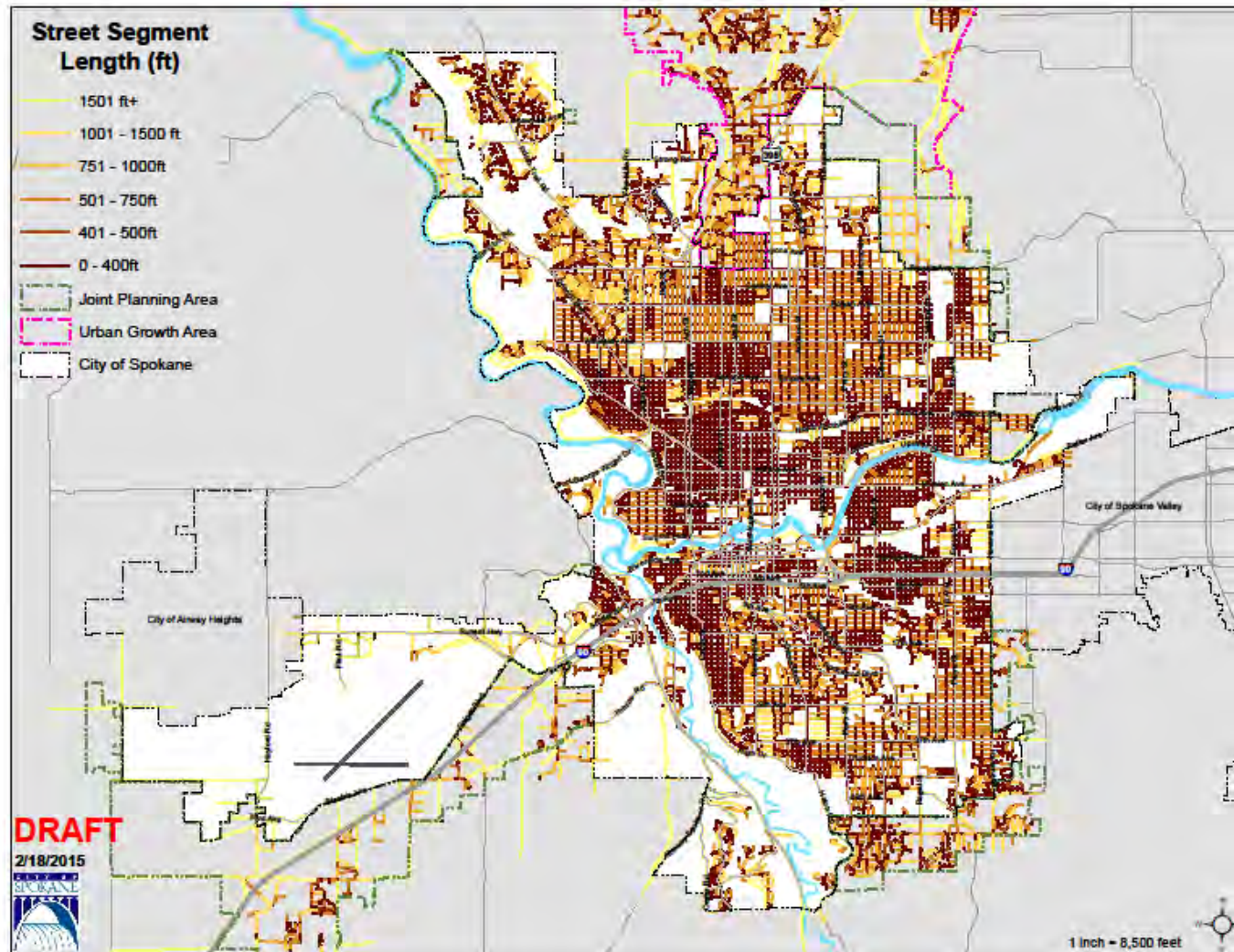


Figure 24 - Social Services

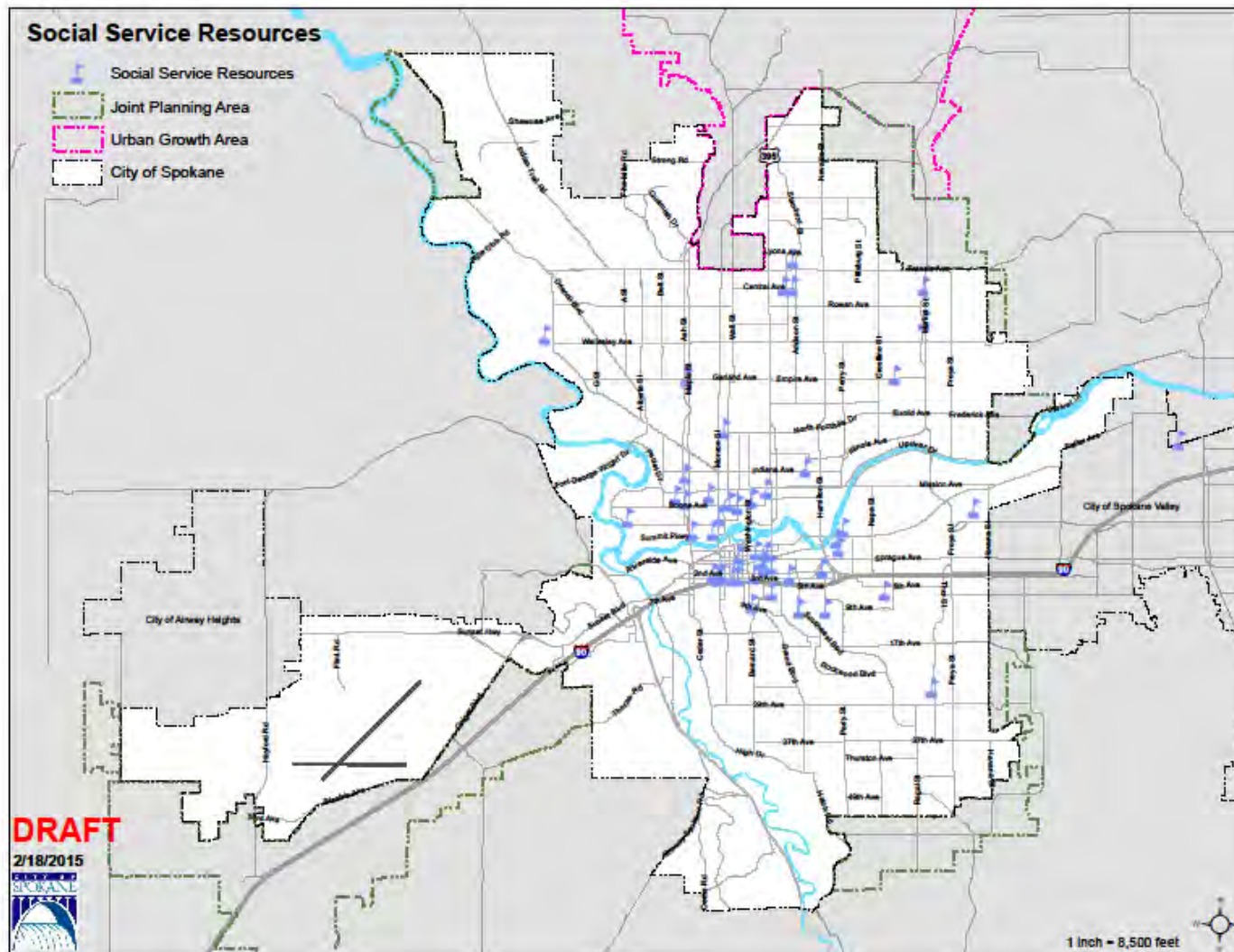


Figure 25 - Sidewalk Coverage

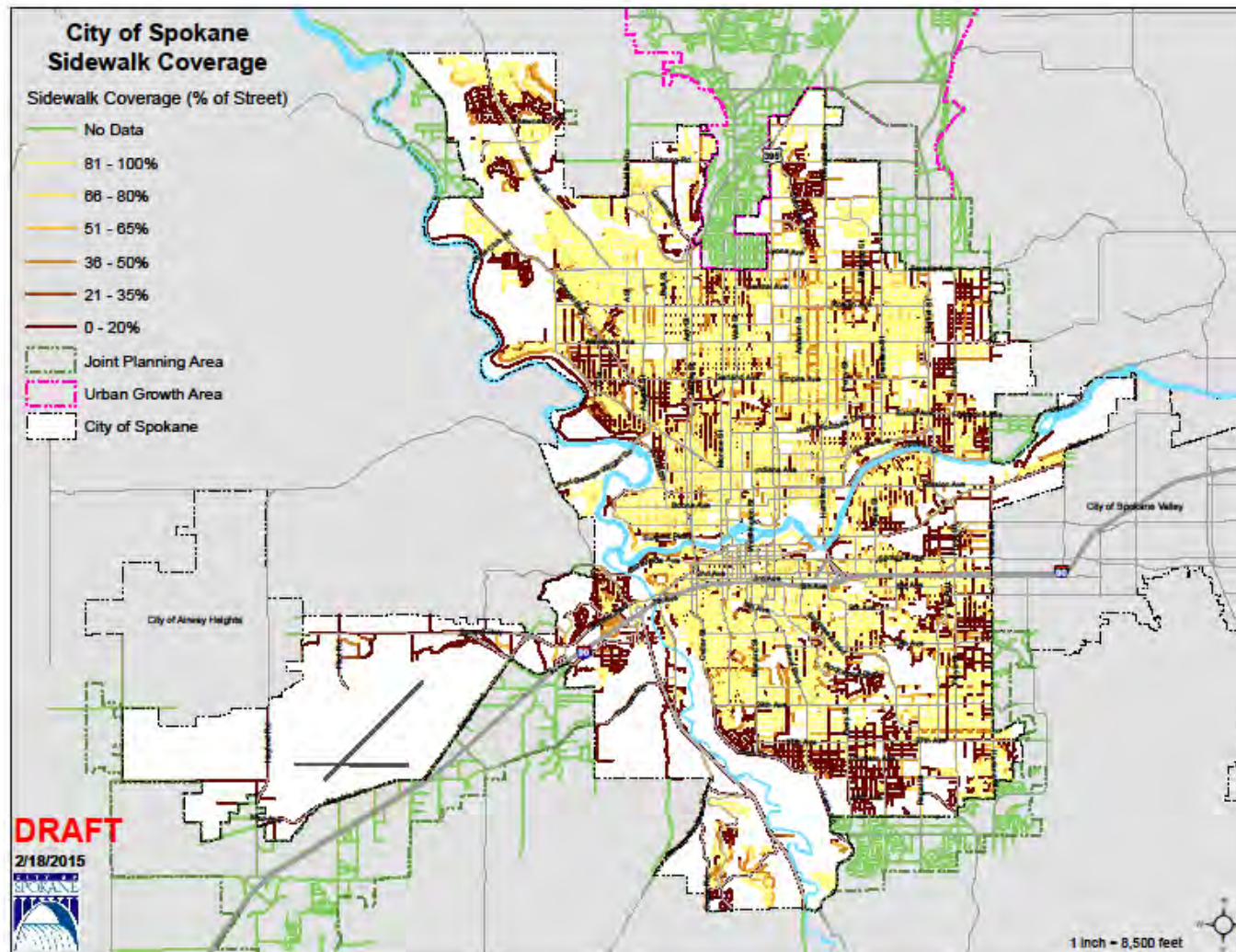


Figure 26 – Schools and Community Centers.

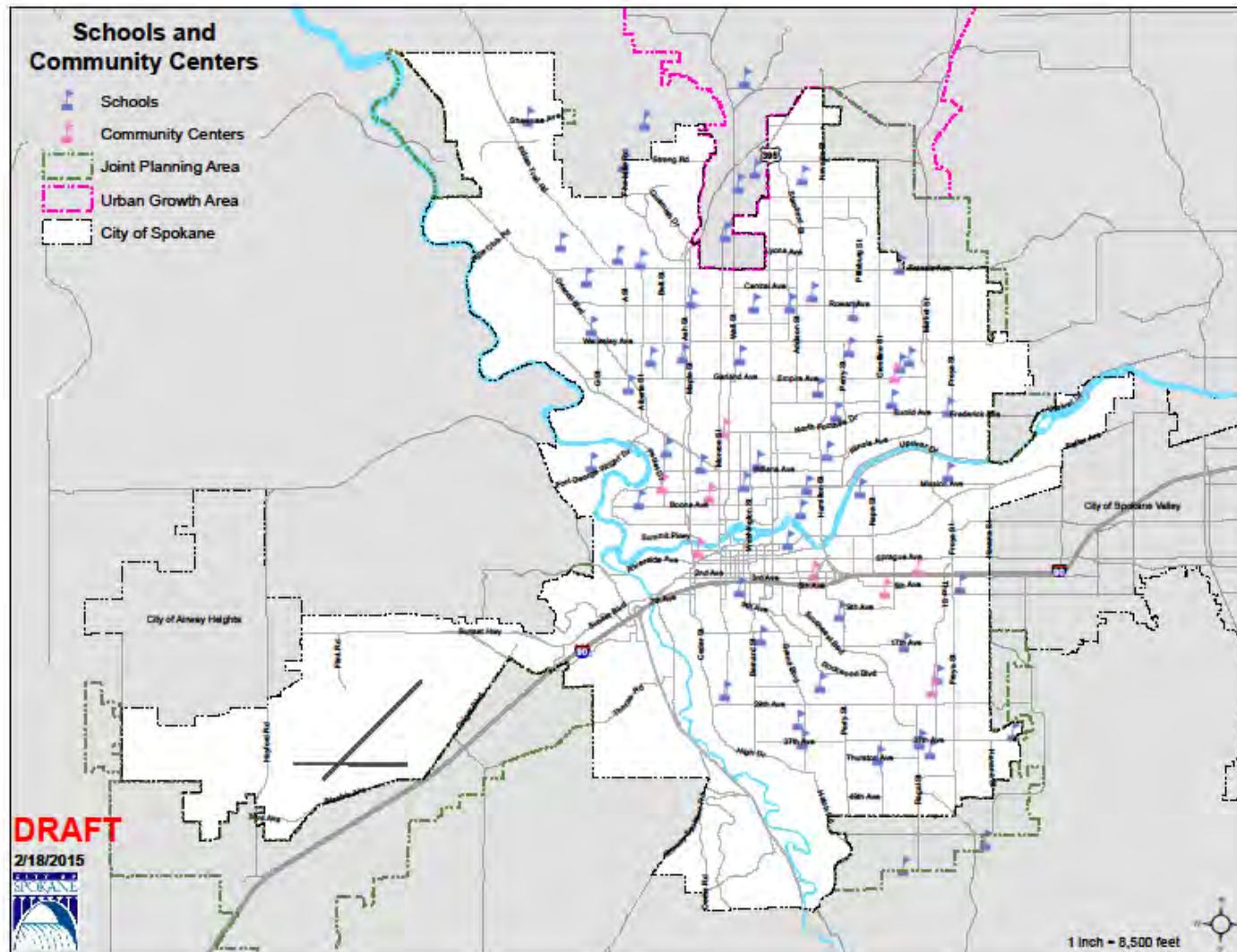


Figure 27 - Percentage of Population Below Poverty Level

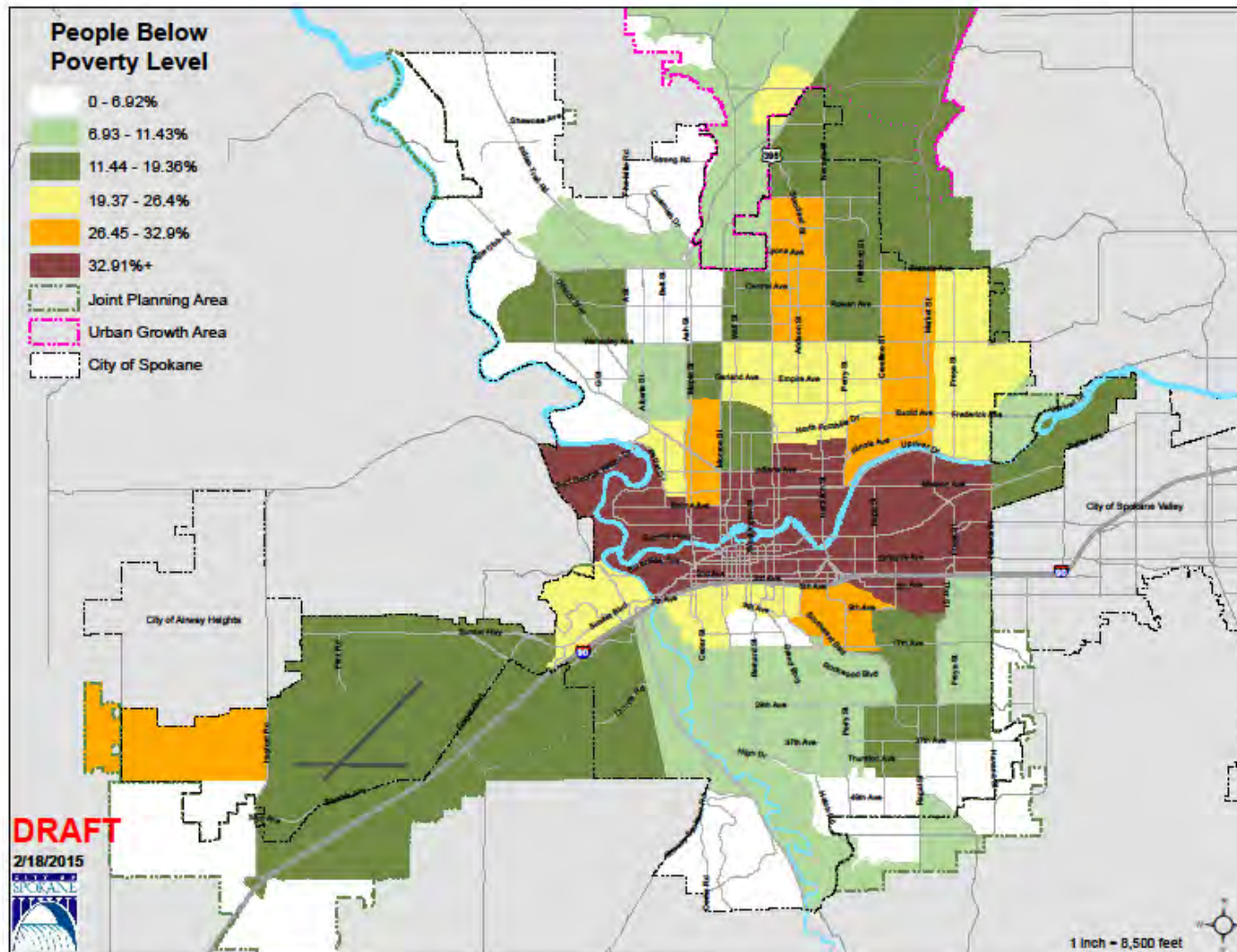


Figure 28 - Population Density

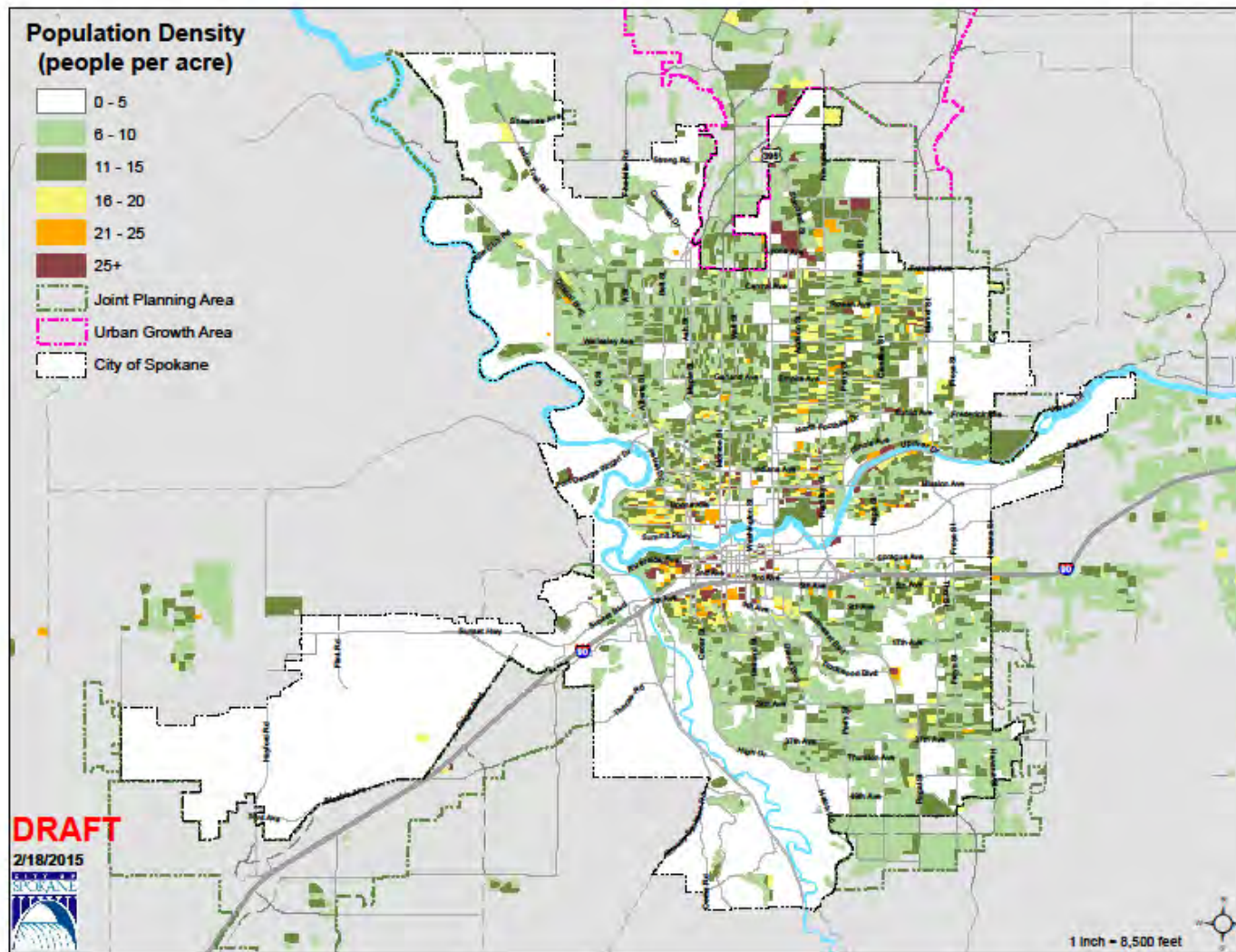


Figure 29 - Percentage of Population with No Vehicle Available

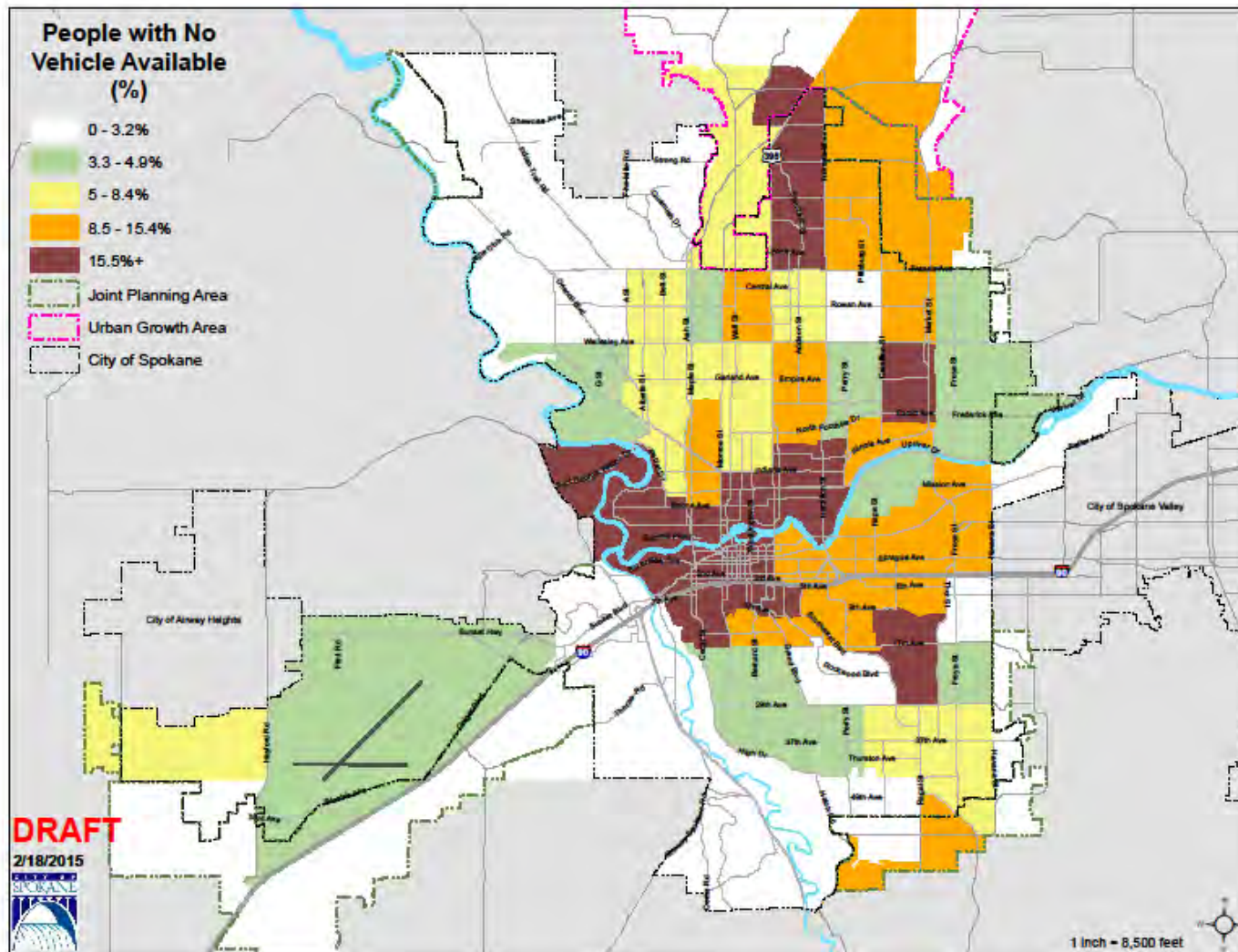


Figure 30 – Parks

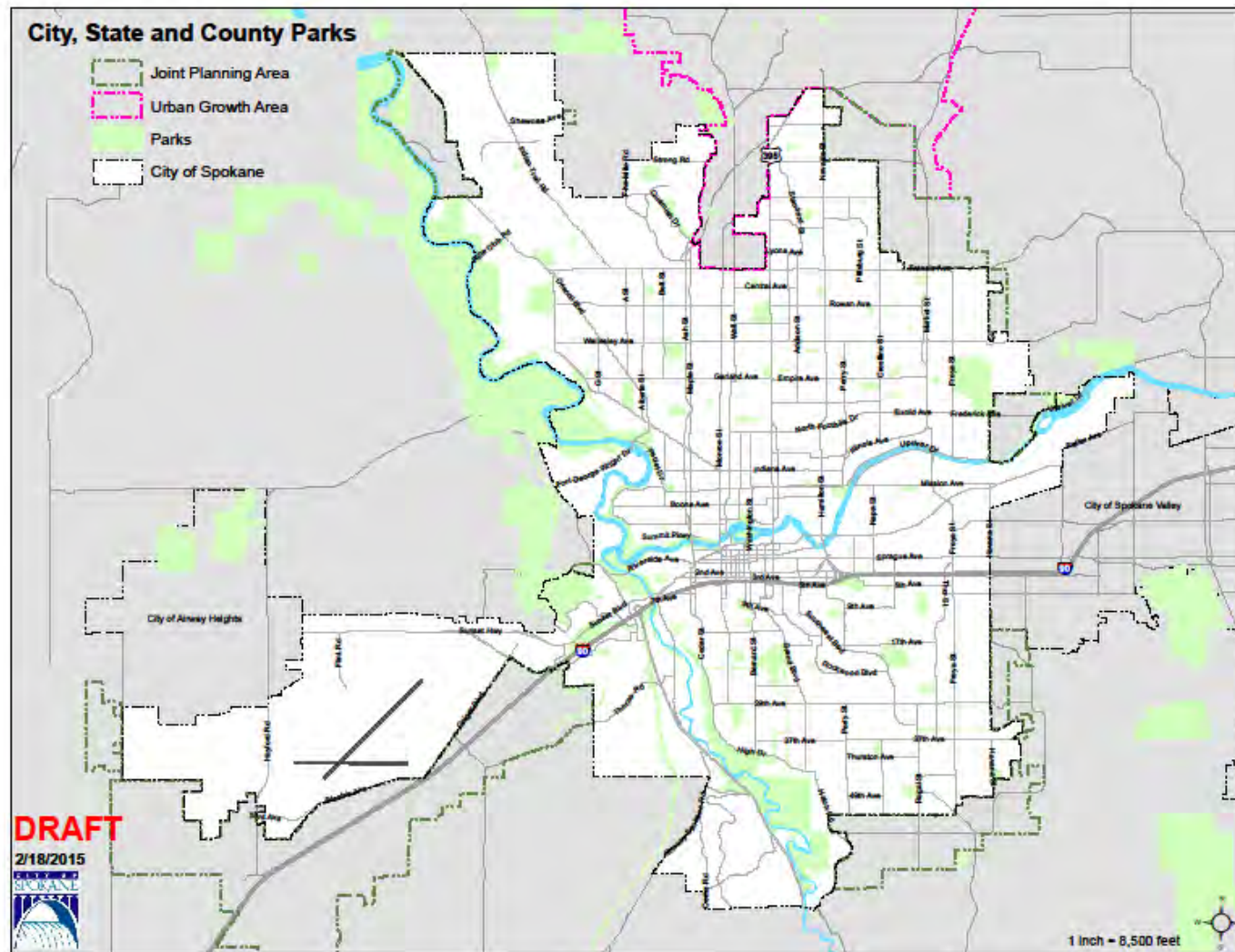


Figure 31 - Neighborhood Retail Zoned Areas

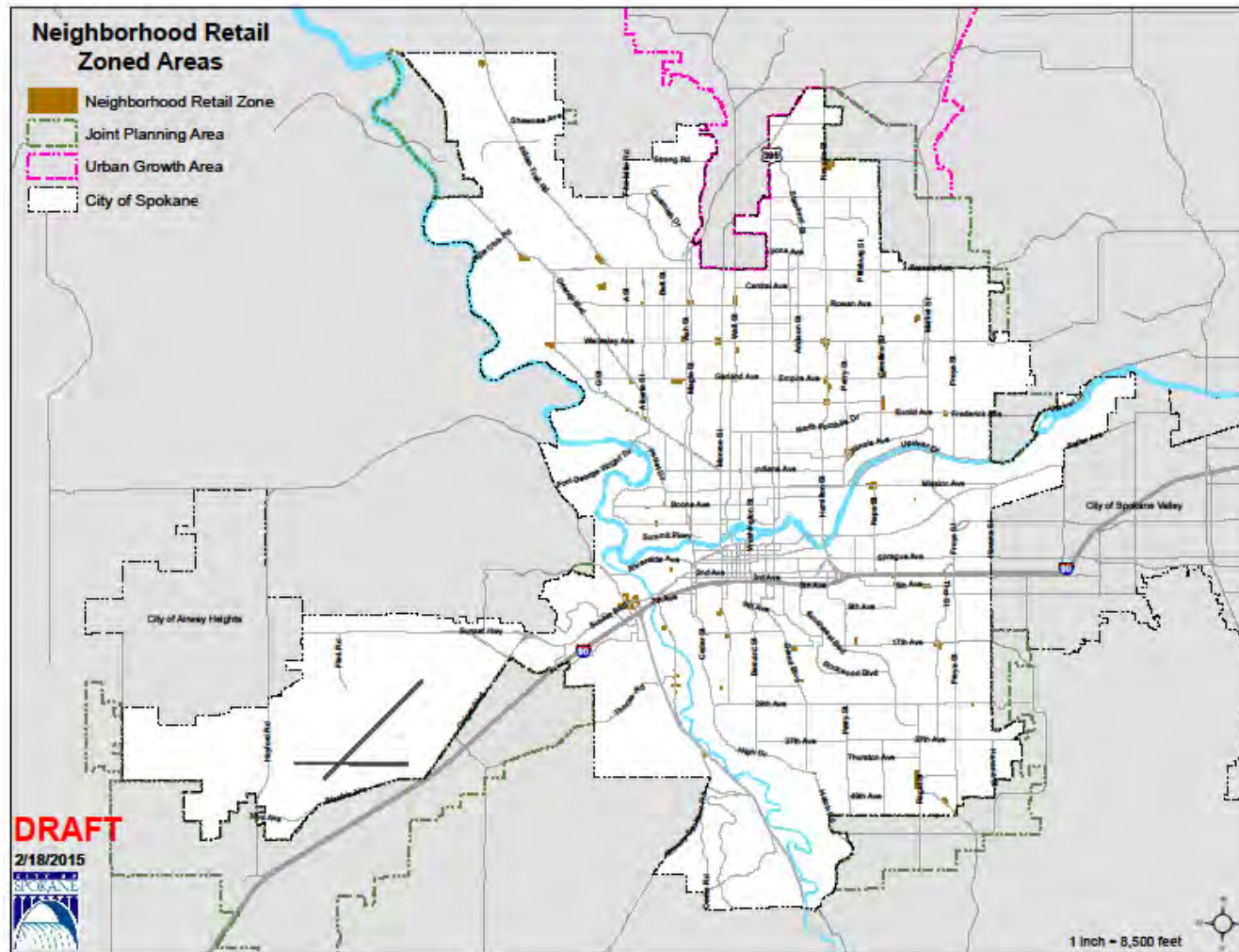


Figure 32 - Employment Density

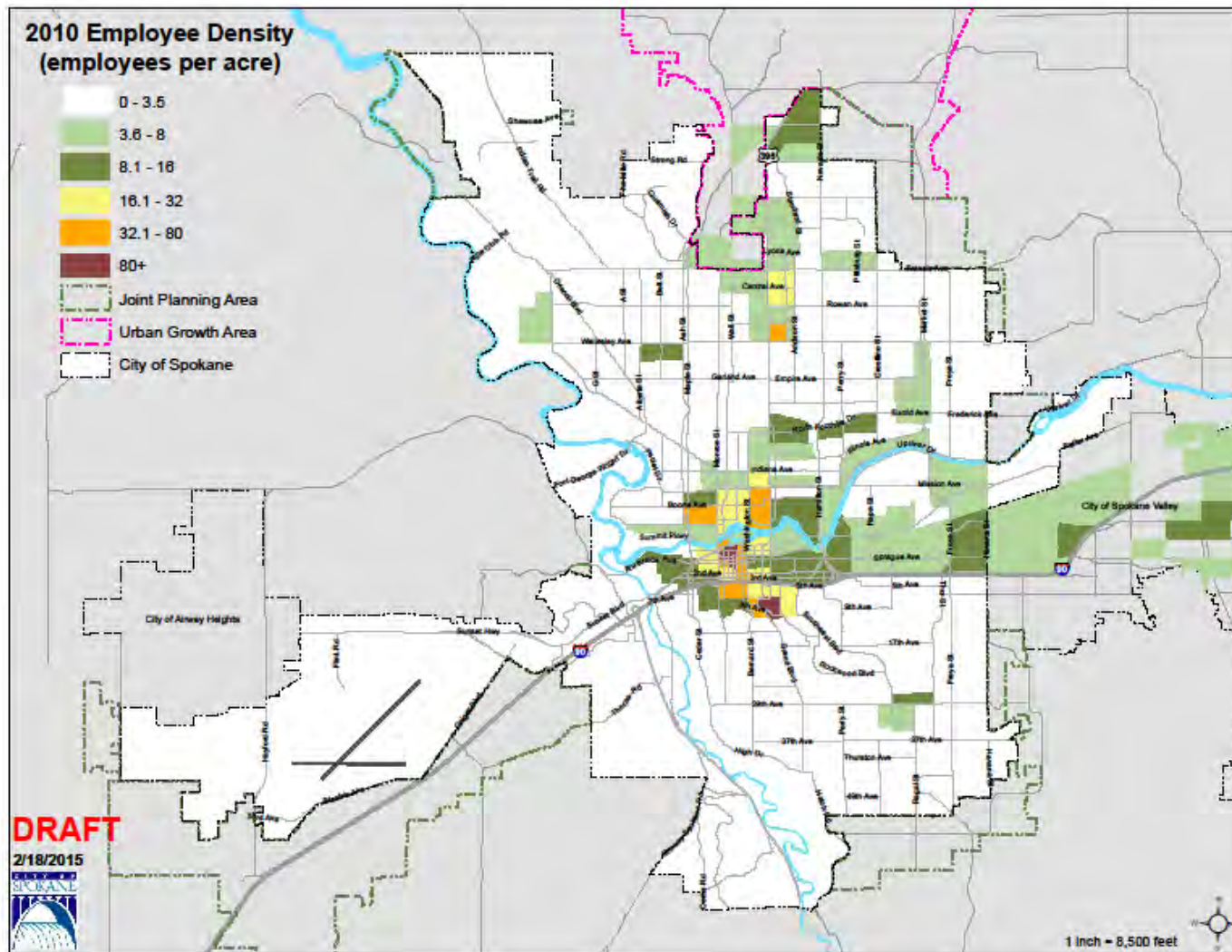


Figure 33 - Center and Corridor and Downtown Zoning

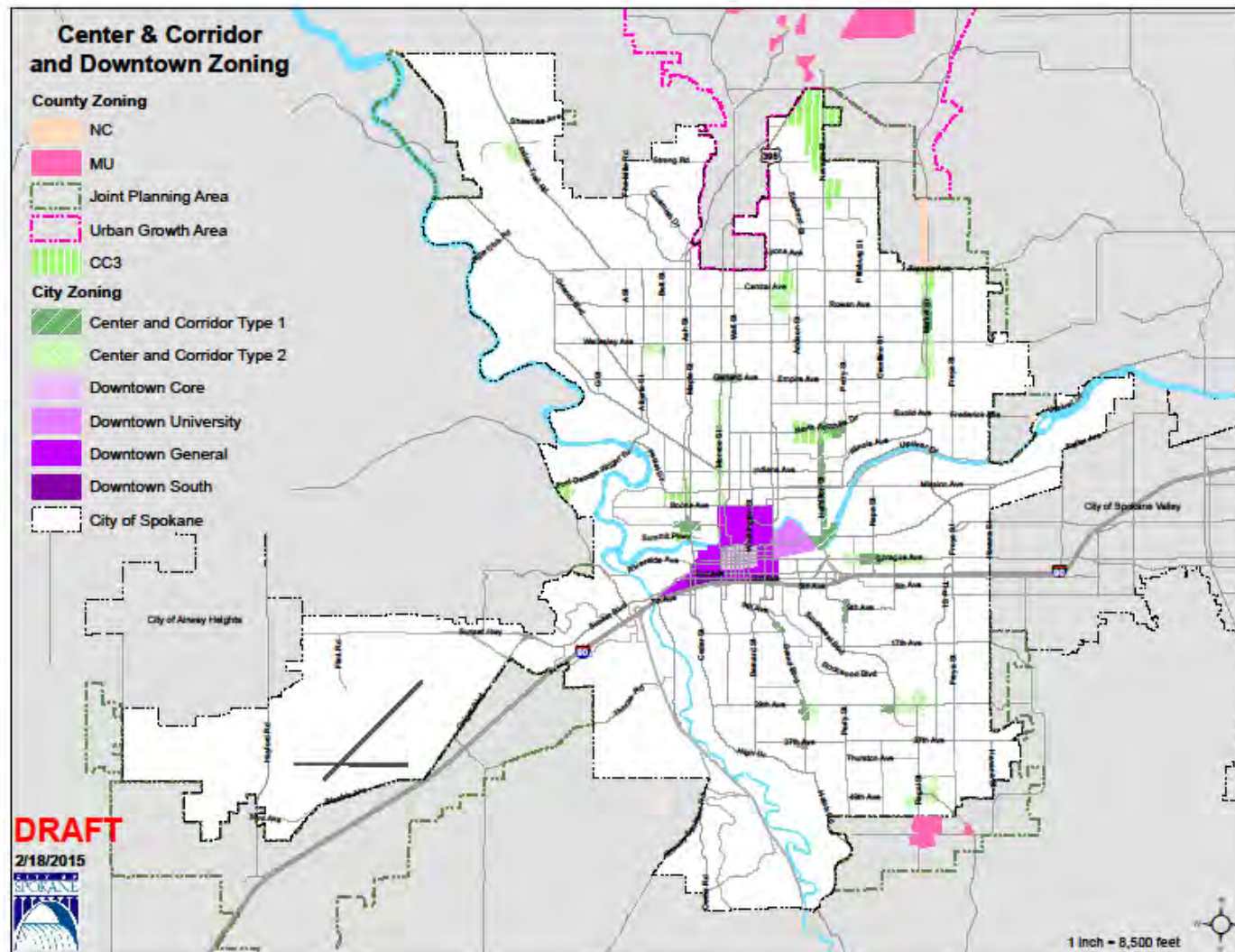
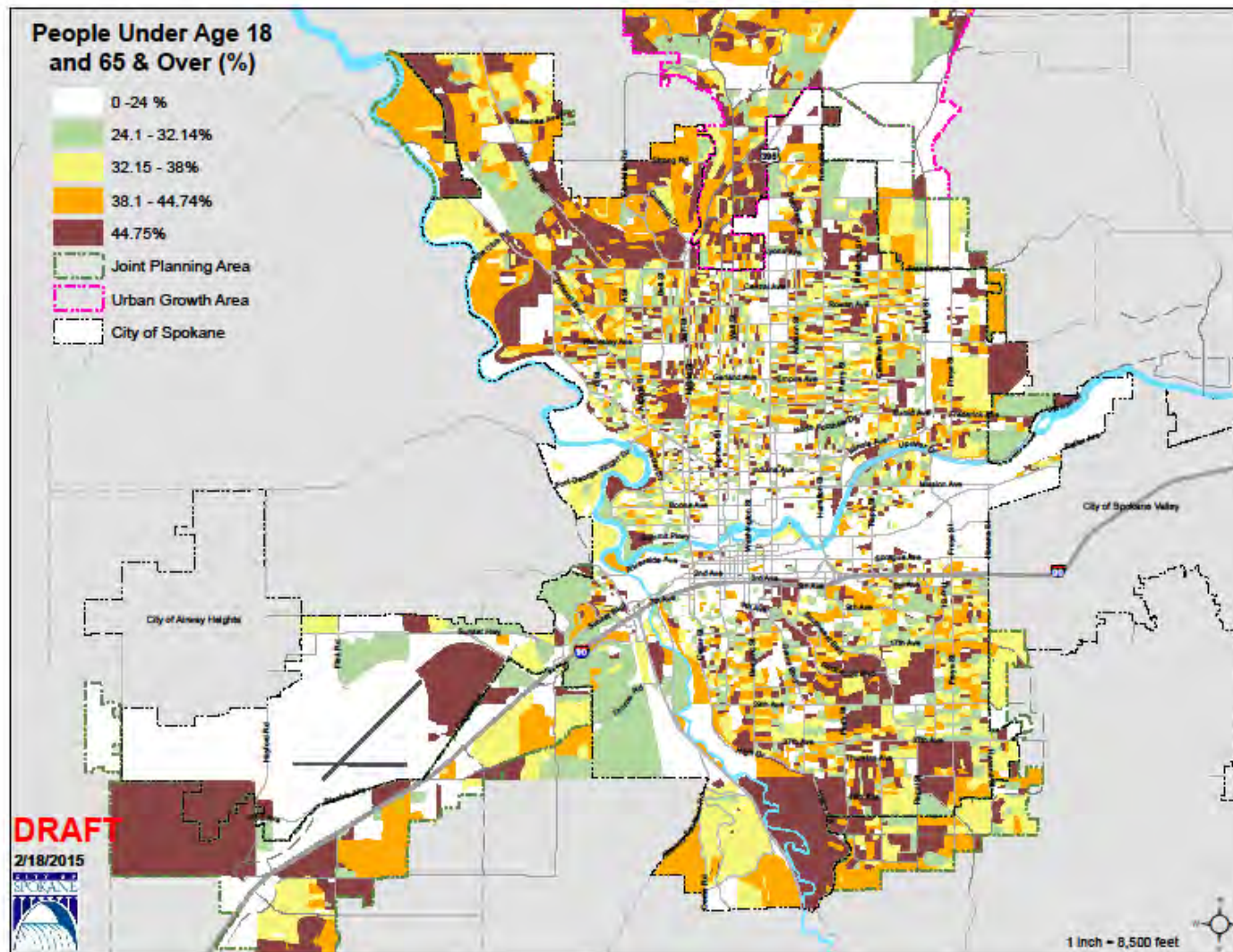


Figure 34 - Percentage of the Population Under 18 and 65 and Over



CITY PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATION ON THE PEDESTRIAN MASTER PLAN

A Recommendation of the City Plan Commission to the City Council approving a proposed Comprehensive Plan Amendment to adopt a Pedestrian Master Plan.

FINDINGS OF FACT:

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

B. In compliance with the Washington State Growth Management Act, Chapter 36.70A RCW, the City of Spokane adopted a Comprehensive Plan on May 21, 2001.

C. Chapter 36.70A.130(2) of the Revised Code of Washington notes that amendments to the Comprehensive Plan may be considered more frequently than once per year under certain circumstances. RCW 36.70A.130(2)(a)(i) states, "...The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C.

D. Spokane Municipal Code Chapter 17G.020 "Comprehensive Plan Amendment Procedure" identifies terms and conditions for Comprehensive Plan amendments. Under most circumstances, recommendations for amendments to the Comprehensive Plan may only take place on an annual basis

E. Spokane Municipal Code Section 17G.020.040 "Amendment Exceptions," outlines conditions under which the Comprehensive Plan may be amended more often. Provided that all of the amendment criteria have been met, the following type of amendment may be considered more frequently than once a year: Section 17G.020.040.A: "Initial adoption of a specific/subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea (RCW 36.70A.130(2)(a)(i))..."

F. The Pedestrian Master Plan is both a "specific" plan and a "subarea" plan. The Pedestrian Master Plan is a specific plan that amends the Comprehensive Plan under the specific topic of planning for pedestrians as a part of the overall Comprehensive Plan Transportation Chapter. The Pedestrian Master Plan is a subarea plan of the Comprehensive Plan Transportation Chapter that addresses planning for pedestrians as a subarea of the overall topic of transportation planning. Planning for pedestrians is a basic element of the Transportation Chapter of the Comprehensive Plan.

G. The Pedestrian Master Plan does not modify existing Comprehensive Plan policies and designations applicable to the subarea (Comprehensive Plan Chapter 4, Transportation).

H. As required under RCW 36.70A.130(2)(a)(i)), the Pedestrian Master Plan clarifies, supplements, and implements jurisdiction-wide comprehensive plan policies related to Transportation. In doing so, the Pedestrian Master Plan includes the following sections:

- Goals for the pedestrian environment.
- Description of the basic elements of providing a quality pedestrian experience.
- Assessment of existing walking conditions.
- A pedestrian needs-analysis and a pedestrian crash analysis.
- Policies and Actions.

I. The Pedestrian Master Plan will guide decision-making on pedestrian facility improvements. The plan will be implemented through the adoption of the Six-Year Comprehensive Street Program and associated construction activities. Amendments to the City policies such as the Unified Development Code may also take place to implement the Pedestrian Master Plan.

J. The Pedestrian Master Plan is the initial phase of the Link Spokane - City of Spokane Integrated Transportation Plan Update. The Transportation Chapter is being updated with an eye towards modern multimodal transportation best practices, smart growth, and the City's Land Use Plan, and is intended to reconnect our transportation network to our community. The Pedestrian Master Plan will undergo a review as a part of the overall Transportation Plan Update to assure it is consistent with any amendments that are made as a part of the update.

K. As a result of the City's efforts, the public has had extensive opportunities to participate throughout the Comprehensive Plan amendment process and all persons desiring to comment on the proposal were given a full and complete opportunity to be heard.

- Plan Commission Transportation Subcommittee: May 5, 2015; August 4, 2015
- Pedestrian Plan Subcommittee: September 11, 2014; December 11, 2014; April 23, 2015; July 16, 2015
- PeTT (Pedestrian, Transportation and Traffic) Committee Meeting: July 28, 2015
- Plan Commission Workshop: February 11, 2015; July 22, 2015; August 26, 2015
- City Staff Technical review: July 14, 2015
- City Council study session: July 16, 2015
- Garland Avenue Street Fair, August 8, 2015

- Unity in the Community, August 15, 2015
- Link Spokane Technical Advisory Group (regional coordination), September 2, 2015
- Public Open House, September 16 and 23, 2015
- Plan Commission Public Hearing, September 23, 2015

L. Pursuant to RCW 36.70A.106, on August 20, 2015, the Washington State Department of Commerce was provided the 60 day notice of intent to adopt a comprehensive plan amendment for the Pedestrian Master Plan as required under the Growth Management Act.

M. A State Environmental Policy Act (SEPA) Checklist was prepared and a Determination of Nonsignificance (DNS) was issued on September 4, 2015 for the proposed Pedestrian Master Plan. The appeal period for the SEPA determination ended on September 18, 2015; and

N. The Plan Commission held a public hearing on September 23, 2015 to obtain public comments on the proposed Pedestrian Master Plan and voted ___ to ___ to approve the Findings of Fact, Conclusions and Recommendations to the City Council to approve the proposed Pedestrian Master Plan, which is attached to this ordinance.

O. The Plan Commission finds that the Pedestrian Master Plan is consistent with the Growth Management Act and the Spokane Municipal Code, and will protect and promote the health, safety and welfare of the general public.

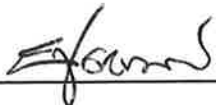
CONCLUSIONS:

A. The Plan Commission adopted the above findings of fact.

B. The Pedestrian Master Plan has been reviewed by the City Plan Commission and found to be in conformance with the goals and policies of the City's 2001 Comprehensive Plan, as well as the Spokane Municipal Code Chapter 17G.020. See the attached Appendix: SMC 17G.020.030 Review Criteria.

RECOMMENDATIONS:

By a vote of ___ to ___, the Plan Commission recommends to the City Council the approval of a proposed Comprehensive Plan Amendment to adopt the Pedestrian Master Plan.



~~Dennis Dellwo, President~~ *ERON VERON, Vice-President*
Spokane Plan Commission
September 23, 2015

Appendix: SMC 17G.020.030 Review Criteria

A. Regulatory Changes.

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

Relevant facts: The proposal is consistent with the Growth Management Act, and the Washington State Environmental Policy Act (SEPA).

B. GMA.

The change must be consistent with the goals and purposes of the state Growth Management Act.

Relevant facts: The "Legislative findings" included in the Revised Code of Washington pertaining to GMA is essentially a call for coordinated and planned growth that is done cooperatively between citizens, government, and the private sector. The complete text of the "Legislative findings" follows:

RCW 36.70A.010, Legislative findings.

The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.

The Growth Management Act contains 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW 36.70A.020, "Planning Goals"). The proposed change as recommended by staff would be consistent with these goals.

Staff concludes that this criterion is met.

C. Financing.

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

Relevant facts: No financial commitments are proposed. The plan will serve as a guide to funding decisions as a part of the six-year capital improvement plan for streets. Staff concludes that this criterion is met.

D. Funding Shortfall.

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

Relevant facts: Staff has concluded that this criterion is not applicable to this proposal. There are no funding shortfall implications.

E. Internal Consistency.

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

Relevant facts: The proposal is consistent with all supporting documents of the Comprehensive Plan and is coordinated with the general update of the Comprehensive Plan as part of the LINK Spokane Transportation Update. The proposal does not result in the need for other amendments to the comprehensive plan or development regulations. Staff concludes the proposal is consistent with comprehensive plan goals and policies.

Staff concludes that this criterion is met.

F. Regional Consistency.

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

Relevant facts: The proposal supports the existing Transportation Chapter of the Comprehensive Plan and has been coordinated with SRTC and adjoining jurisdictions and agencies.

G. Cumulative Effect.

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

1. Land Use Impacts.

In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.

2. Grouping.

Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.

Relevant facts: The Pedestrian Master Plan does not impact the land use plan map or development regulations. Implementation of the Pedestrian Master Plan will occur through eventual changes to the capital facilities program and may be subject to SEPA review at that time. The changes are coordinated with a related project, the LINK Spokane Comprehensive Plan Transportation Chapter Update.

Staff concludes that this criterion is met.

H. SEPA.

SEPA review must be completed on all amendment proposals.

1. Grouping.

When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.

2. DS.

If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

Relevant facts: The Pedestrian Master Plan is being reviewed in accordance with the State Environmental Policy Act (SEPA) that requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of information contained with the environmental checklist, the written comments from local and State departments and agencies concerned with land development within the city, and a review of other information available to the Director of Planning and Development, a threshold determination is expected to be issued following the end of the public comment period on September 18, 2015.

I. Adequate Public Facilities.

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

Relevant facts: The proposal does not propose new public facilities and services. It does identify priority areas for pedestrian improvements that will be implemented through the 6 Year Capital Improvement programs. Staff concludes that this criterion is met.

J. UGA.

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

Relevant fact: This criterion is not applicable.

K. Consistent Amendments.

1. Policy Adjustments.

Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can

better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:

- a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- b. the capacity to provide adequate services is diminished or increased;
- c. land availability to meet demand is reduced;
- d. population or employment growth is significantly different than the plan's assumptions;
- e. plan objectives are not being met as specified;
- f. the effect of the plan on land values and affordable housing is contrary to plan goals;
- g. transportation and/or other capital improvements are not being made as expected;
- h. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.

Relevant facts: Staff concludes that the Pedestrian Master Plan will better achieve the community's original vision and values by better aligning funding of transportation improvements with identified pedestrian demand and deficiency measures. The plan also provides additional guidance so the community's original visions and values can better be achieved.

2. Map Changes.

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

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);
- b. The map amendment or site is suitable for the proposed designation;
- c. The map amendment implements applicable comprehensive plan policies better than the current map designation.

Relevant fact: This criterion is not applicable.

3. Rezones, Land Use Plan Map Amendment.

Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve

consistency between the comprehensive plan and supporting development regulations.

Relevant fact: This criterion is not applicable.

L. Inconsistent Amendments.

1. Review Cycle.

Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(C) and every other year starting in 2005.

2. Adequate Documentation of Need for Change.

- a. The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:
- b. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- c. the capacity to provide adequate services is diminished or increased;
- d. land availability to meet demand is reduced;
- e. population or employment growth is significantly different than the plan's assumptions;
- f. transportation and/or other capital improvements are not being made as expected;
- g. conditions have changed substantially in the area within which the subject property lies and/or Citywide;
- h. assumptions upon which the plan is based are found to be invalid; or
- i. sufficient change or lack of change in circumstances dictates the need for such consideration.

Relevant facts: This criterion is not applicable.

3. Overall Consistency.

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

Relevant facts: The proposed Pedestrian Master Plan has been determined to be consistent with the Comprehensive Plan. The criteria listed above are intended to be used to evaluate applications that are inconsistent with the Comprehensive Plan.

M. SMC 17G.020.040 Amendment Exceptions Criteria

The following types of amendments may be considered more than once a year, provided that all of the amendment criteria have been met, and appropriate steps have been taken to ensure public participation.

- A. Initial adoption of a specific/subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea (RCW 36.70A.130(2)(a)(i)). However, as anticipated by the comprehensive plan, redesignations are exempt that comply with and implement the comprehensive plan policies regarding designations created as a part of initial neighborhood and centers planning efforts through the neighborhood planning program. Also, future annexations will require an amendment to the land use plan map.

Relevant facts: The Pedestrian Master Plan is both a “specific” plan and a “subarea” plan. The Pedestrian Master Plan is a specific plan that amends the Comprehensive Plan under the specific topic of planning for pedestrians as a part of the overall Comprehensive Plan Transportation Chapter. The Pedestrian Master Plan is a subarea plan of the Comprehensive Plan Transportation Chapter that addresses planning for pedestrians as a subarea of the overall topic of transportation planning. Planning for pedestrians is a basic element of the Transportation Chapter of the Comprehensive Plan. Staff concludes that these criteria have been met.

Comments on the Pedestrian Master Plan Draft

I think having sidewalks along streets for pedestrians to utilize is important, but this draft goes far beyond providing a path for pedestrians to utilize ie sidewalks. It also has some statements not backed up by facts and seems to push an agenda to the detriment of vehicles. For example, on page 1-2, second paragraph, it states street and intersection designs accommodate high speed traffic but “the drawback of this focus is that the pedestrian infrastructure of sidewalks, intersection crossings, pedestrian signals, and other elements no longer accommodates people of all ages and abilities, leaving them open to injury...” So all our crossings at signals are defective??!! The rest of this document reflects the same lack of accuracy and reasoning.

Pg 1-8 The quality of the walking experience. (one of the bullets) If I am trying to get somewhere, I am not so concerned about land use and building design. I want a short, direct path. Looking in windows is for shoppers, who most likely drove to the store or district and are then walking around. So how about recognizing the importance of good traffic flow so those drivers who become pedestrians when they get to their destination are not impeded getting there.

Pg 1-9 (bullet 5 of best practices) On street parking The draft mentions angled parking and cars slowing down out of concern for possible conflicts with parked cars. The angled parking is unsafe compared to parallel as the driver cannot see the traffic they have to back into and if an accident occurs, they are the one liable. It is interesting that in Colville, the DOT, which administers the main road thru town, eliminated angled parking since it was unsafe. This draft promotes it as a way to create a hazardous condition that will slow drivers down.

Pg 1-10 paragraph 2 “on arterials, it is common to find narrow sidewalks with widths of 5 feet or less.” I find it interesting that the old standard of 5’ is now considered narrow! Yet in the new Division Gateway project, the sidewalk is much narrower at every street tree that was planted. Having a wide sidewalk and then planting street trees seems counter- productive as pedestrians are not going to walk on the sidewalk in the path of the trees. Either make it a planting strip with trees or no trees if the right of way does not exist. 5’ is enough for two people to walk side by side. Also, a lot of downtown has minimal sidewalk due to the “frontage zone” this draft mentions. The tables and chairs make a very narrow through zone, less than the 5 feet.

Pg 1-13 The draft complains in the first paragraph that signalized intersections “introduces pedestrian delay and conflict”. How about a signalized intersection allows for the safe passage of pedestrians who have to wait their turn like everybody else. The next paragraph mentions

how to improve pedestrian comfort and safety. High visibility crosswalks are mentioned. Why? Everyone at a traffic signal already knows pedestrians may cross there. A normal crosswalk striping is sufficient as the signal already highlights the area. "Prohibiting right turns on red" just to accommodate pedestrians unless it is a high ped volume location is going to aggravate drivers having to stop when there are no peds. They are forced to sit idling a polluting car and you are contributing to the increased pollution that results.

Pg 1-15 last paragraph. Small curb radii reduce turning vehicle speeds. But you don't address trucks trying to turn a corner and needing a larger radii, so their tires go over the curb and sidewalk, which is less safe for pedestrians and results in the concrete getting broken up over time.

I can go on and on regarding this document but realize it will probably have no impact on the individuals who drafted this as they have their agenda in place and there are too many points to go over on this draft. I was out of town when you had the open house on the 16th. Hopefully you will still take more comments before adopting this. One last comment - on page 1-8, you use the figure that 4% of citizens walk to work, so how about the 96% of us that don't. How come you are designing for the minority and not the majority of citizens.

Sincerely,

Bob

[9.22.15 – EMAIL COMMENT]

Williams, Stephen

From: Caro, Jackie
Sent: Monday, October 05, 2015 9:57 AM
To: Halvorson, Jacqui
Subject: FW: Comstock was not included to have a planned Pedestrian Priority Zone

From: Jon Galow [mailto:llgalow@msn.com]
Sent: Sunday, October 04, 2015 11:12 AM
To: Elaine Thorne; Deb Barnes; John Schram; Whitney Welch; Hal Ellis; Paul Kropp; Kathleen Watson; Cheryl Closson; Tim Williams; Caro, Jackie; Snyder, Jon
Subject: RE: Comstock was not included to have a planned Pedestrian Priority Zone

It appears the DRAFT Spokane Pedestrian Master Plan inadvertently omits the 29th & Grand District Center and 14th & Grand Neighborhood Center from its Pedestrian Priority Zones narrative on pages 34-36. However, I would suggest that BY DEFINITION district and neighborhood centers are priority pedestrian zones. As long as the omission of these centers does not prevent future investment by the city of Spokane, I do not see a fatal flaw here.

The following Plan language suggests the city cannot use omission as an excuse for preventing investment:

page 48 - "The Pedestrian Priority Zones were identified using the pedestrian needs analysis. The Pedestrian Needs Analysis compares pedestrian demand indicators with existing pedestrian infrastructure, and is used to compare different locations to help make data decisions that are equitable and fair. This is only one tool to assist with prioritizing locations for pedestrians projects; **it should not be used as the sole determinant for making decisions** [my emphasis]. An integrated approach that includes availability and stipulations of funding, community support, and cost sharing opportunities with other planned projects will be considered in the decision making process."

I hope the Comstock Neighborhood Council and South Hill Coalition will continue to work with the city to improve the pedestrian environment at the Grand District and other centers.

Best,
Jon Galow
624-8120

Date: Fri, 2 Oct 2015 22:37:29 -0700
Subject: Comstock was not included to have a planned Pedestrian Priority Zone
From: elainethorne1967@gmail.com
To: llgalow@msn.com; debarnes@me.com; john.schram@lpl.com; whit@jumpylegs.com; hellisso@earthlink.net; elainethorne1967@gmail.com; pkropp@fastmail.fm; jhavorson@spokanecity.org; kathleenm.watson@hotmail.com; cmunro18@yahoo.com; Timwill789@gmail.com; jcaro@spokanecity.org

All we need to email the PeTT Committee to insure that Comstock Center and Corridor is represented in the Pedestrian Project Plan. I had missed this last meeting of the PeTT Committee because I had injured myself from biking and needed to recover. Apparently they discussed and named Pedestrian Projects for Spokane but South Hill Corridor was not listed. Yes I did attend the Public hearing for the Pedestrian Master Plan on Sept 23 at the City Council Chambers but there was so much presented that I did not take in the fact that Comstock

did not have a zone designated as much information revolved around the pedestrian walkability with discussion of pedestrian density and other matters. I had even read most of the draft of the Master Pedestrian Plan as I was also thinking about sidewalks and other issues but missed that Comstock was not included in the big picture - from the Centers and Corridors meetings long ago, I knew Comstock is considered for centers and corridors concerns as citizens discussed what was going to happen to the establishment that later became Brain Freeze on 32nd and Grand when all we knew was that another establishment was coming into our community and had no answers. The Centers and Corridor folks explained concerns about traffic flow, landscaping and design etc. for future corridor construction. 29th and Grand Intersection area should be a corridor based on the map but you need to enlarge see this--- Please view the enlarged map view attachment taken at 200% magnification of the Citywide Pedestrian Demand Zone map.

The attachment Proposed Pedestrian Priority Zone Designation was a handout at the Community Assembly today, Friday Oct 2nd and reading the document in that context made it clear to me that Comstock was not being considered part of the proposed project for the future Pedestrian Plan. The entire document for the draft Planned Pedestrian Plan is also attached (Comstock is not mentioned on page 34 to 36 of the draft Plan)

Jon Galow had applied for a traffic calming measure to help establish a pedestrian corridor between 29th Avenue and 32nd Avenue. This application did not make the final cut but was discussed at the last Comstock Neighborhood Council meeting and Council Member Jon Snyder agreed that Comstock needed a pedestrian corridor and neighborhood connectivity to build our neighborhood in a manner that would gel the neighborhood similar to Perry District. This was something to work for in the future and to discuss.

Comstock has several businesses that are doing very well such as the Tap House and Republic of Pi on one side of the street with the Sterling Shopping Center (Rustic Moose, Wheel Sport, Great Clips) across the street that are neighborhood hubs with other establishments on the other side of 30th (Slick Rock Burrito, Subway, the Chalet) in that center. There should be more pedestrian traffic encouraged and we even have 2 bike shops that have much business to encourage bicycle usage. Then we have the Brain Freeze and small coffee shop (which even the survey for Jon Galow's application the engineers noted that students crossed the street at unauthorized crossings to get to the coffee shop). We also have Sacajawea Middle School, the church, and the post office in the vicinity. This center and corridor draws many pedestrians and much traffic throughout the day in Comstock.

I do not know what plan for the South Hill Coalition had envisioned but we need input to for the Proposed Pedestrian Priority Zone Designation and Project Identification for Comstock to Paul Kropp of the PeTT Committee, and Jacqui Halvorson (Project planner for the city of Spokane for the Pedestrian Priority Zone Designations and Project Identification). We do not want to be left out of an opportunity that impacts the future of Comstock Neighborhood.

Thanks for your support.
Elaine Thorne Comstock Neighborhood Council Chair.

1) Where do you live?Neighborhood: BROWNE'S ADDITIONZIP Code: 99201**2) How do you rate present pedestrian conditions in Spokane?**

Excellent

☒ Good

Fair

Poor

3) How do you rate present pedestrian conditions in your neighborhood?☒ Excellent

Good

Fair

Poor

4) Why do you walk? (check all that apply)

- ☒ For recreation/exercise
- ☒ To get to/from work
- ☐ To get to/from school
- ☒ For shopping/errands
- ☒ To get to/from transit
- ☐ To walk my dog/pet
- ☐ To socialize
- ☐ To walk a child in a stroller/person in wheelchair
- ☐ I never walk

5) What is the average time you spend walking per day?

- ☒ Less than 15 minutes
- ☒ 15 to 30 minutes
- ☐ 31 minutes to an hour
- ☐ More than an hour

6) What type of walking facilities do you use most frequently? (select top two)

- ☒ Sidewalks (major/arterial streets)
- ☒ Sidewalks (residential streets)
- ☐ Walk in street or shoulder (no sidewalk or path available)
- ☒ Paved off-street trails (Centennial/Fish Lake)
- ☐ Unpaved Paths (frequently used unmarked paths connecting, e.g., cul-de-sacs or physical barriers).
- ☐ Other (please specify)

7) If you run, what is the average time you spend running per day?

NA

- Less than 15 minutes
- 15-30 minutes
- 31 minutes to an hour
- More than an hour
- I don't run

8) If you run, where do you run?

- Street or shoulder
- Designated Trail
- Paths (paved or unpaved)
- Sidewalk
- Other (please specify)

9) Which of the following accessibility deficiencies are problems in your neighborhood?

- No sidewalks
- Gaps between sections of sidewalks
- Missing corner curb ramps
- Missing ramps as alternatives to stairs in public places
- Narrow sidewalks (less than 3 feet wide)
- Sidewalk obstructions (e.g. utility poles)
- ☒ Uneven, damaged or sloping sidewalks
- Slopes at driveways
- Other (please specify)

10) Do any of the following barriers cause you to walk out of your way or prevent you from walking to destinations?

- Freeways/freeway interchanges
- Long blocks
- ☒ Large areas without sidewalks
- ☒ Difficult street crossings
- Heavily damaged sidewalks
- Cul-de-sacs
- Water
- Railroad tracks
- Other (please specify)

11) If you have children living at home with you who attend a K-8 school within 2 miles of your home, in general, what type of transportation does your child (children) use to get to school?

NA

- School bus/van
- Automobile
- Bicycle
- Walking
- Public transportation
- My child (children) uses a combination of means
- I have more than one child in elementary school and they generally use different means.
- No school age children at home
- Other (please specify)

12) Which of the following are problems for you when you walk, or cause you to walk less? Rank your top three problems by adding 1, 2 and 3 next to them.

- Poor condition of sidewalk
- Lack of sidewalk
- Lack of pedestrian crossing signals,
- (...options continued on back...)
- The "Walk" signal does not give me enough time to cross.

- ① High traffic volumes
 ③ High traffic speeds
 Motorists don't stop for pedestrians
 Insufficient lighting
 ② Concern about crime
 Other (please specify)

13) Please identify locations that feel unsafe for walking and reasons why:

Location	Reason for feeling unsafe
E SPRAGUE	NARROW SIDEWALKS CRIME
W RIVERSIDE DOWN TO PEOPLE'S PARK OR HIGHBRIDGE PARK	NARROW ROADWAY
SUNSET HILL	NO SIDEWALK - PLANNED for 2016
AROUND SCC	UNSAFE CROSSINGS, NARROW SIDEWALKS

- 14) The City is working to consider all uses of the street, from utilities to vehicle transportation to bicycle and pedestrian needs, as it prioritizes projects. Do you agree with that strategy? (See brochure for prioritization strategy.)**

Yes or No But if you

- 15) Arterial streets account for more than 90 percent of the miles driven in Spokane. New street levy funding is focused on arterial improvements. Do you agree with that strategy?**

Yes or No

- 16) How important to you are each of these infrastructure issues on a scale of 1 to 5 with 5 being very important, and 1 not important at all?**

- ④ Pavement condition
 ③ Sidewalk condition and connectivity
 ③ Connecting bike facilities
 ⑤ Managing stormwater
 ⑤ Repairing and replacing water and wastewater pipes
 ③ Streetscape improvements

- 17) Are you aware of a location where a connection is missing from a bicycle route?**

Yes or No

- 18) If yes, please identify the location:**

City of Spokane 8.3.15

19) You may leave additional comments in the box below:

JUST BECAUSE A STREET OR AREA DOES NOT HAVE ANY WALKERS OR BIKERS DOES NOT MEAN THAT IF THESE AMENITIES WERE ADDED TO A STREET (BIKE LINES OR WIDER SIDEWALKS) THAT THESE PEOPLE WOULD USE THEM. I THINK THAT WALKERS AND BIKERS SHOULD BE CONSIDERED EVEN IF IT DOESN'T SEEM THAT THEY ARE USING THE STREET AT THIS TIME.

- 20) (Optional) For statistical purposes only, what is your age?**

Under 18
 18 to 24
 25 to 35
 36 to 45
 ✓ 46 to 55
 56 to 65
 66 to 75
 Over 75

- 21) If you would like to receive additional information on this or future Comprehensive Plan Updates please provide your email or home address below:**

Email address	
Name	
Street Address	
City/Zip Code	
Phone	(Optional)

Citizens also can get additional information on line at www.spokanecity.org/projects/pedestrian-master-plan and take the on-line survey about the Pedestrian Master Plan and related transportation topics. For more information, follow us on @spokanecity on Facebook, Twitter and Instagram.



COMMENT SHEET

Project: PEDESTRIAN MASTER PLAN UPDATE - Draft

For more project information visit:

<https://my.spokanecity.org/projects/pedestrian-master-plan>

Name: Kim Engel

ADDRESS: 2203 W. 2nd AVE, SPOKANE 99201 **PHONE NUMBER:** 509.703-8039

E-MAIL CONTACT:

RESPONSE REQUESTED: YES ☒ NO ☐

I just wanted to make a comment on the Garland Ave area, from Monroe St. east a few blocks. This is a nice, busy, small, community area w/ theatres, stores, restaurants, and taverns, but it doesn't seem very welcoming to pedestrians due to the high volume of traffic and narrow sidewalks. Maybe if some of the on-street parking wasn't allowed and the sidewalks were widened it would make it more walkable, but it is still a major traffic thoroughfare, so you would still have the same volume of traffic? Your draft plan says that there are not very many pedestrians, but if it could somehow be made more walkable, I think it would have many more pedestrians and would be a much nicer community.

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6088

E-mail – write to us at jhalvorson@spokanecity.org

Thank you! We look forward to hearing from you!

Planning & Development Services, City of Spokane



Planning & Development Services
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3343

City of Spokane
Planning & Development Services
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3343

Comments on SRTC “Active Transportation” Work Plan

Favored Strategies:

Engineering	Education	Encouragement	Enforcement	Evaluation/Planning
<p>*Complete Streets policy implementation</p> <p>*Pedestrian and bicycle facility design standards that meet or exceed national standards, esp. bike lane markings</p> <p>*Safe and convenient intersections for bicyclists and pedestrians on the regional network</p>	<p>*Safe Routes to School</p> <p>*Awareness of bike/ped laws and the mutual responsibilities of all users</p> <p>*”Education without enforcement is useless” →</p>	<p>*Bike and walk to work days, bike and walk to school days, etc. events promoted with local advocacy groups and non-profit organizations</p>	<p>*Law requiring safe passing distance of at least three feet</p> <p>*Increased penalties for harassing or injuring pedestrians and bicyclists</p> <p>*Speed limits 20 mph and lower in neighborhoods / near schools</p> <p>*Bicyclists not required to use a side path or lane and have discretion on where to ride on road</p> <p>*Coupled with more/better bike enforcement, e.g. “stings” at problem intersections</p>	<p>*Plan for recreational biking</p> <p>*Bicycle use and pedestrian activity are researched and bike / pedestrian crashes are studied</p> <p>*Find ways to get useable data</p> <p>*”Mode shift measures are meaningless without safety emphasis and the availability of real data”</p>

Comments on Proposed Spokane Pedestrian Master Plan Goals, Policies and Actions (v.61615)

Goal 1 Connected and Complete Pedestrian Network

- Treats “trails” and “other pedestrian facilities” as elements external to or different from the pedestrian network, which appears to be composed entirely of sidewalks in or along streets.

Shouldn’t support for the continued development and identification of shared-use bike/ped pathways, i.e., “trails” be included somewhere?

- Omits a key component for a “connected and complete” pedestrian network, namely any attention whatsoever to the regional pedestrian network in the county and other adjacent jurisdictions, particularly the city of Spokane Valley.

Shouldn’t this plan contain clear and comprehensive guidance for the city’s standards for and responsibilities to the regional pedestrian network and partner jurisdictions?

Policy 1.4 Documentation

- The policy relates only to the sidewalk inventory.

Shouldn’t usage statistics for the pedestrian network also be a priority for documentation in order to track mode-shift from vehicle use or to detail pedestrian travel related to work, shopping and recreation in order to respond best with strategic investments to the pedestrian infrastructure within Pedestrian Priority Zones?

Williams, Stephen

From: Andy DeMott <ademott@comcast.net>
Sent: Thursday, September 17, 2015 2:40 PM
To: Halvorson, Jacqui
Cc: Diane DeMott
Subject: Spokane Pedestrian Master Plan

We are pleased to see that Spokane is working on adopting a Pedestrian Master Plan. Following are a few comments for your consideration:

- Having moved to Spokane just 5 years ago, we have been impressed that Spokane has a very active downtown core. Safe and comfortable pedestrian access, including the numerous skywalks, are an important component of making the downtown a place that residents and visitors want to be in all types of weather throughout the year. The city should congratulate itself for maintaining a viable downtown.
- We live in a South Hill neighborhood just a couple of blocks from Manito Park. We have found that pedestrian access from this entire area to the downtown is very limited, to the point that it discourages walking. The sidewalks to go up and down the hill along Lincoln/Monroe and Bernard/Stevens/Washington are very narrow, with no buffer between walkers and high volumes of traffic. When snow falls, these walkways are covered with mounds of slippery snow and ice plowed off of the roadway. The draft master plan mentions the existence of the Tiger Trail. However, that trail is hazardous even when it is clear and dry unless one is wearing sturdy shoes with great traction.
- We are active walkers, and we like to get out to walk in all directions from our home. We find that many sidewalks are broken and have serious trip hazards. We also find that many homeowners have allowed vegetation to obstruct passage to a great degree. Correcting this encroachment would make walking through Spokane's neighborhoods much more inviting and pleasurable. Would we be correct in assuming that homeowners in Spokane have a responsibility to keep sidewalks clear for pedestrians? If so, it would be helpful if the Master Plan was explicit in stating this, and that the city would follow up with enforcing this requirement.
- Regarding the recommendation for the city to require that homeowners keep sidewalks clear for pedestrians, one possible way to approach this would be for the city to notify homeowners of this requirement with a notice that is sent out with utility bills. A further possibility is for the city to implement a program in which teams of seasonal employees (young adults of high school or college age) could trim back encroaching vegetation on properties where the homeowner has not done it themselves after being notified of the need to remedy a problem. The city could recover costs for this work by billing the homeowner an appropriate amount.

Thank you for your consideration of these comments.

Regards,
Andrew & Diane DeMott
311 W 18th Ave



September 21, 2015

Jacqui Halvorson, Project Planner – Link Spokane
City of Spokane
808 W Spokane Falls Boulevard
Spokane, WA 99201

RE: Draft Spokane Pedestrian Plan

Dear Ms. Halvorson:

Thank you for the opportunity to provide comment concerning the draft Pedestrian Plan.

The draft plan recognizes the vital relationship between pedestrian activity and transit accessibility and usability. When transit is seamlessly integrated in the pedestrian network, it expands the range of destinations accessible to pedestrians and improves their travel experience.

Thank you for including high usage transit stops and the High Performance Transit Network in the criteria used to identify the Pedestrian Priority Zones. These zones are a key element of the draft plan. To avoid confusion, please ensure that the terminology used to describe the zones is consistent throughout the plan. For example, on page 1-3, the zones are referred to as "Priority Pedestrian Zones" under Goal 1 and as "Pedestrian Priority Zones" in the title of the call out box.

I applaud the City of Spokane for undertaking this effort and seeking stakeholder feedback at regular intervals throughout the process. We look forward to continued opportunities to work together to build a better, more integrated multimodal transportation system.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Otterstrom', written over a light blue horizontal line.

Karl Otterstrom, AICP
Planning Director



Agenda Sheet for City Council Meeting of:
10/26/2015

Date Rec'd	10/13/2015
Clerk's File #	ORD C35312
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	CITY COUNCIL
Contact Name/Phone	MIKE ALLEN 625-6715
Contact E-Mail	RBARDEN@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	CELL TOWER REGULATIONS

Agenda Wording

An Ordinance Relating to Wireless Communication Facilities; repealing Chapter 17C.355 SMC; adopting a New Chapter 17C.355A SMC; amending SMC Section 17C.110.110, Table 17C.110-1, 17C.320.080, 17C.130.220, 17C.120.220, 17C.110.215, 17C.124.220, 17A.02

Summary (Background)

Chapter 17C.355 SMC currently governs the City's regulation of wireless communication facilities. These regulations have become dated as federal laws, regulations and court decisions, wireless technology and consumer usage have reshaped the environment within which wireless communications facilities are permitted and regulated. On March 9, 2015, the City Council adopted Ordinance No. C35243 imposing a moratorium on applications for new wireless communications support towers in the City's resid

Fiscal Impact		Budget Account	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	MCDANIEL, ADAM	Study Session	
Division Director		Other	
Finance	SALSTROM, JOHN	Distribution List	
Legal	RICHMAN, JAMES	jrichman@spokanecity.org	
For the Mayor	SANDERS, THERESA	tpalmquist@spokanecity.org	
Additional Approvals		dcompton@spokanecity.org	
Purchasing			



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Fiscal Impact

Budget Account

\$

#

\$

#

Distribution List

Cell Tower Regulations

Agenda wording: An Ordinance Relating to Wireless Communication Facilities; repealing Chapter 17C.355 SMC; adopting a New Chapter 17C.355A SMC; amending SMC Section 17C.110.110, Table 17C.110-1, 17C.320.080, 17C.130.220, 17C.120.220, 17C.110.215, 17C.124.220, 17A.020.010, 17A.020.200, 17C.120.110, Table 17C.120-1, 17C.124.110, 17C.130.110, Table 17C.130-1, and 01.05.160, as those sections relate to wireless communications facilities; and Declaring an Emergency.

Background: Chapter 17C.355 SMC currently governs the City's regulation of wireless communication facilities. These regulations have become dated as federal laws, regulations and court decisions, wireless technology and consumer usage have reshaped the environment within which wireless communications facilities are permitted and regulated. On March 9, 2015, the City Council adopted Ordinance No. C35243 imposing a moratorium on applications for new wireless communications support towers in the City's residential zones. Following the adoption of the moratorium, the City has been engaged in an extensive stakeholder process that has resulted in a substantial re-write of the City's regulations relating to wireless communications facilities. These new regulations will protect and promote the public health, safety and welfare of the City of Spokane community, will reasonably regulate wireless communication facilities aesthetics, and will protect and promote the City's unique character in a manner consistent with State and federal laws and regulations.

**CITY OF SPOKANE
ORDINANCE NO. C35312**

An Ordinance Relating to Wireless Communication Facilities; repealing Chapter 17C.355 SMC; adopting a New Chapter 17C.355A SMC; amending SMC Section 17C.110.110, Table 17C.110-1, 17C.320.080, 17C.130.220, 17C.120.220, 17C.110.215, 17C.124.220, 17A.020.010, 17A.020.200, 17C.120.110, Table 17C.120-1, 17C.124.110, 17C.130.110, Table 17C.130-1, and 01.05.160, as those sections relate to wireless communications facilities; and Declaring an Emergency.

WHEREAS, Chapter 17C.355 SMC currently governs the City's regulation of wireless communication facilities; and

WHEREAS, some of the existing regulations for wireless communication facilities are more than ten years old and federal laws, regulations and court decisions, wireless technology and consumer usage have reshaped the environment within which Wireless Communications Facilities are permitted and regulated; and

WHEREAS, federal laws and regulations that govern local zoning standards and procedures for wireless communications have substantially changed since the City adopted Chapter 17C.355; and

WHEREAS, on March 9, 2015, the City Council adopted Ordinance No. C35243 imposing a moratorium on applications for new wireless communications support towers in the City's residential zones; and

WHEREAS, following the adoption of the moratorium, the City has been engaged in an extensive stakeholder process that has resulted in a substantial re-write of the City's regulations relating to wireless communications facilities; and

WHEREAS, following appropriate procedures and public notice, on October 14, 2015, the Spokane Plan Commission conducted a hearing on proposed amendments to the City's wireless communication facility regulations and recommended that the City Council approved the proposed amendments; and

WHEREAS, at the conclusion of its public hearing, the Plan Commission approved written findings, conclusions, and recommendation (the "Plan Commission Recommendation") which is incorporated into this Ordinance as if set forth fully herein; and

WHEREAS, on October 26, 2015, the City Council conducted a lawfully-noticed public hearing and received the report and recommendation of the Plan Commission regarding the Ordinance which modifies the code sections relating to wireless communication facilities; and

WHEREAS, the City Council of the City of Spokane desires to update its local standards and procedures to protect and promote the public health, safety and welfare of the City of Spokane community, to reasonably regulate wireless communication facilities aesthetics, to protect and promote the City's unique character in a manner consistent with State and federal laws and regulations; and

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

SECTION 1. That Chapter 17C.355 of the Spokane Municipal Code is hereby repealed.

SECTION 2. That there is adopted a new Chapter 17C.355A of the Spokane Municipal Code to read as follows:

Section 17C.355A.010 Purpose

Section 17C.355A.020 Definitions

Section 17C.355A.030 Towers

Section 17C.355A.040 Collocation of Antennas, DAS, and Small Cells

Section 17C.355A.050 Tower Sharing, Collocation and Preferred Tower Locations

Section 17C.355A.060 Application Submittal Requirements

Section 17C.355A.070 General Development Standards Applicable to WCFs

Section 17C.355A.080 Regulations for Facilities Subject to a Conditional Use Permit

Section 17C.355A.090 Exception from Standards

Section 17C.355A.100 Final Inspection

Section 17C.355A.110 Maintenance

Section 17C.355A.120 Discontinuation of Use

Section 17C.355A.130 Independent Technical Review

Section 17C.355A.140 Exempt Facilities

Section 17C.355A.150 Indemnification

Chapter 17C.355A

Wireless Communication Facilities

Section 17C.355A.010 Purpose

The purpose of this Chapter is:

- A. To protect the community's natural beauty, visual quality and safety while facilitating the reasonable and balanced provision of wireless communication services. More specifically, it is the City's goal to minimize the visual impact of wireless communication facilities on the community, particularly in and near residential zones;
- B. To promote and protect the public health, safety and welfare, preserve the aesthetic character of the Spokane community, and to reasonably regulate the development and operation of wireless communication facilities within the City to the extent permitted under State and federal law;
- C. To minimize the impact of WCFs by establishing standards for siting design and screening;
- D. To encourage the collocation of antennas on existing structures, thereby minimizing new visual impacts and reducing the potential need for new towers that are built in or near residential zones by encouraging that WCFs first be located on buildings, existing towers or utility poles in public rights-of-way;
- E. To protect residential zones from excessive development of WCFs;
- F. To ensure that towers in or near residential zones are only sited when alternative facility locations are not feasible;
- G. To preserve the quality of living in residential areas which are in close proximity to WCFs;
- H. To preserve the opportunity for continued and growing service from the wireless industry;

- I. To preserve neighborhood harmony and scenic viewsheds and corridors;
- J. To accommodate the growing need and demand for wireless communication services;
- K. To establish clear guidelines and standards and an orderly process for expedited permit application review intended to facilitate the deployment of wireless transmission equipment, to provide advanced communication services to the City, its residents, businesses and community at large;
- L. To ensure City zoning regulations are applied consistently with federal telecommunications laws, rules, regulations and controlling court decisions;
- M. To encourage the use of Distributed Antenna Systems (DAS) and other small cell systems that use components that are a small fraction of the size of macrocell deployments, and can be installed with little or no impact on utility support structures, buildings, and other existing structures; and
- N. To provide regulations which are specifically not intended to, and shall not be interpreted or applied to, (1) prohibit or effectively prohibit the provision of personal wireless services, (2) unreasonably discriminate among functionally equivalent service providers, or (3) regulate WCFs and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commission.

Section 17C.355A.020 Definitions

- A. "Antenna" means one or more rods, panels, discs or similar devices used for wireless communication, which may include, but is not limited to, omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).
- B. "Antenna Array" means a single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.
- C. "Base Station" means a structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.
 - 1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - 2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small cell networks).
 - 3. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment

described in this section that has been reviewed and approved under the applicable zoning or siting process, or under Washington or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

4. The term does not include any structure that, at the time the relevant application is filed with Washington or the City under this section, does not support or house equipment described in this section.
- D. “Collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- E. “Commission” means the Federal Communications Commission (“FCC”).
- F. “Distributed Antenna System” or “DAS” means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.
- G. “Small Cells” mean compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells. Small cells will meet the two parameters in subsections (a) and (b). For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.
- (a) Small Cell Antenna: Each antenna shall be no more than three (3) cubic feet in volume.
 - (b) Small Cell Equipment: Each equipment enclosure shall be no larger than seventeen (17) cubic feet in volume. Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.
- H. “Stealth design” means technology that minimizes the visual impact of wireless communications facilities by camouflaging, disguising, screening, and/or blending into the surrounding environment. Examples of stealth design include but are not limited to facilities disguised as trees, flagpoles, bell towers, and architecturally screened roof-mounted antennas.
- I. “Tower” means any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
- J. “Tower Height” means the vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.

- K. “Transmission Equipment” means equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- L. “Utility Support Structure” means utility poles or utility towers supporting electrical, telephone, cable or other similar facilities; street light standards; pedestrian light standards; traffic light structures; traffic sign structures; or water towers.
- M. “Wireless Communication Facilities” or “WCF” means a staffed or unstaffed facility or location for the transmission and/or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets.

Section 17C.355A.030 Towers

- A. Towers shall be located only in those areas and pursuant to the process described in SMC Tables 17C.355A-1 and 17C.355A-2, provided that towers that are proposed to be located in a residential zone or within 150 feet of a residential zone shall be subject to the siting priorities set forth for preferred tower locations in SMC 17C.355A.050.

Table 17C.355A-1 New Wireless Communication Tower Criteria Allowed by Type II Permit				
Zone Category	Located in Public Right-of-way (ROW)	Maximum Tower Height	Stealth Design	Setback from Property Lines (does not apply within ROW)[2]
O & OR[1]	Yes	60'	Optional[1]	N/A
	No	60'	Optional[1]	20'
NR, NMU CC & CA[1]	Yes	60'	Optional[1]	N/A
	No	60'	Optional[1]	20'
CB & GC[1]	Yes or No	70'	Optional[1]	20'
All DT[1]	Yes or No (allowed in ROW only if less than or equal to 70')	150'	Optional[1]	20'
Industrial[1]	Yes or No (allowed in ROW only if less than or equal to 70')	150'	Optional[1]	20'

[1] If an applicant wants to construct a tower in a residential zone or within 50' of a residential zone, then a Type III process and stealth design are required. If an applicant wants to construct a tower within 51' - 150' of a residential zone, then a Type II process and stealth design are required. If an applicant wants to construct a tower beyond 150' of a residential zone, then the review process is that which is required in the zone in which the tower is to be located.

[2] See exception for locations adjacent to a residence in SMC 17C.355A.070(B).

Table SMC 17C.355A-2 New Wireless Communication Tower Criteria Allowed by Type III Conditional Use Permit				
Zone Category	Located in Public Right-of-way (ROW)	Maximum Tower Height	Stealth Design	Setback from Property Lines[2] (does not apply within ROW)
All R[1]	Yes or No	60'	Required	20'
O, OR, NR, NMU, CC & CA[1]	Yes or No	61' - 70'[3]	Optional[1]	20'
CB & GC[1]	Yes or No	71' - 90'[4]	Optional[1]	20'

[1] If an applicant wants to construct a tower in a residential zone or within 50' of a residential zone, then stealth design is required.

[2] See exceptions for locations adjacent to a residence in SMC 17C.355A.070(B).

[3] An additional 20 feet in height is allowed if applicant uses stealth design.

[4] An additional 30 feet in height is allowed if applicant uses stealth design.

Section 17C.355A.040 Collocation of Antennas, DAS, and Small Cells

- A. To the extent not otherwise covered by Chapter 17C.356 (Eligible Facilities Requests), collocation and new wireless communication antenna arrays are permitted in all zones via administrative approval provided that they are attached to or inside of an existing structure (except on the exterior of pole signs or anywhere on a billboard) that provides the required clearances for the array's operation without the necessity of constructing a tower or other apparatus to extend the antenna array more than 15 feet above the structure.
- B. Installation requires the granting of development permits prescribed by chapters 17G.010 and 17G.060 SMC.
- C. For antenna arrays on City-owned property, the execution of necessary agreements is also required.
- D. If any support structure must be constructed to achieve the needed elevation or if the attachment adds more than 15 feet above the existing structure, the proposal is subject to Type II review. The limitation to 15 feet applies to cumulative increases and any previously approved additions to height made under this section must be included in its measurement.
- E. Any equipment shelter or cabinet and other ancillary equipment are subject to the general development standards of SMC 17C.355A.070.
- F. Distributed Antenna Systems and Small Cells.
 1. Distributed Antenna Systems (DAS) and Small Cells are allowed in all land use zones, regardless of the siting preferences listed in SMC 17C.355A.050.
 2. DAS and small cells are subject to approval via administrative review only unless their installation requires the construction of a new utility support structure or

building. Type II review is required when the applicant proposes a new utility support structure or building.

3. Multiple Site DAS and Small Cells.
 - a. A single permit may be used for multiple distributed antennas that are part of a larger overall DAS network.
 - b. A single permit may be used for multiple small cells spaced to provide wireless coverage in a contiguous area.

Section 17C.355A.050 Tower Sharing, Collocation and Preferred Tower Locations

- A. Tower Sharing and Collocation. New WCF facilities must, to the maximum extent feasible, collocate on existing towers or other structures of a similar height to avoid construction of new towers, unless precluded by zoning constraints such as height, structural limitations, inability to obtain authorization by the owner of an alternative location, or where an alternative location will not meet the service coverage objectives of the applicant. Applications for a new tower must address all existing towers or structures of a similar height within 1/2 mile of the proposed site as follows: (a) by providing evidence that a request was made to locate on the existing tower or other structure, with no success; or (b) by showing that locating on the existing tower or other structure is infeasible.
- B. Preferred Tower Locations. All new towers proposed to be located in a residential zone or within 150 feet of a residential zone are permitted only after application of the following siting priorities, ordered from most-preferred (1) to least-preferred (7);
 1. City-owned or operated property and facilities, not including right-of-way and right-of-way facilities, that are not in residential zones or located within 150 feet of residential zones;
 2. industrial zones and downtown zones;
 3. City-owned or operated property and facilities in any zone, as long as the tower is not visible from a public street, public open areas, or property that is being used for residential purposes;
 4. Community Business and General Commercial zones (CB & GC);
 5. office and other commercial zones;
 6. other City-owned or operated property and facilities;
 7. parcels of land in residential zones.

The applicant for a tower located in a residential zone or within 150 feet of a residential zone shall address these preferences in an alternative sites analysis meeting the requirements of section 17C.355A.060 below.

Section 17C.355A.060 Application Submittal Requirements

In addition to the application materials identified in SMC 17G.060.070, Type II and Type III applications submitted under this chapter shall include the following materials.

- A. Requirement for FCC Documentation. The applicant shall provide a copy of:
 - 1. its documentation for FCC license submittal or registration, and
 - 2. the applicant's FCC license or registration.
- B. Site plans. Complete and accurate plans and drawings to scale, prepared, signed and sealed by a Washington-licensed engineer, land surveyor and/or architect, including (1) plan views and all elevations before and after the proposed construction with all height and width measurements called out; (2) a depiction of all proposed transmission equipment; (3) a depiction of all proposed utility runs and points of contact; and (4) a depiction of the leased or licensed area with all rights-of-way and/or easements for access and utilities in plan view.
- C. Visual analysis. A color visual analysis that includes to-scale visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view.
- D. Statement of Purpose/RF Justification. A clear and complete written Statement of Purpose shall minimally include: (1) a description of the technical objective to be achieved; (2) a to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; and (3) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites.
- E. Design justification. A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this chapter to the maximum extent feasible. A complete design justification must identify all applicable design standards under this chapter and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.
- F. Collocation and alternative sites analysis.
 - 1. All Towers. All applications for a new tower will demonstrate that collocation is not feasible, consistent with SMC 17C.355A.050.
 - 2. Towers in a residential zone or within 150 feet of a residential zone.
 - a. For towers in or within 150 feet of a residential zone, the applicant must address the City's preferred tower locations in SMC 17.355A.050 with a detailed explanation justifying why a site of higher priority was not selected. The City's tower location preferences must be addressed in a clear and complete written alternative site analysis that shows at least five (5) higher ranked, alternative sites considered that are in the geographic range of the service coverage objectives of the applicant, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the

applicant rejected the alternative candidate. An applicant may reject an alternative tower site for one or more of the following reasons:

1. preclusion by structural limitations;
 2. inability to obtain authorization by the owner;
 3. failure to meet the service coverage objectives of the applicant;
 4. failure to meet other engineering requirements for such things as location, height and size;
 5. zoning constraints, such as the inability to meet setbacks;
 6. physical or environmental constraints, such as unstable soils or wetlands; and/or
 7. being a more intrusive location despite the higher priority in this chapter as determined by the Planning Director or Hearing Examiner, as applicable.
- b. A complete alternative sites analysis provided under this subsection (F)(2) may include less than five (5) alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least five (5) potentially available, higher ranked, alternative sites.
3. Required description of coverage objectives. For purposes of disqualifying potential collocations and/or alternative sites for the failure to meet the applicant's service coverage objectives the applicant will provide (a) a description of its objective, whether it be to close a gap or address a deficiency in coverage, capacity, frequency and/or technology; (b) detailed technical maps or other exhibits with clear and concise RF data to illustrate that the objective is not met using the alternative (whether it be collocation or a more preferred location); and (c) a description of why the alternative (collocation or a more preferred location) does not meet the objective.
- G. DAS and small cells. As outlined in SMC 17C.355A.010, the City encourages, but it does not require, the use of DAS and small cells. Each applicant will submit a statement that explains how it arrived at the structure and design being proposed.
- H. Radio frequency emissions compliance report. A written report, prepared, signed and sealed by a Washington-licensed professional engineer or a competent employee of the applicant, which assesses whether the proposed WCF demonstrates compliance with the exposure limits established by the FCC. The report shall also include a cumulative analysis that accounts for all emissions from all WCFs located on or adjacent to the proposed site, identifies the total exposure from all facilities and demonstrates planned compliance with all maximum permissible exposure limits established by the FCC. The report shall include a detailed description of all mitigation measures required by the FCC.
- I. Noise study. A noise study, prepared, signed and sealed by a Washington-licensed engineer, for the proposed WCF and all associated equipment in accordance with the Spokane Municipal Code.

- J. Collocation consent. A written statement, signed by a person with the legal authority to bind the applicant and the project owner, which indicates whether the applicant is willing to allow other transmission equipment owned by others to collocate with the proposed wireless communication facility whenever technically and economically feasible and aesthetically desirable.
- K. Other published materials. All other information and/or materials that the City may, from time to time, make publicly available and designate as part of the application requirements.

Section 17C.355A.070 General Development Standards Applicable to WCFs

The following criteria shall be applied in approving, approving with conditions or denying a WCF. Unless otherwise provided in this chapter, WCF construction shall be consistent with the development standards of the zoning district in which it is located.

- A. Height. Refer to SMC Tables 17C.355A-1 and 2.
- B. Setback Requirements. Refer to SMC Tables 17C.355A-1 and 2 for towers. All equipment shelters, cabinets or other on-the-ground ancillary equipment shall be buried or meet the setback requirement of the zone in which located. Notwithstanding the setbacks provided for in Tables 17C.355A-1 and 2, when a residence is located on an adjacent parcel, the minimum side setback from the lot line for a new tower must be equal to the height of the proposed tower, unless:
 - 1. The setback is waived by the owner of the residence; or
 - 2. The tower is constructed with breakpoint design technology. If the tower has been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the applicable zone's minimum side setback requirements, whichever is greater. (For example, on a 100-foot tall monopole with a breakpoint at eighty [80] feet, the minimum setback distance would be twenty-two [22] feet [110 percent of twenty (20) feet, the distance from the top of the monopole to the breakpoint] or the minimum side yard setback requirements for that zone, whichever is greater.)
- C. Landscaping. All landscaping shall be installed and maintained in accordance with this chapter. Existing on-site vegetation shall be preserved to the greatest extent reasonably possible and/or improved, and disturbance of the existing topography shall be minimized. The director may grant a waiver from the required landscaping based on findings that a different requirement would better serve the public interest.
 - 1. Tower bases, when fenced (compounds), or large equipment shelters (greater than three feet by three feet by three feet), shall be landscaped following the provisions of this section. In all residential, O, OR, NR, NMU, CC, CA, CB, GC, Downtown, and other commercial zones, landscaping shall consist of a six-foot wide strip of L2 landscaping as described in SMC 17C.200.030. Street Frontage and perimeter property landscaping where required shall follow standards set forth in SMC 17C.200.040 Site Planting Standards.
 - 2. If fencing is installed, it shall consist of decorative masonry or wood fencing. Chain link is not allowed in residential, O, OR, NR, NMU, CC, and CA zones, except that in a CB and GC zone up to 3 strands of barbed wire may be placed atop a lawful fence

exceeding six feet in height above grade. In Downtown and industrial zones, 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. Electrified fences are not permitted in any zone. Razor or concertina wire is not allowed.

3. Applicant shall meet the irrigation requirements of SMC 17C.200.100 where feasible and ensure the full establishment of plantings for two years in accordance with SMC 17C.200.090.
- D. Visual Impact. All WCFs in residential zones and within 150 feet of residential zones, including equipment enclosures, shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the WCF. Such WCFs and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Such WCFs shall also be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be compatible with the urban, built environment, through matching and complimentary existing structures and specific design considerations such as architectural designs, height, scale, color and texture, and/or be consistent with other uses and improvements permitted in the relevant zone.
- E. Use of Stealth Design/Technology. The applicant shall make an affirmative showing as to why they are not employing stealth technology. More specifically:
1. Stealth design is required in residential zones and to the extent shown in Tables A-1 and A-2. Stealth and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design shall be designed and constructed to substantially conform to surrounding building designs or natural settings, so as to be visually unobtrusive. Stealth design that relies on screening wireless communications facilities in order to reduce visual impact must screen all substantial portions of the facility from view. Stealth and concealment techniques do not include incorporating faux-tree designs of a kind that are not native to the Pacific Northwest.
- F. Lighting. For new wireless communication support towers, only such lighting as is necessary to satisfy FAA requirements is permitted. All FAA-required lighting shall use lights that are designed to minimize downward illumination. Security lighting for the equipment shelters or cabinets and other on-the-ground ancillary equipment is also permitted as long as it is down shielded to keep light within the boundaries of the site. Motion detectors for security lighting are encouraged in residential, O and OR zones or adjacent to residences.
- G. Noise. At no time shall transmission equipment or any other associated equipment (including, but not limited to, heating and air conditioning units) at any wireless communication facility emit noise that exceeds the applicable limit(s) established in SMC 10.08D.070.
- H. Signage. No facilities may bear any signage or advertisement(s) other than signage required by law or expressly permitted/required by the City.
- I. Code compliance. All facilities shall at all times comply with all applicable federal, State and local building codes, electrical codes, fire codes and any other code related to public health and safety.

J. Building-mounted WCFs.

1. In residential zones, all transmission equipment shall be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing underlying structure, shall be proportional to the existing underlying structure or conform to the underlying use and shall use materials in similar quality, finish, color and texture as the existing underlying structure.
2. In residential zones, all roof-mounted transmission equipment shall be set back from all roof edges to the maximum extent feasible.
3. In all other zones, antenna arrays and supporting transmission equipment shall be installed so as to camouflage, disguise or conceal them to make them closely compatible with and blend into the setting and/or host structure.

K. WCFs in the public rights-of-way.

1. *Preferred locations.* Facilities shall be located as far from residential uses as feasible, and on main corridors and arterials to the extent feasible. Facilities in the rights-of-way shall maintain at least a two hundred (200) foot separation from other wireless facilities (except with respect to DAS or Small Cells), except when collocated or on opposite sides of the same street.
2. *Pole-mounted or tower-mounted equipment.* All pole-mounted and tower-mounted transmission equipment shall be mounted as close as possible to the pole or tower so as to reduce the overall visual profile to the maximum extent feasible. All pole-mounted and tower-mounted transmission equipment shall be painted with flat, non-reflective colors that blend with the visual environment.
3. For all WCFs to be located within the right-of-way, prior to submitting for a building permit, the applicant must have a valid municipal master permit, municipal franchise, or exemption otherwise granted by applicable law, to the extent consistent with RCW 35.21.860.

L. Accessory Equipment. In residential zones, all equipment shall be located or placed in an existing building, underground, or in an equipment shelter that is (a) designed to blend in with existing surroundings, using architecturally compatible construction and colors; and (b) located so as to be unobtrusive as possible consistent with the proper functioning of the WCF.

M. Spacing of Towers. Towers shall maintain a minimum spacing of one-half mile, unless it can be demonstrated that physical limitations (such as topography, terrain, tree cover or location of buildings) in the immediate service area prohibit adequate service by the existing facilities or that collocation is not feasible under SMC 17C.355A.050.

N. Site Design Flexibility. Individual WCF sites vary in the location of adjacent buildings, existing trees, topography and other local variables. By mandating certain design standards, there may result a project that could have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within a given site. Therefore, the WCF and supporting equipment may be installed so as to best camouflage, disguise them, or conceal them, to make the WCF more closely compatible with and blend

into the setting and/or host structure, upon approval by the Planning Director or the Hearing Examiner, as applicable. The design flexibility allowed under this subsection includes additional height for a tower located within tall trees on (i) City property or (ii) other parcels at least 5 acres in size, so that the impact of the tower may be minimized by the trees while still allowing for the minimum clearance needed for the tower to achieve the applicant's coverage objectives. A formal exception from standards under SMC 17C.355A.090 is not required for proposals meeting this subsection by being a less intrusive design option.

- O. Structural Assessment. The owner of a proposed tower shall have a structural assessment of the tower conducted by a professional engineer, licensed in the State of Washington, which shall be submitted with the application for a building permit.

Section 17C.355A.080 Regulations for Facilities Subject to a Conditional Use Permit

- A. Approval criteria. In addition to the development standards in this chapter and the approval criteria in SMC 17G.060.170, the following additional approval criteria apply:
 - 1. The need for the proposed tower shall be demonstrated if it is to be located in a residential zone or within one hundred fifty feet of an existing residential lot. An evaluation of the operational needs of the wireless communications provider, alternative sites, alternative existing facilities upon which the proposed antenna array might be located, and collocation opportunities on existing support towers within one-half mile of the proposed site shall be provided. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant.
 - 2. The proposed tower satisfies all of the provisions and requirements of this chapter 17C.355A.
- B. Public Notice. In addition to the notice requirements of SMC 17G.060.120, for proposals in residential zones and within 150 feet of a residential zone, public notice shall include:
 - 1. A black and white architectural elevation and color photo simulation rendering of the proposed WCF.
 - 2. The sign required by SMC 17G.060.120(B) shall include that same architectural elevation and color photo simulation combination selected by the City that depicts the visual impact of the WCF.

Section 17C.355A.090 Exception from Standards

- A. Applicability. Except as otherwise provided in this chapter (under Site Design Flexibility), no WCF shall be used or developed contrary to any applicable development standard unless an exception has been granted pursuant to this Section. These provisions apply exclusively to WCFs and are in lieu of the generally applicable variance and design deviation provisions in SMC Title 17, provided this section does not provide an exception from this chapter's visual impact and stealth design requirements.
- B. Procedure Type. A wireless communications facility exception is a Type III procedure.
- C. Submittal Requirements. In addition to the general submittal requirements for a Type III application, an application for a wireless communication facility exception shall include:
 - 1. A written statement demonstrating how the exception would meet the criteria.

2. A site plan that includes:
 - a. Description of the proposed facility's design and dimensions, as it would appear with and without the exception.
 - b. Elevations showing all components of the wireless communication facility as it would appear with and without the exception.
 - c. Color simulations of the wireless communication facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the exception.
- D. Criteria. An application for a wireless communication facility exception shall be granted if the following criteria are met:
1. The exception is consistent with the purpose of the development standard for which the exception is sought.
 2. Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.
 3. The applicant demonstrates the following:
 - a. Gap in Service.
 - i. A gap in the coverage, capacity, or technologies of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;
 - ii. The gap can only be filled through an exception to one or more of the standards in this chapter; and
 - iii. The exception is narrowly tailored to fill the service gap such that the wireless communication facility conforms to this chapter's standards to the greatest extent possible.

Section 17C.355A.100 Final Inspection

- A. A Certificate of Occupancy will only be granted upon satisfactory evidence that the WCF was installed in substantial compliance with the approved plans and photo simulations.
- B. Failure to Comply. If it is found that the WCF installation does not substantially comply with the approved plans and photo simulations, the applicant immediately shall make any and all such changes required to bring the WCF installation into compliance.

Section 17C.355A.110 Maintenance

- A. All wireless communication facilities must comply with all standards and regulations of the FCC and any other State or federal government agency with the authority to regulate wireless communication facilities.

- B. The site and the wireless communication facilities, including all landscaping, fencing and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans.
- C. All graffiti on wireless communication facilities must be removed at the sole expense of the permittee after notification by the City to the owner/operator of the WCF as provided in SMC 10.10.090.
- D. If any FCC, State or other governmental license or any other governmental approval to provide communication services is ever revoked as to any site permitted or authorized by the City, the permittee must inform the City of the revocation within thirty (30) days of receiving notice of such revocation.

Section 17C.355A.120 Discontinuation of Use

- A. Any wireless communication facility that is no longer needed and its use is discontinued shall be reported immediately by the service provider to the planning director. Discontinued facilities shall be completely removed within six months and the site restored to its pre-existing condition.
- B. There shall also be a rebuttable presumption that any WCF that is regulated by this chapter and that is not operated for a period of six (6) months shall be considered abandoned. This presumption may be rebutted by a showing that such WCF is an auxiliary back-up or emergency utility or device not subject to regular use or that the WCF is otherwise not abandoned. For those WCFs deemed abandoned, all equipment, including, but not limited to, antennas, poles, towers, and equipment shelters associated with the WCF shall be removed within six (6) months of the cessation of operation. Irrespective of any agreement among them to the contrary, the owner or operator of such unused facility, or the owner of a building or land upon which the WCF is located, shall be jointly and severally responsible for the removal of abandoned WCFs. If the WCF is not thereafter removed within ninety (90) days of written notice from the City, the City may remove the WCF at the owner of the property's expense or at the owner of the WCF's expense, including all costs and attorneys' fees. If there are two or more wireless communications providers collocated on a single support structure, this provision shall not become effective until all providers cease using the WCF for a continuous period of six (6) months.

Section 17C.355A.130 Independent Technical Review

Although the City intends for City staff to review administrative matters to the extent feasible, the City may retain the services of an independent, radio frequency technical expert of its choice to provide technical evaluation of permit applications for WCFs, including administrative and conditional use permits. The technical expert review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed WCF complies with the applicable approval criteria set forth in this chapter. The applicant shall pay the cost for any independent consultant fees, along with applicable overhead recovery, through a deposit, estimated by the City, paid within ten (10) days of the City's request. When the City requests such payment, the application shall be deemed incomplete for purposes of application processing timelines. In the event that such costs and fees do not exceed the deposit amount, the City shall refund any unused portion within thirty (30) days after the final permit is released or, if no final permit is released, within thirty (30) days after the City receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before the permit is issued.

Section 17C.355A.140 Exempt Facilities

The following are exempt from this chapter:

- A. FCC licensed amateur (ham) radio facilities;
- B. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding one (1) meter in diameter;
- C. A government-owned WCF installed upon the declaration of a state of emergency by the federal, state or local government, or a written determination of public necessity by the City; except that such facility must comply with all federal and state requirements. The WCF shall be exempt from the provisions of this chapter for up to one week after the duration of the state of emergency; and
- D. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the City. The WCF shall be exempt from the provisions of this chapter for up to one week before and after the duration of the special event.
- E. In locations more than 150 feet from a residential zone, other temporary, commercial WCFs installed for a period of 90 days, subject to renewals at the City's discretion; provided, that such temporary WCF will comply with applicable setbacks and height requirements.
- F. Eligible Facilities Requests permitted under Chapter 17C.356 SMC.

Section 17C.355A.150 Indemnification

Each permit issued shall have as a condition of the permit a requirement that the applicant defend, indemnify and hold harmless the City and its officers, agents, employees, volunteers, and contractors from any and all liability, damage, or charges (including attorneys' fees and expenses) arising out of claims, suits, demands, or causes of action as a result of the permit process, granted permit, construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal, or restoration of the WCF on City property or in the public right-of-way.

SECTION 3. That SMC 17C.110.110 is amended to read as follows:

[Section 17C.110.110](#) Limited Use Standards

The uses listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.110-1](#).

- A. Group Living.
This regulation applies to all parts of [Table 17C.110-1](#) that have a note [1]. Group living uses are also subject to the standards of [chapter 17C.330 SMC](#), Group Living.
 - 1. General Standards.
All group living uses in RA, RSF, RTF, RTF, RMF and RHD zones, except for alternative or post incarceration facilities, are regulated as follows:
 - a. All group living uses are subject to the requirements of [chapter 17C.330 SMC](#), Group Living, including the maximum residential density provisions of [Table 17C.330-1](#).

- b. Group living uses for more than six residents are a conditional use in the RA and RSF zones, subject to the standards of [chapter 17C.320 SMC](#), Conditional Uses, and the spacing requirements of [SMC 17C.330.120\(B\)\(2\)](#).
 - c. Group living uses for more than twelve residents are a conditional use in the RTF and RMF zones, subject to the standards of [chapter 17C.320 SMC](#), Conditional Uses, and the spacing requirements of [SMC 17C.330.120\(B\)\(2\)](#).
 - d. Exception.
Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in subsections (A)(1)(a), (b) and (c) of this section. The only exception is residential facilities licensed by or under the authority of the state of Washington. In these cases, staff persons are not counted as residents to determine whether the facility meets the twelve-resident cut-off above, for which a conditional use permit is required.
- 2. Alternative or Post Incarceration Facilities.
Group living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size and are subject to the provisions of [chapter 17C.320 SMC](#), Conditional Uses. They are also subject to the standards of [chapter 17C.330 SMC](#), Group Living.
- B. Office.
This regulation applies to all parts of [Table 17C.110-1](#) that have a note [2]. Offices in the RMF and RHD zones and are subject to the provisions of [chapter 17C.320 SMC](#), Conditional Uses and are processed as a Type III application.
- C. Basic Utilities.
This regulation applies to all parts of [Table 17C.110-1](#) that have a note [3]. Basic utilities that serve a development site are accessory uses to the primary use being served. In the RA, RSF and RTF zones, a one-time addition to an existing base utility use is permitted, provided the addition is less than fifteen hundred square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing base utilities uses are permitted in the RMF and RHD zones.
- D. Community Service Facilities.
This regulation applies to all parts of [Table 17C.110-1](#) that have a note [4]. In the RA, RSF and RTF zones, a one-time addition to an existing community services use is permitted, provided the addition is less than fifteen hundred square feet and three or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing community services uses are permitted in the RMF and RHD zones.
- E. Daycare.
This regulation applies to all parts of [Table 17C.110-1](#) that have a note [5]. Daycare uses are allowed by right if locating within a building or residence, and providing services to no more than twelve (children or clients). Daycare facilities for more than twelve children are a conditional use and are processed as a Type II application in the RA, RSF and RTF zones. However, in the RSF zone, daycare centers up to forty children are permitted if locating within a building that currently contains or did contain a college, medical center, school, religious institution or a community service facility.
- F. Religious Institutions.
This regulation applies to all parts of [Table 17C.110-1](#) that have a note [6]. In the RA, RSF and RTF zones, a one-time addition to religious institutions is permitted, provided the addition is less than one thousand five hundred square feet and fifteen or less parking stalls

located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest. Applicants must comply with the requirements set forth in [SMC 17G.060.050](#) prior to submitting an application. New buildings or additions to existing religious institutions uses are permitted in the RMF and RHD zones.

G. Schools.

This regulation applies to all parts of the [Table 17C.110-1](#) that have a note [7]. In the RA, RSF and RTF zones, a one-time addition to schools is permitted, provided the addition is less than five thousand square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest. Applicants must comply with the requirements set forth in [SMC 17G.060.050](#) prior to submitting an application.

H. Agriculture.

This regulation applies to all parts of [Table 17C.110-1](#) that have a note [8]. The keeping of large and small domestic animals, including bees, is permitted in the RA zone. See [chapter 17C.310 SMC](#), Animal Keeping, for specific standards.

I. Wireless Communication Facilities.

This regulation applies to all parts of [Table 17C.110-1](#) that have a note [9]. Wireless communication facilities ~~((are either permitted or require))~~ requiring a Type III conditional use ~~((based on location and type of facility))~~ must use stealth design. See ~~(([chapter 17C.355 SMC](#)))~~ [chapter 17C.355A SMC](#), Wireless Communication Facilities.

SECTION 4. That Table 17C.110-1 is amended to read as follows:

[Section 17C.110T.001](#) Table 17C.110-1 Residential Zone Primary Uses

TABLE 17C.110-1 RESIDENTIAL ZONE PRIMARY USES (Click here to view PDF)					
Use is: P - Permitted N - Not Permitted L - Allowed, but special limitations CU - Conditional Use review required	RA	RSF & RSF-C	RTF	RMF	RHD
RESIDENTIAL CATEGORIES					
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P
COMMERCIAL CATEGORIES					
Adult Business	N	N	N	N	N
Commercial Outdoor Recreation	N	CU	CU	CU	CU

Commercial Parking	N	N	N	N	N
Drive-through Facility	N	N	N	N	N
Major Event Entertainment	N	N	CU	CU	CU
Office	N	N	N	CU[2]	CU[2]
Quick Vehicle Servicing	N	N	N	N	N
Retail Sales and Service	N	N	N	N	N
Mini-storage Facilities	N	N	N	N	N
Vehicle Repair	N	N	N	N	N
INDUSTRIAL CATEGORIES					
High Impact Uses	N	N	N	N	N
Industrial Service	N	N	N	N	N
Manufacturing and Production	N	N	N	N	N
Railroad Yards	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	N
Waste-related	N	N	N	N	N
Wholesale Sales	N	N	N	N	N
INSTITUTIONAL CATEGORIES					
Basic Utilities [3]	L	L	L	L	L
Colleges	CU	CU	CU	P	P
Community Service	L[4]/CU	L[4]/CU	C[4]/CU	P	P
Daycare [5]	L	L	L	L	L
Medical Center	CU	CU	CU	CU	CU
Parks and Open Areas	P	P	P	P	P
Religious Institutions	L[6]/CU	L[6]/CU	L[6]/CU	P	P
Schools	L[7]/CU	L[7]/CU	L[7]/CU	P	P
OTHER CATEGORIES					
Agriculture	L[8]	N	N	N	N
Aviation and Surface Passenger Terminals	N	N	N	N	N
Detention Facilities	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU
Mining	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU
Wireless Communication Facilities [9]	L[CU]	L[CU]	L[CU]	L[CU]	L[CU]
Notes:					
* The use categories are described in chapter 17C.190 SMC .					
* Standards that correspond to the bracketed numbers [] are stated in SMC 17C.110.110 .					
* Specific uses and development may be subject to the standards in SMC 17C.320.080 .					

SECTION 5. That SMC 17C.320.080 is amended to read as follows:

Section 17C.320.080 Decision Criteria

Decision criteria for conditional uses are stated in SMC 17G.060.170. Those conditional uses with decision criteria in addition to that provided in SMC 17G.060.170 are listed below. Requests for conditional uses will be approved if the hearing examiner finds that the applicant has shown that all of the decision criteria have been met.

- A. ~~((Wireless Communication Support Tower.~~
For conditional use permits to construct a wireless communication support tower the following additional criteria apply:
 - 1. ~~The need for the proposed wireless communication support tower shall be demonstrated if it is to be located in a residential zone or within three hundred feet of an existing residential lot. An evaluation of the operational needs of the wireless communications provider, alternative sites, alternative existing facilities upon which the proposed antenna array might be located, and co-location opportunities on existing support towers within one mile of the proposed site shall be provided. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant.~~
 - 2. ~~The proposed tower satisfies all of the provisions and requirements of SMC 17C.355.030 and SMC 17C.355.040.)~~ [Deleted]
- B. Essential Public Facility.
For conditional use permits to site an essential public facility, the following additional criteria apply:
 - 1. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates including the:
 - a. Spokane County Regional Siting Process for Essential Public Facilities, and
 - b. administrative procedures adopted as part of the interlocal agreement regarding siting of essential public facilities within Spokane County.
 - 2. Housing for persons with handicaps as defined under the Federal Fair Housing Act and children in the custody of the state, which housing includes "community facilities" as defined in RCW 72.05.020 and facilities licensed under chapter 74.15 RCW, are exempt from the Spokane County Regional Siting Process for Essential Public Facilities. Housing for juveniles held in county detention facilities or state juvenile institutions as defined in chapter 13.40 RCW is subject to the Spokane County Regional Siting Process for Essential Public Facilities.
 - 3. Facilities of a similar nature must be equitably dispersed throughout the City.
- C. Secure Community Transition Facility.
For a conditional use permit to site a secure community transition facility the following additional criteria must be met:
 - 1. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates, including the:
 - a. Spokane County Regional Siting Process for Essential Public Facilities, and
 - b. administrative procedures adopted as part of the interlocal agreement regarding siting of essential public facilities within Spokane County.
 - 2. The siting of a secure community transition facility must comply with all provisions of state law, including requirements for public safety, staffing, security and training, and those standards must be maintained for the duration of the use.

3. A secure community transition facility should be located on property of sufficient size and frontage to allow the residents an opportunity for secure on-site recreational activities typically associated with daily needs and residential routines.
4. If state funds are available, the department of social and health services should enter into a mitigation agreement with the City of Spokane for training and the costs of that training with local law enforcement and administrative staff and local government staff, including training in coordination, emergency procedures, program and facility information, legal requirements and resident profiles.
5. The applicant must show that the property meets all of the above requirements and, further, if more than one site is being considered, preference must be given to the site furthest removed from risk potential activities or facilities.

D. Mining.

For a conditional use permit for a mining use, the following additional criteria apply:

1. The minimum site size shall be three acres.
2. The minimum setback shall be fifty feet from any property line; provided further, that such mining does not impair lateral or subjacent support or cause earth movements or erosions to extend beyond the exterior boundary lines of the mining site.
3. Mining operations and associated buildings shall be located at least four hundred feet from a residential zone.
4. An eight-foot site-obscurer fence shall be provided and maintained in good condition at all times on the exterior boundary of any portion of any site on which active operations exist and on the exterior boundary of any portion of the site which has been mined and not yet reclaimed.
5. Sound levels, as measured on properties adjacent to a mining site, shall conform to the provisions of WAC 173-60-040, Maximum Permissible Environmental Noise Levels, for noise originating in a Class C RDNA (industrial zone).
6. All mining and site reclamation activity shall be consistent with the Spokane Regional Clean Air Agency (SRCAA) air quality maintenance requirements.
7. A reclamation plan approved by the Washington state department of natural resources (DNR) shall be submitted with the conditional use application. The plan shall be prepared consistent with the standards set forth in chapter 78.44 RCW. DNR shall have the sole authority to approve reclamation plans. Upon the exhaustion of minerals or upon the permanent abandonment of mining operations, the mined excavation must be rehabilitated or reclaimed consistent with the approved reclamation plan.
8. Upon the exhaustion of minerals or materials in the mining use or upon the permanent abandonment of the mining use, all buildings, structures, apparatus or appurtenances accessory to the mining operation shall be removed or otherwise dismantled. Abandonment shall be deemed to have occurred after one year of cessation of all extraction operations.
9. Reclamation shall be complete within one year after the mining operations have ceased or after abandonment of the mining use. The reclamation of the site shall be consistent with the department of natural resources approved site reclamation plan.
10. To provide for protection of groundwater and surface water, during and after operation, mining shall not be allowed to penetrate below an elevation ten feet above the highest known elevation of an aquifer within the Spokane Valley-Rathdrum Prairie Aquifer area.
11. The primary reduction and processing of minerals or materials are high impact uses. These uses include, but are not limited to, concrete batching, asphalt mixing, rock crushing, brick, tile and concrete products manufacturing plants, and the use of accessory minerals and materials from other sources necessary to convert the minerals or materials to marketable products. These uses shall be located a minimum of six hundred feet from the boundary of a residential or commercial zone.

12. The monitoring and clean-up of contaminants shall be ongoing. The mine operator shall comply with all existing water quality monitoring regulations of the Washington state department of ecology and the Spokane county regional health district.
- E. Retail Sales and Service Uses within Industrial Zone.
For a conditional use permit for a retail sales and service use in an industrial zone, the following additional criteria apply:
 1. The use shall serve primarily other businesses and the use will contribute to the enhancement of the industrial character of the area and further the purpose of the industrial zone.
- F. Institutional and Other Uses in Residential Zones.
These approval criteria apply to all conditional uses in RA through RHD zones. The approval criteria allows institutional uses (including expansions of existing facilities), allows increases to the maximum occupancy of group living, and permits other non-residential household living uses in a residential zone. These types of uses must maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:
 1. Proportion of Residential Household Living Uses.
The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the residential household living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the residential household living category and is specifically based on the:
 - a. number, size and location of other uses not in the residential household living category in the residential; and
 - b. intensity and scale of the proposed use and of existing residential household living uses and other uses.
 2. Physical Compatibility.
 - a. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks and landscaping; or
 - b. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping and other design features.
 3. Livability.
The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
 - a. noise, glare from lights, late-night operations, odors and litter; and
 - b. privacy and safety issues.
 4. Public Services.
 - a. The proposed use is in conformance with the street designations of the transportation element of the comprehensive plan.
 - b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:
 - i. street capacity, level of service and other performance measures;
 - ii. access to arterials;
 - iii. connectivity;
 - iv. transit availability;
 - v. on-street parking impacts;
 - vi. access restrictions;
 - vii. neighborhood impacts;
 - viii. impacts on pedestrian, bicycle and transit circulation;
 - ix. safety for all modes; and
 - x. adequate transportation demand management strategies.
 - c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and

stormwater disposal systems are acceptable to the engineering services department.

G. Alternative or Post Incarceration Facilities – Group Living.

These criteria apply to group living uses that consist of alternative or post incarceration facilities in the RA through the RHD zones.

1. Physical Compatibility.

- a. The proposal will preserve any City-designated scenic resources; and
- b. The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.

2. Livability.

The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:

- a. noise, glare from lights, late-night operations, odors and litter; and
- b. privacy and safety issues.

3. Public Services.

- a. The proposed use is in conformance with the street designations in the transportation element of the comprehensive plan.
- b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:
 - i. street capacity, level of service or other performance measures;
 - ii. access to arterials;
 - iii. connectivity;
 - iv. transit availability;
 - v. on-street parking impacts;
 - vi. access restrictions;
 - vii. neighborhood impacts;
 - viii. impacts on pedestrian, bicycle and transit circulation; and
 - ix. safety for all modes; and
- c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the engineering services department.

4. Safety.

The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents.

H. Detention Facilities.

These approval criteria ensure that the facility is physically compatible with the area in which it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

1. Appearance.

The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.

2. Safety.

The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents.

3. Public Services.

- a. The proposed use is in conformance with the street designations shown in the transportation element of the comprehensive plan.
- b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:
 - i. street capacity, level of service or other performance measures;
 - ii. access to arterials;

- iii. connectivity;
 - iv. transit availability;
 - v. on-street parking impacts;
 - vi. access restrictions;
 - vii. neighborhood impacts;
 - viii. impacts on pedestrian, bicycle and transit circulation; and
 - ix. safety for all modes; and
 - c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the engineering services department.
- I. Master Campus Plan.

These approval criteria apply to hospitals, colleges and universities, religious institutions and government complexes that develop in a campus setting. The purpose of master campus plan is to recognize the long-range development plans of those institutions and allow for a single integrated review of a campus development plan while allowing for a comprehensive review of facilities serving the site and impacts on neighboring residential areas. Through the master campus plan, these entities prepare master plans for their entire campus to facilitate orderly growth of the institution and assure its compatibility with the surrounding neighborhood.

 - 1. Eligibility.

All property owned or controlled by a major institution, including all property owned or controlled by the major institution within one-half mile of the primary site. Adjoining property owners may also agree to be included in the master campus plan if the use of their property is functionally related to the institution.
 - 2. Submittal Requirements.

In addition to the submittal requirements for a Type III application, a master plan of the proposed campus is required to be submitted. The master plan is a long range development plan that would show the long range intent for building locations, uses, circulation, parking, landscape detail, lighting and treatment of the perimeter of the campus area.
 - 3. Approval Criteria.
 - a. Physical Compatibility.
 - i. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks and landscaping; or
 - ii. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping and other design features.
 - b. Livability.

The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

 - i. noise, glare from lights, late-night operations, odors and litter; and
 - ii. privacy and safety issues.
 - 4. Development Permits.

After a master campus plan is approved, the institution may then make such improvements as are consistent with the master plan, with only normal development permits being required.
 - 5. Master Plan Amendment.

It is expected that the master campus plan will undergo modification. Such modifications may involve the expansion or relocation of the campus boundary, alteration/addition of uses or other changes. Master plan amendments shall be

reviewed as a Type III permit application, subject to the same procedural requirements or as prescribed in subsection (I)(6) of this section.

6. Master Campus Plan Minor Adjustments.

In the issuance of building permits for construction within an approved major campus plan, minor adjustments to the plan may be made consistent with the provisions of [SMC 17G.060.230](#).

J. Office.

These approval criteria apply to offices allowed as a conditional use permit in the RMF and RHD zones.

1. Uses in the Office land use category of [SMC 17C.190.250](#) may be allowed by a Type III conditional use permit approval in the RMF and RHD zone subject to the following criteria:

- a. The property must have frontage on a principal arterial.
- b. The subject property is adjacent to or immediately across the street from an existing commercial zone.
- c. Uses permitted in the Office land use category may not be developed to a depth greater than two hundred fifty feet.
- d. Ingress and/or egress onto a local access street are not permitted unless the City traffic engineer determines that there is no alternative due to traffic volumes, site visibility and traffic safety.
- e. All structures shall have size, scale, and bulk similar to residential uses as provided in [SMC 17C.110.500](#), Institutional Design Standards.
- f. The development standards of the underlying zone shall apply to the use.
- g. Drive-thru facilities are prohibited, except as allowed by the hearing examiner.

SECTION 6. That SMC 17C.130.220 is amended to read as follows:

[Section 17C.130.220](#) Height

A. Purpose

The height limits are intended to control the overall scale of buildings. The height limits for sites near residential zones discourage buildings that visually dominate adjacent residential zones. Light, air, and potential for privacy are intended to be preserved in residential zones that are close to industrial zones.

B. Height Standards

The height standards for all structures are stated in [Table 17C.130-2](#). Exceptions to the maximum height standard are stated below.

1. Maximum Height.

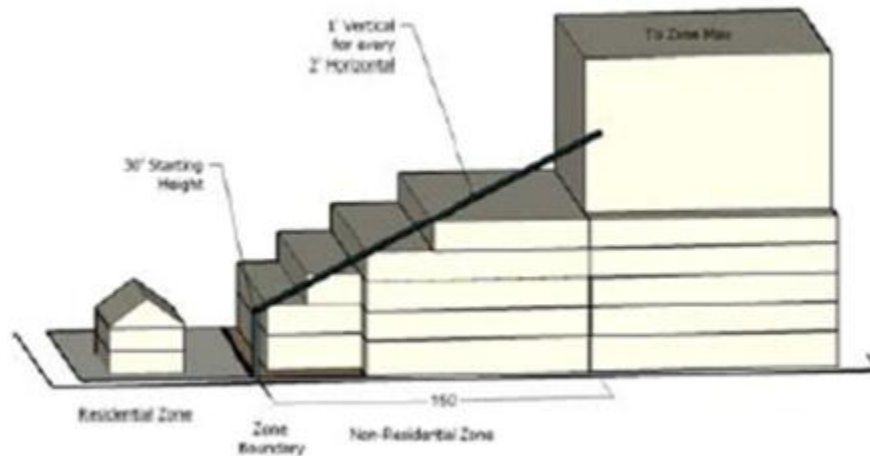
Exceptions to the maximum structure height are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., CB-150). Changes to the height limits require a rezone. Height limits are thirty-five feet, forty feet, fifty-five feet, seventy feet or one hundred fifty feet depending on location.

2. Buildings and structures for uses that are not classified as industrial uses within the Industrial Categories of [Table 17C.130-1](#) and that are over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards.

3. Adjacent to Single-family and Two-family Residential Zones.

To provide a gradual transition and enhance the compatibility between the more intensive industrial zones and adjacent single-family and two-family residential zones:

- a. For all development within one hundred fifty feet of any single-family or two-family residential zone the maximum building height is as follows: Starting at a height of thirty feet at the residential zone boundary, additional building height may be added at a ratio of one to two (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the single-family or two-family residential zone and then full building height allowed in the zone applies.



4. Projections Allowed.
Chimneys, flag poles, satellite receiving dishes and other items similar with a width, depth or diameter of five feet or less may rise ten feet above the height limit, or five feet above the highest point of the roof, whichever is greater. If they are greater than five feet in width, depth or diameter, they are subject to the height limit.
 5. Rooftop Mechanical Equipment.
All rooftop mechanical equipment must be set back at least fifteen feet from all roof edges that are parallel to street lot lines and roof lines facing an abutting residential zone. Elevator mechanical equipment may extend up to sixteen feet above the height limit. Other rooftop mechanical equipment, which cumulatively covers no more than ten percent of the roof area, may extend ten feet above the height limit.
 6. Radio and television antennas, utility power poles and public safety facilities are exempt from the height limit except as provided in (([chapter 17C.355 SMC](#))) [chapter 17C.355A.SMC](#), Wireless Communication Facilities.
- C. Special Height Districts
Special height districts are established to control building heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts and [chapter 17C.180.SMC](#), Airfield Overlay Zones.

SECTION 7. That SMC 17C.120.220 is amended to read as follows:

[Section 17C.120.220](#) Height

- A. Purpose
The height limits are intended to control the overall scale of buildings. The height limits in the O, NR and NMU zones discourage buildings that visually dominate adjacent residential

areas. The height limits in the OR, CB and GC zones allow for a greater building height at a scale that generally reflects Spokane's commercial areas. Light, air and the potential for privacy are intended to be preserved in single-family residential zones that are close to commercial zones.

B. Height Standards

The height standards for all structures are stated in [Table 17C.120-2](#). Exceptions to the maximum height standard are stated below.

1. Maximum Height.

Exceptions to the maximum structure height are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., CB-150).

Changes to the height limits require a rezone. Height limits are thirty-five feet, forty feet, fifty-five feet, seventy feet or one hundred fifty feet depending on location.

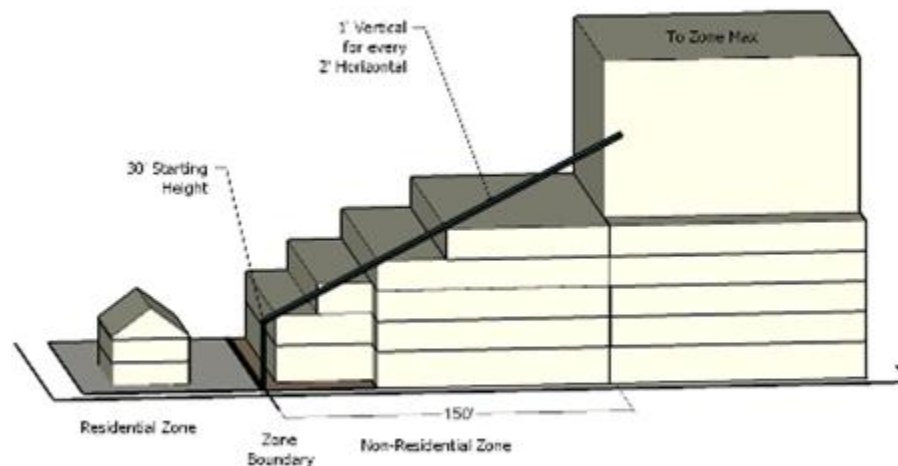
2. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards.

3. Adjacent to Single-family and Two-family Residential Zones.

To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent single-family and two-family residential zones:

a. For all development within one hundred fifty feet of any single-family or two-family residential zone the maximum building height is as follows:

- i. Starting at a height of thirty feet at the residential zone boundary additional building height may be added at a ratio of 1 to 2 (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the single-family or two-family residential zone and then full building height allowed in the zone applies.



4. Projections Allowed.

Chimneys, flag poles, satellite receiving dishes, and other similar items with a width, depth or diameter of five feet or less may rise ten feet above the height limit, or five feet above the highest point of the roof, whichever is greater. If they are greater than five feet in width, depth or diameter, they are subject to the height limit.

5. Rooftop Mechanical Equipment.
All rooftop mechanical equipment must be set back at least fifteen feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to sixteen feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than ten percent of the roof area may extend ten feet above the height limit.
 6. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit except as provided in (~~chapter 17C.355 SMC~~) chapter 17C.355A SMC, Wireless Communication Facilities.
- C. Special Height Districts
Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See chapter 17C.170 SMC, Special Height Overlay Districts.

SECTION 8. That SMC 17C.110.215 is amended to read as follows:

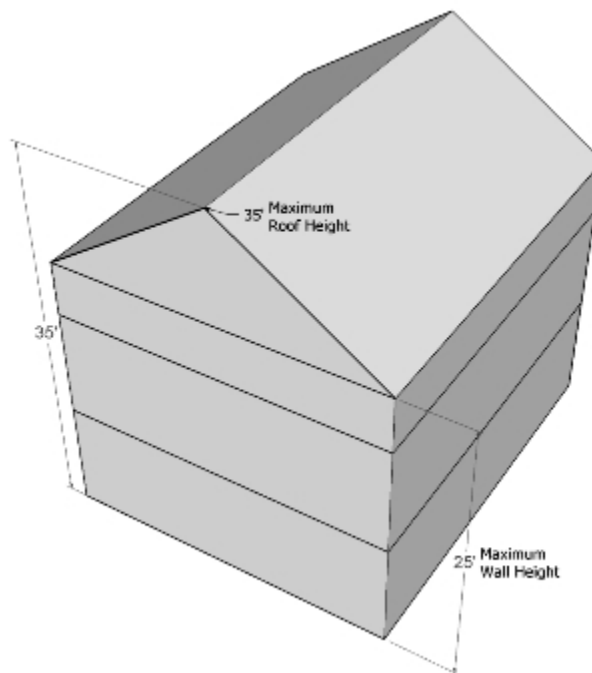
Section 17C.110.215 Height

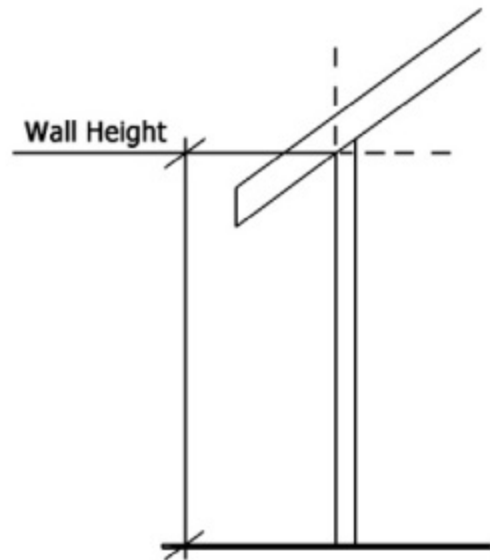
- A. Purpose.
The height standards promote a reasonable building scale and relationship of one residence to another and they promote privacy for neighboring properties. The standards contained in this section reflect the general building scale and placement of houses in the City's neighborhoods.
- B. Height Standards.
The maximum height standards for all structures are stated in Table 17C.110-3. The building height shall be measured using the following method:
 1. The height shall be measured at the exterior walls of the structure. Measurement shall be taken at each exterior wall from the existing grade or finished grade, whichever is lower, up to a plan essentially parallel to the existing or finished grade. For determining structure height, the exterior wall shall include a plane between the supporting members and between the roof and the ground. The vertical distance between the existing grade, or finished grade, if lower, and the parallel plan above it shall not exceed the maximum height of the zone.
 2. When finished grade is lower than existing grade, in order for an upper portion of an exterior wall to avoid being considered on the same vertical plan as a lower portion, it must be set back from the lower portion a distance equal to two times the difference between the existing and finished grade on the lower portion of the wall.
 3. Depressions such as window wells, stairwells for exits required by other codes, "barrier free" ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grades on either side of the depression.
 4. No part of the structure, other than those specifically exempted or excepted under the provisions of the zone, shall extend beyond the plan of the maximum height limit.
 5. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
 6. For purposes of measure building height in residential zones, the following terms shall be interpreted as follows:

- a. "Grade" means the ground surface contour (see also "existing grade" and "finished grade").
- b. "Fill" means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.
- c. "Finished grade" means the grade upon completion of the fill or excavation.
- d. "Excavation" means the mechanical removal of earth material.
- e. "Existing grade" means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.

TABLE 17C.110.215-1 MAXIMUM HEIGHT	
Maximum Wall Height [1]	25 ft.
Maximum Roof Height [2]	35 ft.
[1] The height of the lowest point of the roof structure intersects with the outside plane of the wall. [2] The height of the ridge of the roof. See "Example A" below.	

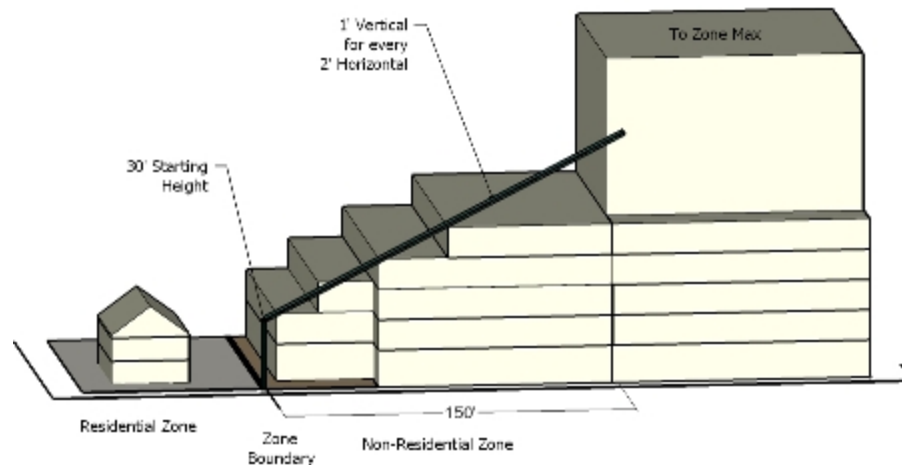
C. Example A





C. Exceptions to the maximum height standard are stated below:

1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., CB-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are thirty feet, thirty-five feet, forty feet, fifty-five feet, seventy feet, or one hundred fifty feet depending on location.
2. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards
3. Adjacent to Single-family and Two-family Residential Zones.
To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent single-family and two-family residential zones:
 - a. for all development within one hundred fifty feet of any single-family or two-family residential zone the maximum building height is as follows:
 - i. Starting at a height of thirty feet, the residential zone boundary additional building height may be added at a ratio of one to two (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the single-family or two-family residential zone and then full building height allowed in the zone applies.



4. Projections Allowed.
Chimneys, flagpoles, satellite receiving dishes and other similar items with a width, depth or diameter of three feet or less may extend above the height limit, as long as they do not exceed three feet above the top of the highest point of the roof. If they are greater than three feet in width, depth or diameter, they are subject to the height limit.
5. Farm Buildings.
Farm buildings such as silos, elevators and barns are exempt from the height limit as long as they are set back from all lot lines at least one foot for every foot in height.
6. Utility power poles and public safety facilities are exempt from the height limit.
7. Radio and television antennas are subject to the height limit of the applicable zoning category.
8. Wireless communication support towers are subject to the height requirements of (([chapter 17C.355 SMC](#))) [chapter 17C.355A SMC](#), Wireless Communication Facilities.
9. Uses approved as a conditional use may have building features such as a steeple or tower which extends above the height limit of the underlying zone. Such building features must set back from the side property line adjoining a lot in a residential zone a distance equal to the height of the building feature or one hundred fifty percent of the height limit of the underlying zone, whichever is lower.
- D. Special Height Districts.
Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.
- E. Accessory Structures.
The height of any accessory structure located in the rear yard, including those attached to the primary residence, is limited to twenty feet in height, except a detached ADU above a detached accessory structure may be built to twenty-three feet in height.

SECTION 9. That SMC 17C.124.220 is amended to read as follows:

Section 17C.124.220 Height & Massing

A. Purpose.

The height and massing standards control the overall scale of buildings. These standards downtown allow for building height and mass at a scale that generally reflects the most intensive area within the City. The standards help to preserve light, air, and the potential for privacy in lower intensity residential zones that are adjacent to the downtown zones.

B. Height and Massing Standards.

The height and massing standards for all structures are stated in [Table 17C.124-2](#) and as shown on the zoning map. Bonus height may be allowed as defined in [SMC 17C.124.220\(E\)](#). The Bonus height provisions are not available within downtown zones that have a maximum height specified on the zoning map by a dash and a maximum height specified after the zone map symbol (i.e. DTG-100).

1. Changes to the Maximum Height Provisions.

Changes to the height limits are not allowed outside of a downtown plan update process.

2. Pitched roof forms and accessible decks may extend above the height limit; however, if the space within the pitched roof is habitable, it shall only be used for residential purposes.

3. Projections Allowed.

Chimneys, flag poles, satellite receiving dishes, and other similar items with a width, depth, or diameter of five feet or less may rise ten feet above the height limit, or five feet above the highest point of the roof, whichever is greater. If they are greater than five feet in width, depth, or diameter, they are subject to the height limit.

4. Rooftop Mechanical Equipment.

All rooftop mechanical equipment must be set back at least fifteen feet from all roof edges visible from streets. Elevator mechanical equipment may extend up to sixteen feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than ten percent of the roof area may extend ten feet above the height limit.

5. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit except as provided in (~~chapter 17C.355 SMC~~), Wireless Communication Facilities.

6. Architectural Projections.

The height limits do not apply to uninhabitable space under four hundred square feet in floor area that is devoted to decorative architectural features such belfries, spires, and clock towers.

7. Ground Floor Allowed Height.

The first story of the building may be up to twenty-five feet tall and still count as only one story.

C. Special Height Districts.

Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches and protection. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.

D. Downtown West End Special Height District.

For the properties shown in Figure 17C.124.220-1 that are located in the area generally west of Monroe Street, east of Cedar Street, and between Main Avenue and Riverside Avenue, the maximum height shall be as shown in Figures 17C.124.220-1 and 17C.124.220-2.

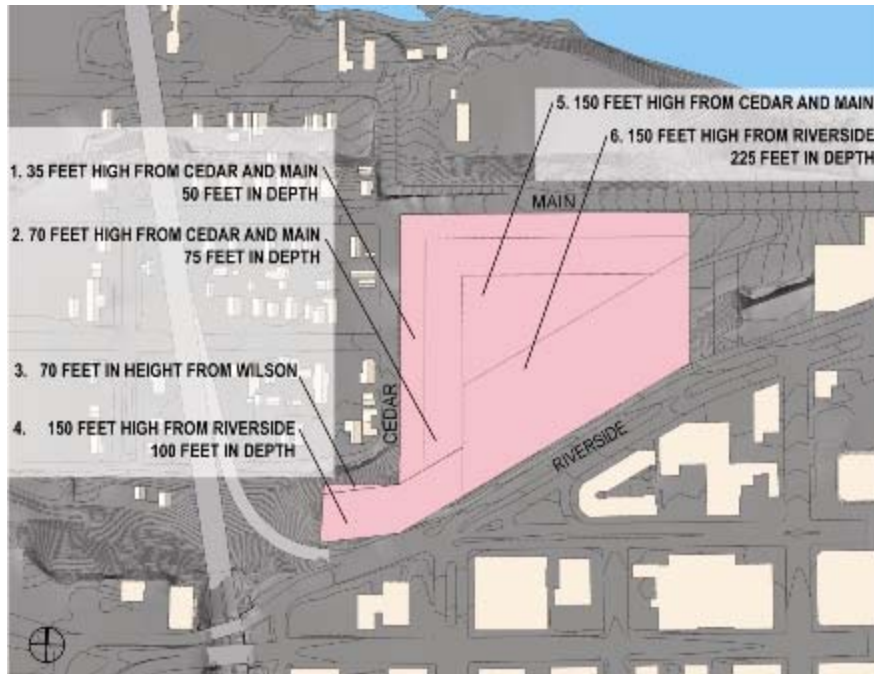


Figure 17C.124.220-1

Notes for Figure 17C.124.220-1.

1. Thirty-five feet high from Cedar Street and Main Avenue street grade (highest street elevation fronting the parcel). Horizontally, fifty feet in depth from Cedar Street and Main Avenue right-of-way/property line.
2. Seventy feet high from Cedar Street and Main Avenue street grade (highest street elevation fronting the parcel). Horizontally, seventy-five feet in depth beginning fifty feet from the Cedar Street and Main Avenue right-of-way/property line.
3. Seventy feet in height from Wilson Avenue street grade (highest street elevation fronting the parcel).
4. One hundred fifty feet high from Riverside Avenue street grade (highest street elevation fronting the parcel). Horizontally, one hundred feet in depth from the Riverside Avenue right-of-way/property line.
5. One hundred fifty feet high from Cedar Street and Main Avenue street grade (highest street elevation fronting the parcel).
6. One hundred fifty feet high from Riverside Avenue street grade (highest street elevation fronting the parcel). Horizontally, two hundred twenty-five feet in depth from the Riverside Avenue right-of-way/property line.

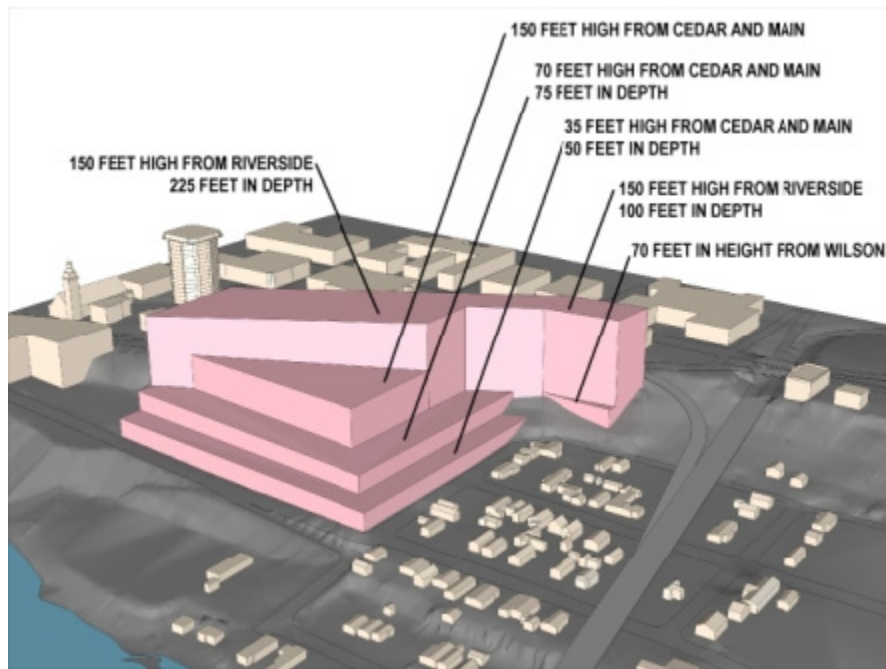
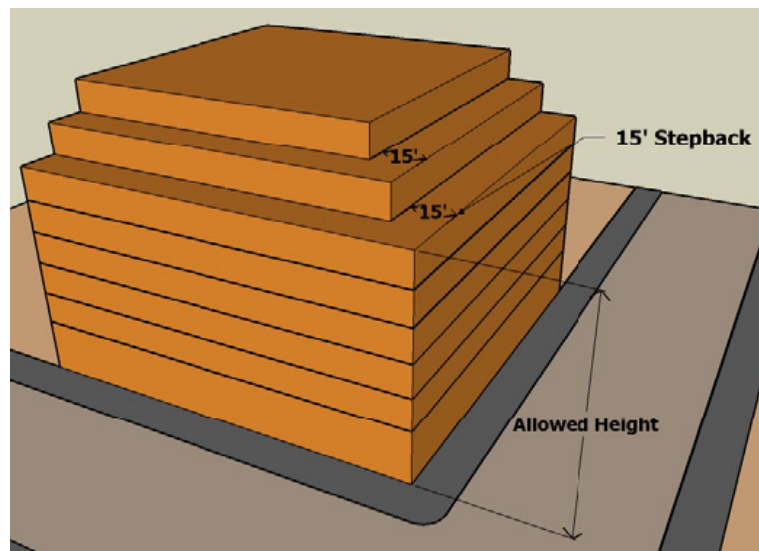


Figure 17C.124.220-2

- E. Additional Height Within Specific Height Designation Areas.
Additional stories for structures where the maximum height is specified with a dash after the zoning map symbol (i.e. DTG-70).
1. One additional story is allowed for every fifteen feet of upper story structure stepback from a street lot line, up to the maximum number of stories allowed in the zone without a maximum height specified.



2. In the DTC-100 zone one additional story is allowed for every fifteen feet of upper story structure stepback from Spokane Falls Boulevard. There is no upper story structure stepback required from street lot lines that are not adjacent to Spokane

Falls Boulevard after the first fifteen feet of upper story structure setback from Spokane Falls Boulevard.

F. Structure Standards Above the Seventh Above Ground Story.

These standards are designed to transition the building bulk and mass for buildings exceeding seven stories in the DTG, DTU, and DTS zones.

2. Upper Story Setback.

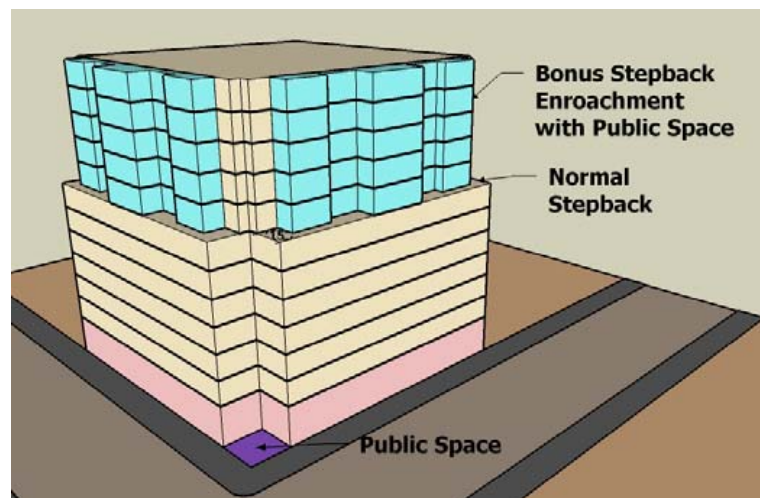
All stories above the seventh story shall be setback from all property lines and street lot lines a minimum of fifteen feet.

3. Exception.

The provision of an exterior public space as defined below allows for encroachment into the upper story setback. The allowed area of encroachment may not exceed an area equal to five times the area of the exterior public space.

Exterior Public Space(s) – A Plaza or Courtyard With a Minimum Area of Two Hundred Square Feet.

A plaza or a courtyard is a level space accessible to the public, at least ten feet in width, with a building façade on at least one side. The elevation of the courtyard or plaza shall be within thirty inches of the grade of the sidewalk providing access to it. For courtyards, at least sixty percent of the green shall be planted with trees, ground cover and other vegetation. For plazas, at least fifteen percent, but no more than sixty percent of the space shall be planted with trees, ground cover and other vegetation. Courtyards and plazas shall also include seating, pedestrian-scale lighting, decorative paving, and other pedestrian furnishings. The use of artists to create fixtures and furnishings is strongly encouraged.



G. Bonus Height.

The bonus height provisions are not available within specially designated height areas or the downtown zones that have a maximum height specified on the zoning map by a dash and a maximum height specified after the zone map symbol (i.e. DTG-100).

Additional bonus stories may be achieved if a development incorporates specified and described public amenities allowing bonus height and stories above the number of stories allowed outright in the zone. The bonus stories are in addition to what is specified in [Table 17C.124-2](#). The number of stories above the number of stories allowed outright may be increased through a ministerial process intended to ensure that each amenity both satisfies

design criteria and serves a public purpose in the proposed location. Amenities provided must be associated with the use for which the height increase is sought. Proposed amenities shall have a public benefit that is appropriate considering the height increase being achieved.

0. Structure Standards for Stories Above the Twelfth Above Ground Story.
These standards are designed to transition the apparent building height and mass for buildings that exceed twelfth stories in the DTG, DTU, and DTS zones. All stories above the twelfth story must meet the following standards. The following floor area and maximum diagonal plan tower dimension shall be measured from the inside face of the outside wall.
 - a. On sites less than or equal to thirty-four thousand square feet in size:
 - i. the maximum tower floor plate area per site is twelve thousand square feet;
 - ii. the maximum tower diagonal plan dimension is one hundred fifty feet.
 - b. On sites over thirty-four thousand square feet in size:
 - i. the maximum tower floor plate area per site is thirty-six percent of the total site area;
 - ii. the maximum tower diagonal plan dimension is based upon the following formula: Maximum tower diagonal plan dimension = (Square Root of (Site Area x 2)) x 0.6).
1. Bonus Height Provisions.
 - a. The following items qualify for addition structure height.
 - i. Permanent Affordable Housing.
Structure envelop devoted to permanent affordable household living space (housing units affordable to households making less than eighty percent of area median income for the City as defined by HUD) is not subject to a height or story limit.
 - ii. Affordable Housing Building Volume Bonus.
An area equal to the area devoted to permanent affordable housing that lies below the twelfth story may be added above the twelfth story in residential use that is not affordable housing.
 - iii. Historic Landmark Transfer of Development Right (TDR).
Subject to the requirements of [chapter 17D.070 SMC](#), Transfer of Development Rights, additional building height and gross floor area may be transferred from a building on the Spokane register of historic places that is within a downtown zone to a new development within a downtown zone. The TDR may be transferred from a historic landmark located on the same site or from a historic landmark located on a separate site.
 - b. Two Story Bonus.
The following items each qualify for two bonus stories.
 - i. Ground Floor Uses that “Spill” onto Adjacent Streets.
One ground floor use that “spills” (single use) per one hundred foot of structure street frontage.

Preferred uses include retail sales and service or entertainment use, or any combination thereof, located on the ground floor with direct access and fronting on a street.

- ii. Canopy Covering at Least Fifty Percent of Adjacent Frontage Over Public Sidewalk.
A virtually continuous canopy structure. A canopy is a permanent architectural element projecting out from a building facade over a sidewalk or walkway. A canopy shall be at least five feet in horizontal width and be no less than eight feet and no more than twelve feet above grade.
 - iii. Alley Enhancements.
Decorative paving, pedestrian-scaled lighting, special paving, and rear entrances intended to encourage pedestrian use of the alley.
 - iv. Additional Streetscape Features.
Seating, trees, pedestrian-scaled lighting, and special paving in addition to any that are required by the design standards and guidelines.
 - v. Small Scale Water Feature.
A small scale minor water feature integrated within an open space or plaza between the structure and public sidewalk. Small scale minor water features are generally designed to be viewed but not physically interacted with.
 - vi. Incorporating Historic Features and Signage.
Including historic plaques or markings about the local area or site. Reusing historic building elements and features on the site. Reusing existing landmark signs.
 - vii. Incorporating Bicycle Parking Enhancements.
Providing covered bicycle parking for all required bicycle parking along with other bicycle amenities such as secured bicycle lockers and equipment storage facilities.
- c. Four Story Bonus.
The following items qualify for four bonus stories each.
- i. Additional Building Stepback Above the Seventh Floor.
An additional ten feet of upper floor stepback from the street lot lines.
 - ii. Preferred Materials in Pedestrian Realm.
Use of brick and stone on the building facades that face streets on the first three stories of the building.
 - iii. Multiple Ground Floor Uses that “Spill” onto Adjacent Streets.
One ground floor use that “spills” per thirty feet of structure street frontage. Preferred uses include retail sales and service or entertainment use, or any combination thereof, located on the ground floor with direct access and fronting on a street.
 - iv. Major Exterior Public Spaces/Plaza.
A plaza or courtyard, with a minimum area of four hundred square feet or one percent of the site size, whichever is greater. A plaza or a courtyard is a level space accessible to the public, at least ten feet in width, with a building façade on at least one side. The elevation of the courtyard or plaza shall be within thirty inches of the grade of the sidewalk providing access to it. For courtyards, at least sixty percent of the green shall be planted with trees, ground cover and other vegetation. For plazas, at least fifteen percent, but no more than sixty percent of the space shall be planted with trees, ground cover and

other vegetation. Courtyards and plazas shall also include seating, pedestrian-scale lighting, decorative paving and other pedestrian furnishings. The use of artists to create fixtures and furnishings is strongly encouraged.

- v. Workforce Housing Greater Than Twenty-five Percent of the Total Number of Housing Units.
For this bonus, the housing units shall be affordable to households earning one hundred twenty percent or less of area medium income (AMI). For homes to be purchased the total housing payment (principal, interest, taxes, and insurance, PITI) shall be no more than thirty-three percent of income. For rental housing the rent plus utilities shall be no more than thirty percent of income.
 - vi. Public Art.
Public art includes sculptures, murals, inlays, mosaics, and other two-dimensional or three-dimensional works, as well as elements integrated into the design of a project (e.g., fountain) that are designed and crafted by one or more artists. Such artists must be listed on a registry of either the Washington state arts commission or the Spokane arts commission. To receive the bonus, public art must be documented at a value that is at least one percent of the construction value of the bonus stories.
 - vii. Through-block Pedestrian Connections.
Through-block pedestrian connection providing a continuous walkway accessible to the public, at least ten feet in width, paved with decorative paving and lighted for nighttime use. It may be covered or open to the sky.
 - viii. Major Water Feature.
A major water feature integrated within an open space or plaza between the structure and public sidewalk. A major water feature is designed to be viewed and is large enough to be physically interacted with by the public. It shall be at least ten square feet in size as measure in plan view.
 - ix. Green/Living Roof.
A planted area of a roof covering greater than fifty percent of the roof surface.
- d. Eight Story Bonus.
The following items qualify for eight bonus stories each.
- i. Workforce Housing Greater Than Fifty Percent of the Total Number of Housing Units.
For this bonus, the housing units shall be affordable to households earning one hundred twenty percent or less of area medium income (AMI). For homes to be purchased the total housing payment (principal, interest, taxes, and insurance, PITI) shall be no more than thirty-three percent of income. For rental housing the rent plus utilities shall be no more than thirty percent of income.
 - ii. Bicycle Commuter Shower Facilities.
Structures containing two hundred thousand square feet or more of office gross floor area shall include shower facilities and clothing storage areas for bicycle commuters. One shower per gender shall be required. Such facilities shall be for the use of the employees and

occupants of the building, and shall be located where they are easily accessible to parking facilities for bicycles.

SECTION 10. That SMC 17A.020.010 is amended to read as follows:

Section 17A.020.010 “A” Definitions

- A. Abandoned Sign Structure.
A sign structure where no sign has been in place for a continuous period of at least six months.
- B. Aboveground Storage Tank or AST.
Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.
- C. Accepted.
A project for which the required plans have been found to be technically adequate.
- D. Accessory Dwelling Unit (ADU).
An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:
 - 1. “Mother-in-law apartments,”
 - 2. “Accessory apartments,” or
 - 3. “Second units.”
- E. Accessory Structure.
A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.
 - 1. Accessory structures may be attached or detached from the primary structure.
 - 2. Examples of accessory structures include:
 - a. Garages,
 - b. Decks,
 - c. Fences,
 - d. Trellises,
 - e. Flagpoles,
 - f. Stairways,
 - g. Heat pumps,
 - h. Awnings, and
 - i. Other structures.
 - 3. See also [SMC 17A.020.160](#) (“Primary Structure”).
- F. Accessory Use.
A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.
- G. Activity.
See Regulated Activity.
- H. Administrative Decision.
A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.
- I. Adult Bookstore or Adult Video Store.
 - 1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion

pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified anatomical areas," as defined in [SMC 17A.020.190](#), or "specified sexual activities," as defined in [SMC 17A.020.190](#). A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- a. At least thirty percent of the establishment's displayed merchandise consists of said items; or
- b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or
- c. At least thirty percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or
- d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
- e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
- f. The establishment regularly offers for sale or rental at least two thousand of said items; or
- g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using "adult," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests.

2. For purposes of this definition, the term "floor space" means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.

J. Adult Business.

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

K. Adult Entertainment Establishment.

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

L. Adult Family Home.

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

M. Agency or Agencies.

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

N. Agricultural Activities.

1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;

- b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
 - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
 - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;
 - g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
 - h. Maintaining agricultural lands under production or cultivation.
- 2. The City of Spokane shoreline master program defines agriculture activities as:
 - a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
 - b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.
- O. Agricultural Land.
Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.
- P. AKART.
An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.
- Q. Alkali Wetlands.
Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.
- R. Alley.
See “Public Way” ([SMC 17A.020.160](#)).
- S. Alteration.
A physical change to a structure or site.
 - 1. Alteration does not include normal maintenance and repair or total demolition.
 - 2. Alteration does include the following:
 - a. Changes to the facade of a building.
 - b. Changes to the interior of a building.
 - c. Increases or decreases in floor area of a building; or
 - d. Changes to other structures on the site, or the development of new structures.
- T. Alteration of Plat, Short Plat, or Binding Site Plan.
The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).

- U. Alternative or Post-incarceration Facility.
A group living use where the residents are on probation or parole.
- V. ~~((Alternative Tower Structure (“Stealth” Technology).
Manmade trees, clock towers, bell steeples, light poles, flag poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers (see also “Low Visual Impact Facility” [SMC 17A.020.120](#)).)) [Deleted]~~
- W. ~~((Antenna Array (Wireless Communication Antenna Array).
1. One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).
2. Wireless communication antenna array shall be considered an accessory use provided they are located upon an existing structure.)) [Deleted]~~
- X. ~~((Antenna Height.
The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including the antenna.)) [Deleted]~~
- Y. ~~((Antenna Support Structure.
Any pole, telescoping mast, tower tripod, or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.)) [Deleted]~~
- Z. API 653.
The American Petroleum Institute’s standards for tank inspection, repair, alteration, and reconstruction.
- AA. Appeal.
A request for review of the interpretation of any provision of [Title 17 SMC](#).
- BB. Appeal – Standing For.
As provided under RCW 36.70C.060, persons who have standing are limited to the following:
1. The applicant and the owner of property to which the land use decision is directed; and
 2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;
 - b. That person’s asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
 - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
 - d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).
- CC. Applicant.
An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. “Owners” are all persons having a real property interest. Owners include:
1. Holder of fee title or a life estate;
 2. Holder of purchaser’s interest in a sale contract in good standing;
 3. Holder of seller’s interest in a sale contract in breach or in default;
 4. Grantor of deed of trust;
 5. Presumptively, a legal owner and a taxpayer of record;
 6. Fiduciary representative of an owner;
 7. Person having a right of possession or control; or
 8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

DD. Application – Complete.

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

EE. Aquaculture.

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas.

Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.

FF. Aquatic Life.

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

GG. Aquifer or Spokane Aquifer.

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

HH. Aquifer Sensitive Area (ASA).

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

II. Aquifer Water Quality Indicators.

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

1. Calcium,
2. Magnesium,
3. Sodium,
4. Total hardness,
5. Chloride,
6. Nitrate-nitrogen, and
7. Phosphorus.

JJ. Archaeological Areas and Historical Sites.

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

KK. Architectural feature

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

LL. Architectural Roof Structure

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

1. Area of Shallow Flooding.
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).
2. The base flood depths range from one to three feet.
3. A clearly defined channel does not exist.
4. The path of flooding is unpredictable and indeterminate.
5. Velocity flow may be evident.
6. AO is characterized as sheet flow and AH indicates ponding.

MM. Area of Shallow Flooding.

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

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.
3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.

5. AO is characterized as sheet flow and AH indicates ponding.
- NN. Area of Special Flood Hazard.
The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- OO. Arterial.
See:
1. "Principal Arterials" – [SMC 17A.020.160](#),
 2. "Minor Arterials" – [SMC 17A.020.130](#),
 3. "Collector Arterial" – [SMC 17A.020.030](#), or
 4. "Parkway" – [SMC 17A.020.160](#).
- PP. Assisted Living Facility.
A multi-family residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.
1. An "assisted living facility" contains multiple assisted living units.
 2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.
- QQ. Attached Housing.
Two or more dwelling units that are single-family residences on individual lots attached by a common wall at a shared property line. These include:
1. Townhouses,
 2. Row houses, and
 3. Other similar structures
- RR. Attached Structure.
Any structure that is attached by a common wall to a dwelling unit.
1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
 2. A breezeway is not considered a common wall.
 3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.
- SS. Available Capacity.
Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).
- TT. Average Grade Level.
Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.
- UU. Awning
A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

SECTION 11. That SMC 17A.020.200 is amended to read as follows:

[Section 17A.020.200](#) "T" Definitions

- A. Temporary Erosion and Sediment Control Measures.
Erosion and sediment control devices used to provide temporary stabilization of a site,

usually during construction or ground disturbing activities, before permanent devices are installed.

- B. Temporary Sign.
A sign placed on a structure or the ground for a specifically limited period of time as provided in [SMC 17C.240.240\(G\)](#).
- C. Temporary Structure.
A structure approved for location on a lot by the department for a period not to exceed six months with the intent to remove such structure after the time period expires.
- D. Tenant Space.
Portion of a structure occupied by a single commercial lease holder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.
- E. Through Pedestrian Zone.
The portion of a sidewalk that is intended for pedestrian travel and is entirely free of permanent and temporary objects.
- F. Tideland.
Land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.
- G. Total Maximum Daily Load (TMDL).
A calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and non point sources. The calculation shall include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation shall also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.
- H. ~~((Tower (Wireless Communication Support Tower).
Any structure that is designed and constructed specifically to support a wireless communication antenna array. Towers include self-supporting towers, guyed towers, a single pole structure (monopole), lattice tower, and other similar structures.)) [Deleted].~~
- I. ~~((Tower Compound.
The area containing support tower and ground equipment. The fence surrounding the equipment is the outer extent of the compound.)) [Deleted].~~
- J. ~~((Tower Height.
The vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.)) [Deleted].~~
- K. Tracking.
The deposition of sediment onto paved surfaces from the wheels of vehicles.
- L. Tract.
A piece of land created and designated as part of a land division that is not a lot, lot of record or a public right-of-way. Tracts are created and designated for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, in maintenance agreements, or through conditions, covenants and restrictions (CC&Rs).
- M. Traveled Way.
The area of street which is intended to carry vehicular traffic, including any shoulders.
- N. Type I Application.
An application for a project permit that is subject to an administrative approval and is not categorically exempt from environmental review under chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance [chapter 17E.050 SMC](#), and does not require a

public hearing. Type I applications are identified in [Table 17G.060-1](#) in [chapter 17G.060 SMC](#). These applications may include, but are not limited to, building permits and grading permits.

O. Type II Application.

An application for a project permit that is subject to an administrative decision of a department director, that may or may not be categorically exempt from chapter 43.21C RCW (SEPA), and does not require a public hearing. The Type II applications are identified in [Table 17G.060-1](#) in chapter [17G.060 SMC](#). These applications may include, but are not limited to, short plats, binding site plans, shoreline substantial development permits, and some conditional use permits; provided, the planning director may require conditional use permits which are otherwise characterized as Type II applications under this title to be submitted and processed as Type III applications when the director issues written findings that the Type III process is in the public interest.

P. Type III Application.

An application for a project permit that is subject to a quasi-judicial decision of the hearing examiner that may or may not be categorically exempt from chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance [chapter 17E.050 SMC](#) and requires a public hearing. Type III applications are identified in [Table 17G.060-1](#) in [chapter 17G.060 SMC](#). These applications may include, but are not limited to, rezones, conditional use permits, preliminary long plats, or shoreline conditional use permits.

SECTION 12. That SMC 17C.120.110 is amended to read as follows:

[Section 17C.120.110](#) Limited Use Standards

The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.120-1](#).

1. Group Living.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [1].

a. General Standards.

All group living uses except for alternative or post-incarceration facilities are allowed by right.

b. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are conditional uses.

2. Adult Business.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [2]. Adult businesses are subject to the additional standards of [chapter 17C.305 SMC](#).

3. Commercial Parking.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [3]. In the O and OR zones, a commercial parking use provided within a building or parking structure is a conditional use.

4. Drive-through Facility.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [4]. In the O and OR zones, a drive-through facility is permitted only when associated with a drive-through bank. In addition, in the OR zone, for a florist use approved by a special permit, sales of non-alcoholic beverages, and sale of food items not prepared on site, including drive-through sales of such items are allowed as an accessory use at locations situated on principal arterials or a designated state route. Drive-through facilities are subject to the additional standards of [SMC 17C.120.290](#).

5. Quick Vehicle Servicing.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [5]. Quick vehicle servicing

uses are permitted only on sites that have frontage on a principal arterial street. Quick vehicle servicing uses are subject to the additional standards of [SMC 17C.120.290](#).

6. Retail Sales and Service Uses Size Limitation.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [6]. Retail sales and services are limited in size in order to reduce their potential impacts on residential uses and to promote a relatively local market area. Retail sales and services uses are limited to the following:

- a. When retail sales and services uses are located within an office building, the retail sales and services may be larger than three thousand square feet, but may not exceed ten percent of the total floor area of the building exclusive of parking areas located within the structure.
- b. Uses not within an office building which are listed as sales-oriented under [SMC 17C.190.270\(C\)](#), retail sales and service, are limited to three thousand square feet of total floor area per site exclusive of parking areas located within a structure.
- c. Uses other than a hotel, motel, private club or lodge which are listed as personal service-oriented, entertainment-oriented or repair-oriented under [SMC 17C.190.270\(C\)](#), retail sales and service, that are larger than three thousand square feet are a conditional use. A hotel, motel, private club or lodge may be larger than three thousand square feet.

7. Required Residential Limitation.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [7]. The limitations are stated in [SMC 17C.120.280](#).

8. Industrial Size Limitation.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [8]. These types of uses are limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses. In addition, if the planning director determines that the proposed use will not be able to comply with the off- site impact standards of [chapter 17C.220 SMC](#), the planning director may require documentation that the development will be modified to conform with the standards.

- a. Individual uses in the NR and NMU zones are limited to five thousand square feet of floor area per site exclusive of parking area.
- b. Individual uses in the CB zone that exceed twenty thousand square feet of floor area per site exclusive of parking area are a conditional use.
- c. Individual uses in the GC zone that exceed fifty thousand square feet of floor area per site exclusive of parking area are a conditional use.

9. Mini-storage Facilities Limitation.

This regulation applies to all parts of [Table 17C.120-1](#) that have an [9]. The limitations are stated with the special standards for these uses in [chapter 17C.350 SMC](#), Mini-storage Facilities.

10. Outdoor Activity Limitation.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [10]. Outdoor display, storage or use of industrial equipment, such as tools, equipment, vehicles, products, materials or other objects that are part of or used for the business operation is prohibited.

11. [Deleted]

12. ~~((Wireless Communication Facilities-~~

~~This regulation applies to all parts of [Table 17C.120-1](#) that have an [12]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#).)~~ [Deleted]

13. Mobile Food Vending.

This standard applies to all parts of [Table 17C.120-1](#) that have a [13]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to [SMC 10.51.010](#) Mobile Food Vendors.

SECTION 13. that Table 17C.120-1 is amended to read as follows:

[Section 17C.120.100](#) Commercial Zones Primary Uses

- A. Permitted Uses – “P.”
Uses permitted in the commercial zones are listed in Table 17C.120-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.
- B. Limited Uses – “L.”
Uses allowed that are subject to limitations are listed in Table 17C.120-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.
- C. Conditional Uses – “CU.”
Uses that are allowed if approved through the conditional use review process are listed in Table 17C.120-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.
- D. Uses Not Permitted – “N.”
Uses listed in Table 17C.120-1 with an “N” are not permitted. Existing uses in categories listed as not permitted are subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

TABLE 17C.120-1 COMMERCIAL ZONE PRIMARY USES						
Use is: P: Permitted N: Not Permitted L: Allowed, but Special Limitations CU: Conditional Use Review Required	O (Office)	OR (Office Retail)	NR (Neighborhood Retail)	NMU (Neighborhood Mixed Use)	CB (Community Business)	GC (General Commercial)
Residential Categories						
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household	P	P	P	P	P	P

Living						
Commercial Categories						
Adult Business	N	N	N	N	L[2]	L[2]
Commercial Outdoor Recreation	N	N	N	N	P	P
Commercial Parking	CU[3]	CU[3]	P	P	P	P
Drive-through Facility	L[4]	L[4]	L[4]	L[4]	P	P
Major Event Entertainment	N	N	N	N	P	P
Office	P	P	P	P	P	P
Quick Vehicle Servicing	N	N	L[5, 10]	L[5, 7, 10]	P	P
Retail Sales and Service	N	L/CU[6]	P	L[7]	P	P
Mini-storage Facilities	N	N	N	N	L[9]	L[9]
Vehicle Repair	N	N	N	N	P	P
Mobile Food Vending	L[13]	L[13]	L[13]	L[13]	L[13]	L[13]
Industrial Categories						
High Impact Uses	N	N	N	N	N	N
Industrial Service	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
Manufacturing and Production	N	N	L[8, 10]	L[7, 8, 10]	L/CU[8, 10]	L/CU[8, 10]
Railroad Yards	N	N	N	N	N	N
Warehouse and Freight	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]

Movement						
Waste-related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
Institutional Categories						
Basic Utilities	P	P	P	P	P	P
Colleges	P	P	P	P	P	P
Community Service	P	P	P	P	P	P
Daycare	P	P	P	P	P	P
Medical Centers	P	P	P	P	P	P
Parks and Open Areas	P	P	P	P	P	P
Religious Institutions	P	P	P	P	P	P
Schools	P	P	P	P	P	P
Other Categories						
Agriculture	N	N	N	N	CU	CU
Aviation and Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	N	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU	CU

Wireless Communication Facilities [11]	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU
Notes: <ul style="list-style-type: none"> ▪ The use categories are described in chapter 17C.190 SMC. ▪ Standards that correspond to the bracketed numbers [] are stated in SMC 17C.120.110. ▪ Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards. 						

SECTION 14. That SMC 17C.124.110 is amended to read as follows:

[Section 17C.124.110](#) Limited Use Standards

- A. The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.124-1](#).
1. Group Living.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [1].
 - a. General Standards.
All group living uses except for alternative or post-incarceration facilities are allowed by right.
 - b. Alternative or Post Incarceration Facilities.
Group living uses which consist of alternative or post incarceration facilities are conditional uses.
 2. Adult Business.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [2]. Adult businesses are subject to the additional standards of [chapter 17C.305 SMC](#).
 3. Commercial Parking.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [3]. See [SMC 17C.230.310](#) for the parking structure design guidelines. See [SMC 17C.124.340](#), Parking and Loading, for ground level parking structure use standards.
 - a. New standalone surface commercial parking lots are not allowed as the primary use within the area shown on [Map 17C.124-M1](#), Surface Parking Limited Area. Within the area shown on [Map 17C.124-M1](#), standalone commercial parking as a primary use must be located entirely within a parking structure.
 4. Drive-through Facility.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [4]. Drive-through facilities are subject to the additional standards of [SMC 17C.124.290](#).
 5. Quick Vehicle Servicing.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [5]. Quick vehicle servicing uses are permitted only on sites that have frontage on a Type III or IV complete street. Quick vehicle servicing uses must be fully contained within a structure. Quick vehicle servicing uses are subject to the additional standards of [SMC 17C.124.290](#).
 6. Retail Sales and Services Uses Motorized Vehicle Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [6]. Sale, rental, or leasing of motor vehicles, including passenger vehicles, light and medium trucks is

not allowed. Sale, rental, and leasing of motorcycles and other recreational vehicles not able to be licensed for normal on street use is allowed. For sale or leasing of motorcycles and other recreational vehicles see [SMC 17C.124.270](#), Outdoor Activities.

7. Industrial Limitation.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [7]. These types of uses are limited to assure that they will not dominate the downtown area and to limit their potential impacts on residential and commercial uses. In addition, if the planning director determines that the proposed use will not be able to comply with the off-site impact standards of [chapter 17C.220 SMC](#), the planning director may require documentation that the development will be modified to conform with the standards.

- a. Limited industrial uses are allowed. Only limited industrial uses are allowed. Industrial uses more intensive than the limited industrial definition are not allowed.
- b. Industrial buildings and industrial sites are subject to the same design standards as commercial buildings and commercial sites.

8. Mini-storage, Storage, Warehousing, Industrial and Parking Structure Limitation. This regulation applies to all parts of [Table 17C.124-1](#) that have an [8]. See [SMC 17C.124.340](#).

9. Mini-storage Facilities Limitation.

This regulation applies to all parts of [Table 17C.124-1](#) that have an [9]. Mini-storage facilities are subject to the additional standards of [chapter 17C.350 SMC](#), Mini-storage Facilities.

10. Outdoor Activity Limitation.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [10]. Outdoor display, storage, or use of industrial equipment or other industrial items such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.

11. Community Services.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [11]. Most community service uses are allowed by right.

12. Wireless Communication Facilities.

~~((This regulation applies to all parts of [Table 17C.124-1](#) that have an [12]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#).)~~ See [chapter 17C.355A SMC](#).

13. Existing Light Industrial and Self-service Storage Uses.

This regulation applies to all parts of [Table 17C.124-1](#) that have an [13]. Light industrial and self-service storage uses in operation on the effective date of this ordinance, are considered to be a conforming use.

14. Mobile Food Vending.

This standard applies to all parts of [Table 17C.124-1](#) that have a [14]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to [SMC 10.51.010](#).

SECTION 15. That SMC 16C.130.110 is amended to read as follows:

[Section 17C.130.110](#) Limited Use Standards

The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.130-1](#).

1. Group Living.

This standard applies to all parts of [Table 17C.130-1](#) that have a [1].

- a. Group living uses are allowed on sites within one-quarter mile of the Spokane River where residents can take advantage of the river amenity. The planning director may authorize a group living use greater than one-quarter mile from the Spokane River if the applicant demonstrates that the site has a river viewpoint and a pedestrian connection to the river. Group living uses shall provide buffering from adjacent industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The proposal shall include a design, landscape and transportation plan which will limit conflicts between the residential, employment and industrial uses.
 - b. Alternative or Post Incarceration Facilities.
Group living uses which consist of alternative or post incarceration facilities are not permitted.
2. Residential Household Living.
This standard applies to all parts of [Table 17C.130-1](#) that have a [2].
 - a. Residential household living uses are allowed on sites within one-quarter mile of the Spokane River where residents can take advantage of the river amenity. The planning director may authorize a residential living use greater than one-quarter mile from the Spokane River if the applicant demonstrates that the site has a river viewpoint and a pedestrian connection to the river. Residential uses shall provide buffering from adjacent industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The proposal shall include a design, landscape, and transportation plan, which will limit conflicts between the residential, employment and industrial uses.
 - b. A single-family residence may be erected on a lot having a side property line which adjoins a lot in a residential zone, with or without an intervening alley, or on a lot which has less than one hundred feet of frontage and has residences existing on all lots adjoining its side property lines.
 - c. Living quarters for one caretaker per site in the LI, HI and PI zones are permitted.
3. Group Living and Residential Household Living.
This standard applies to all parts of [Table 17C.130-1](#) that have a [3]. Group living and residential household living uses may be permitted in the PI zone as a part of a binding site plan under the provisions of the subdivision code or a planned unit development under the provisions of Division G – Administration and Procedures. A minimum of fifty percent of the site within the binding site plan or planned unit development shall be in manufacturing and production, industrial service or office uses. Group living and residential household living uses shall be buffered from industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The buffering improvements shall be developed on the residential portion of the binding site plan or planned unit development at the time the residential uses are constructed. The site development plan shall include a design, landscape, and transportation plan, which will limit conflicts between the residential and industrial uses.
4. Adult Business.
This standard applies to all parts of [Table 17C.130-1](#) that have a [4]. Adult businesses are subject to the following standards:
 - a. [Chapter 17C.305 SMC](#), Adult Business.
 - b. Adult businesses are subject to the size requirements specified in item [5] below applicable to retail sales and services uses in the light industrial (LI) zone.
 - c. In addition to the standards in subsections (4)(a) and (b) of this section, adult businesses are permitted only in the light industrial zone adult business overlay zone as designated on the official zoning map.

5. Retail Sales and Service Uses Size Limitation.
This standard applies to all parts of [Table 17C.130-1](#) that have a [5]. Retail sales and service uses are allowed if the floor area plus outdoor sales and display and outdoor storage area is not more than sixty thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than sixty thousand square feet per site are a conditional use.
6. Retail Sales and Service Uses Size Limitation.
This standard applies to all parts of [Table 17C.130-1](#) that have a [6]. Retail sales and service uses are allowed if the floor area plus outdoor sales and display and outdoor storage area is not more than twenty thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than twenty thousand square feet per site are a conditional use.
7. Retail Sales and Service Uses Size Limitation.
This standard applies to all parts of [Table 17C.130-1](#) that have a [7]. Retail sales and service uses are allowed if the floor area plus the outdoor sales and display and outdoor storage area is not more than three thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than three thousand square feet per site may be permitted as a part of a binding site plan under the provisions of the subdivision code or a planned unit development under the provisions of the zoning code. A minimum of fifty percent of the site area of the uses in the planned unit development or binding site plan shall be in manufacturing and production, industrial service or office uses.
8. Mini-storage Facilities.
This standard applies to all parts of [Table 17C.130-1](#) that have a [8]. The limitations are stated with the special standards for these uses in [chapter 17C.350 SMC](#), Mini-Storage Facilities.
9. High Impact Uses.
This standard applies to all parts of [Table 17C.130-1](#) that have a [9]. High impact uses shall be located a minimum of six hundred feet from the boundary of a residential or commercial zone.
10. Colleges, Medical Centers, Daycare and School Uses.
This standard applies to all parts of [Table 17C.130-1](#) that have an [10]. Colleges, medical centers, daycare and school uses may be permitted as a part of a binding site plan under the provisions of the subdivision code, or a planned unit development under the provisions of the zoning code. A minimum of fifty percent of the site within the planned unit development or binding site plan shall be in manufacturing and production, industrial service or office uses. Colleges, medical centers, daycare and school uses are allowed within the planned unit development or binding site plan provided that the site development includes a design, landscape and transportation plan which will limit conflicts between the college, medical center, daycare, school and industrial uses.
11. ~~((Wireless Communication Facilities-~~
~~This standard applies to all parts of [Table 17C.130-1](#) that have a [11]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#)-.)) See chapter [17C.355A SMC](#).~~
12. Mobile Food Vending.
This standard applies to all parts of [Table 17C.130-1](#) that have a [12]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to [SMC 10.51.010](#).

SECTION 16. That TABLE 17C.130-1 is amended to read as follows:

[Section 17C.130.100](#) Industrial Zones Primary Uses

- A. Permitted Uses (P).
Uses permitted in the industrial zones are listed in Table 17C.130-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.
- B. Limited Uses (L).
Uses allowed that are subject to limitations are listed in Table 17C.130-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.
- C. Conditional Uses (CU).
Uses that are allowed if approved through the conditional use review process are listed in Table 17C.130-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.
- D. Uses Not Permitted (N).
Uses listed in Table 17C.130-1 with an “N” are not permitted. Existing uses in categories listed as not permitted may be subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

Table 17C.130-1 Industrial Zones Primary Uses			
Use is: P – Permitted; N – Not Permitted; L – Allowed, but with Special Limitations; CU – Conditional Use Review Required	LI Zone (Light Industrial)	HI Zone (Heavy Industrial)	PI Zone (Planned Industrial)
Residential Categories			
Group Living	L[1]	N	L[3]
Residential Household Living	L[2]	L[2]	L[3]
Commercial Categories			
Adult Business	L[4]	N	N
Commercial Outdoor Recreation	P	P	CU
Commercial	P	P	P

Parking			
Drive-through Facility	P	P	P
Major Event Entertainment	CU	CU	CU
Office	P	P	P
Quick Vehicle Servicing	P	P	P
Retail Sales and Service	L/CU[5]	L/CU[6]	L[7]
Mini-storage Facilities	L[8]	L[8]	L[8]
Vehicle Repair	P	P	P
Mobile Food Vending	L[12]	L[12]	L[12]
Industrial Categories			
High Impact Use	L[9]	L[9]	N
Industrial Service	P	P	P
Manufacturing and Production	P	P	P
Railroad Yards	CU	P	P
Warehouse and Freight Movement	P	P	P
Waste-related	CU	CU	CU
Wholesale Sales	P	P	P
Institutional Categories			
Basic Utilities	P	P	P
Colleges	P	N	L[10]
Community Service	P	N	N
Daycare	P	CU	L[10]
Medical Centers	P	N	L[10]
Parks and Open Areas	P	CU	P
Religious Institutions	P	N	N
Schools	P	N	L[10]

Other Categories			
Agriculture	P	P	P
Aviation and Surface Passenger Terminals	P	P	P
Detention Facilities	CU	CU	CU
Essential Public Facilities	CU	CU	CU
Mining	CU	CU	CU
Rail Lines and Utility Corridors	P	P	P
Wireless Communication Facilities	L/CU[11]	L/CU[11]	L/CU[11]
Notes: • The use categories are described in chapter 17C.190 SMC . • Standards that correspond to the bracketed numbers [] are specified in SMC 17C.130.110 . • Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards. • Standards applicable to conditional uses are stated in chapter 17C.320 SMC .			

SECTION 17. That SMC 01.05.160 is amended to read as follows:

[Section 01.05.160](#) Land Use Violation

- A. For each subsequent violation, excluding continuing violations, by a person the classification of infraction advances by one class.
- B. Infraction/Violation Class – General.

SMC 1.05.160 Penalty Schedule – Land Use Violation			Violation Class
Infraction			
General			
IFC 105.3.3	Occupy Land or Building Without Certificate of Occupancy		2
SMC 17G.010.100(B)			
SMC 10.48.050	Alarm Installation or Monitoring Company Failure to Provide Customer List		1
SMC 10.48.130	Alarm Installation or Monitoring Company Failure to Report New Customers		1
Boiler Code			
SMC 10.29.020	Operating Boiler Without License		1
SMC 10.29.021	Failure to Report Hazard		1

SMC 10.29.022	Leaving Boiler Room	2
SMC 17F.030.110	Failure to Cause Required Inspections of Boiler, Pressure Vessel	2
SMC 17F.030.130	Improper Operation of Boiler, Pressure Vessel	1
SMC 17F.060.050	Operate Without Elevator Operating Permit	1
Fire Code – International Fire Code (IFC)		
Chapter 22 IFC	Improper Aboveground Storage Tank for Motor Fuel Dispensing	1
Chapter 28 IFC	Improper Storage, Display of Aerosols	2
Chapter 33 IFC	Unauthorized Manufacture, Storage, Sale, Use, Handling of	1
IFC 105.6.14	Explosives	
Chapter 10.33A		
SMC		
SMC 17F.080.060		
IFC 107	Continuance of Hazard	1
IFC 109		
IFC 110		
IFC 109.2.2	Noncompliance with Condemnation Tag	1
IFC 109.2.4	Removal, Destruction of Tag, Sign	1
IFC 304	Improper Storage/Accumulation of Rubbish, Vegetation	2
IFC 304	Storage, Use, Handling of Miscellaneous Combustible Material	2
IFC 308	Improper Use of Candles, Open Flame	3
IFC 311	Failure to Properly Maintain Vacant Building, Property	2
IFC 503.4	Obstruction of Fire Access Road	2
IFC 703.1	Failure to Maintain Fire-resistive Construction	2
IFC 703.2	Failure to Maintain Fire Assemblies for Openings	2
IFC 704		
IFC 805	Failure to Flameproof Decorative Material	2
IFC 806		
IFC 901.4	Failure to Install Protection for Kitchen Hoods, Ducts	2
IFC 901.4	Failure to Install Sprinkler System	2
IFC 901.4	Failure to Install Alarm System	1
SMC 17F.080.100		
SMC 17F.080.150		
IFC 901.6	Failure to Maintain Automatic Extinguishing System	2
IFC 901.6	Failure to Maintain Kitchen Rangehood Extinguishing System	2
IFC 901.6	Failure to Maintain Sprinkler System	2
IFC 901.6	Failure to Maintain Standpipe System	2
IFC 903.4	Failure to Provide Approved Electronic Monitoring for Sprinkler and	2
IFC 907.15	Fire Alarm Systems	
IFC 904.11.6.3	Failure to Clean Kitchen Hoods, Ducts	2
IFC 905.3	Failure to Install Standpipe System	2
IFC		
IFC 1003.6	Obstruction of Exit	1
IFC 1011	Failure to Provide Exit Signs	1
IFC 2703.3	Release of Hazardous Material	1
IFC 3404.2.13.1.3	Failure to Remove Abandoned Underground Storage Tank	1
Spokane Municipal Code		
SMC 10.08.040	Fire Hazard from Vegetation and Debris	1
SMC 10.20.020	Abatement of Nuisance	1
SMC 12.01.0804	Failure to Maintain Pedestrian Strip	2
SMC 12.02.010	Sidewalk Not Clear of Snow, Ice	3
SMC 12.02.0210	Vegetation Nuisance Obstruction	1
SMC 12.02.0737	Obstruction of Public Right-of-Way	1
SMC 12.02.0760	Disposal of Leaves and Yard Debris	2

SMC 13.05.010	Tree, etc., Interfering With City Sewer	2
SMC 13.05.020	Poplar, Cottonwood Tree Near Utility Line	2
SMC 17C.110.100	Use Not Permitted in Residential Zone	2
SMC 17C.110.110	Limited Use Standards (Residential)	2
SMC 17C.110.120	Accessory Uses – Residential	2
SMC 17C.110.200	Violation of Development Standards – Residential	2
–		
SMC 17C.110.220		
SMC 17C.110.225	Accessory Structures – Residential	2
SMC 17C.110.230	Residential Fence	2
SMC 17C.110.270	Exterior Storage	2
SMC 17C.110.300	Alternative Residential Development	1
–		
SMC 17C.110.350		
SMC 17C.110.400	Multi-family Design Standards	1
–		
SMC 17C.110.465		
SMC 17C.110.500	Institutional Design Standards	1
–		
SMC 17C.110.575		
SMC 17C.120.100	Use Not Permitted in Commercial Zone	1
SMC 17C.120.110	Limited Use Standards – Commercial	1
SMC 17C.120.210	Development Standards - Commercial	1
–		
SMC 17C.120.300		
SMC 17C.120.310	Commercial Fence	1
SMC 17C.120.500	Commercial Design Standards	1
–		
SMC 17C.120.580		
SMC 17C.122.070	Use Not Permitted in Center and Corridor Zone	1
SMC 17C.122.080	Development Standards – Center and Corridor Zone	1
–		
SMC 17C.122.150		
SMC 17C.124.100	Use Not Permitted in Downtown Zone	1
SMC 17C.124.110	Limited Use Standards – Downtown	1
SMC 17C.124.210	Development Standards - Downtown	1
–		
SMC 17C.124.300		
SMC 17C.124.310	Fences – Downtown Zone	1
SMC 17C.124.340	Parking and Loading - Downtown	1
SMC 17C.124.500	Design Standards – Downtown	1
–		
SMC 17C.124-590		
SMC 17C.130.100	Use Not Permitted in Industrial Zone	1
–		
SMC 17C.130.110		
SMC 17C.130.210	Violation of Development Standards	1
–		
SMC 17C.130.250		
SMC 17C.130.270	Outdoor Activities Not Permitted	1
SMC 17C.130.300	Detached Accessory Structures	1
SMC 17C.130.310	Industrial Fence	1
SMC 17C.160.020	North River Overlay District	1

–		
SMC 17C.160.030		
SMC 17C.170.110	Special Height Overlay Zone	1
SMC 17C.180.050	Airfield Overlay Zone	1
–		
SMC 17C.180.100		
SMC 17C.200.040	Landscaping and Screening Requirements	1
–		
SMC 17C.200.110		
SMC 17C.210.040	Non-conforming Rights	1
–		
SMC 17C.210.070		
SMC 17C.220.080	Off-Site Impacts	1
–		
SMC 17C.220.090		
SMC 17C.230.140	Development Standards – Parking and Loading	2
–		
SMC 17C.230.300		
SMC 17C.230.310	Design Standards - Parking Structures	1
SMC 17C.240.070	Sign in Violation of the Sign Code	1
–		
SMC 17C.240.270		
SMC 17C.300.100	Accessory Dwelling Units General Regulations	2
SMC 17C.300.110	Accessory Dwelling Units Criteria	2
SMC 17C.300.130	ADU Development Standards	1
SMC 17C.305.020	Adult Business Use Standards	1
SMC 17C.310.100	Animal Keeping – Permitted/Prohibited Practices	2
–		
SMC 17C.310.160		
SMC 17C.315.120	Bed and Breakfast Use-related Regulations	2
SMC 17C.315.130	Bed and Breakfast Site-related Standards	2
SMC 17C.315.150	Bed and Breakfast Monitoring	2
SMC 17C.315.160	Pre-established Bed and Breakfast Facilities	2
SMC 17C.316	Short Term Rentals	2
SMC 17C.319.100	Commercial Use of Residential Streets	2
SMC 17C.319.200	Recreational Camping	2
SMC 17C.320.080	Conditional Uses	1
SMC 17C.325.030	Drive-through Facilities	1
–		
SMC 17C.325.060		
SMC 17C.330.120	Group Living Development Standards	1
SMC 17C.335.110	Historical Structures – Change Of Use Development Standards	1
SMC 17C.340.100	Home Occupations	2
–		
SMC 17C.340.110		
SMC 17C.345.100	Manufactured Homes and Mobile Home Parks	1
–		
SMC 17C.345.120		
SMC 17C.350.030	Development Standards – Mini Storage Facilities	1
SMC 17C.350.040	Design Considerations – Mini Storage Facilities	1
SMC 17C.355.030	Wireless Communication Facilities	1
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SMC		

[17C.355.040-\)\)](#)

Chapter 17C.355A

SMC

<u>SMC</u>	Mobile Food Vending Located Entirely on Private Property	1
<u>17C.390.030.B</u>		
<u>Chapter 17D.060</u>	Stormwater Facility Standards	1
<u>SMC</u>		
<u>SMC 17E.010.080</u>	Aquifer Pollution Nuisance Declared by Critical Review Officer	2
<u>SMC</u>	Failure to Comply With Order, Decision of Critical Review Officer	1
<u>17E.010.160(B)</u>		
<u>SMC</u>		
<u>17E.010.350(F)</u>		
<u>SMC</u>		
<u>17E.010.540(F)</u>		
<u>SMC</u>	Failure to Abide by Terms, Conditions of Permit, License, Approval	1
<u>17E.010.160(C)</u>		
<u>SMC</u>	Maintain Underground Storage Tank Without Permit	2
<u>17E.010.210(A)</u>		
<u>SMC 17E.010.230</u>	Use of Underground/Aboveground Storage Tank Without Permit	1
<u>SMC 17E.010.440</u>		
<u>SMC</u>	Supply False, Inaccurate, Incomplete Information Concerning an	2
<u>17E.010.350(A)</u>	UST or AST	
<u>SMC</u>		
<u>17E.010.350(E)</u>		
<u>SMC</u>		
<u>17E.010.540(A)</u>		
<u>SMC</u>		
<u>17E.010.540(E)</u>		
<u>SMC</u>	Approval Permit Violation	2
<u>17E.010.350(B)</u>		
<u>SMC</u>		
<u>17E.010.540(B)</u>		
<u>SMC</u>	Fill Unpermitted Underground/Aboveground Storage Tank	2
<u>17E.010.350(C)</u>		
<u>SMC</u>		
<u>17E.010.540(C)</u>		
<u>SMC</u>	Tamper with, Fail to Maintain Inventory, Other Records	2
<u>17E.010.350(D)</u>		
<u>SMC</u>		
<u>17E.010.540(D)</u>		
<u>Chapter 17E.020</u>	Prohibited Activities in Fish and Wildlife Areas and Buffers	1
<u>SMC</u>		
<u>Chapter 17E.040</u>	Prohibited Activities in Geological Hazard Areas and Buffers	1
<u>SMC</u>		
<u>SMC 17E.060.120</u>	Use, Alter Land, Erect, Alter, Occupy Structure Within Shoreline	1
	Without Compliance With Shoreline Management Regulations	
<u>Chapter 17E.070</u>	Prohibited Activities in Wetlands and Buffers	1
<u>SMC</u>		
<u>SMC 17F.070.380</u>	Failure to Discharge Responsibilities of Owner	2
<u>SMC 17F.070.390</u>	Failure to Discharge Responsibilities of Occupant	2
<u>SMC 17F.080.250</u>	Failure to Maintain Fire Alarm System	1
<u>SMC</u>	Failure to Provide Fire Protection System Verification Fees	2

<u>17F.080.260(B)</u>		
<u>SMC 17F.080.280</u>	Failure to Secure Fire-damaged Building	2
<u>SMC 17F.080.390</u>	Failure to Provide Semi-annual Inspection of Private Hydrant	2
<u>SMC 17F.080.420</u>	Failure to Maintain Private Hydrant	2
<u>SMC 17F.080.440</u>	Lack of Basement Sprinkler System in Existing Building	2
<u>SMC 17G.010.100</u>	Testing Underground Storage Tank Without Spokane Fire	1
<u>(C)(2)</u>	Department Registration	

SECTION 18. Conflicts with Other Ordinances or Regulations. In the event that any City ordinance or regulation, in whole or in part, conflicts with any provisions in this Ordinance, the provisions of this Ordinance shall control.

SECTION 19. Severability. In the event that a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this Ordinance unconstitutional, preempted or otherwise invalid, that portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance.

SECTION 20. Declaration of Emergency and Effective Date. This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage. The City Council previously adopted Ordinance C35243 imposing a moratorium on applications for new wireless communications support towers in the City's residential zones. The City's wireless communications regulations were dated, and without the moratorium, processing of such applications by the City could have occurred under regulations that are inconsistent with the City's legitimate policy of protecting residentially zoned areas from the aesthetic, visual, and noise impacts associated with wireless communications support towers and related attachments. Wireless communications support towers that are incompatible with adjoining land uses could have been permitted, since current City regulations have not anticipated the proliferation of support towers that are being constructed in response to rapid increases in demand for and changes in wireless communications technology and law. The moratorium is set to expire, and it is necessary for the new regulations in this Ordinance to go into effect immediately for the same reasons the moratorium was needed.

CITY OF SPOKANE, WASHINGTON

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

James Richman, Assistant City Attorney

**Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendation
Relating to Proposed Amendments to the City's Regulation of Wireless
Communication Facilities**

A Recommendation from the City Plan Commission to the City Council to approve proposed amendments to Title 17 of the Spokane Municipal Code relating to Wireless Communication Facilities. The proposal repeals Chapter 17C.355 SMC; adopts a New Chapter 17C.355A SMC, and amends SMC Section 17C.110.110, Table 17C.110-1, 17C.320.080, 17C.130.220, 17C.120.220, 17C.110.215, 17C.124.220, 17A.020.010, 17A.020.200, 17C.120.110, Table 17C.120-1, 17C.124.110, 17C.130.110, Table 17C.130-1, and 01.05.160, as those sections relate to wireless communications facilities.

Findings of Fact:

- A. The Telecommunications Act of 1996 (Pub. L. No. 104-104, 110 Stat. 56, 31-136, hereafter the "Telecommunications Act"), was designed to remove regulatory barriers and encourage competition among all types of communications companies.
- B. The Telecommunications Act ratified the authority of local government to regulate the construction and modification of wireless communications service facilities, but also limits local governments' authority in certain respects.
- C. State and federal laws addressing the scope and manner of local regulation of wireless communications facilities continues to develop and evolve, as evidenced by the recent passage of the Middle Class Tax Relief and Job Creation Act of 2012 (the "Spectrum Act"), and rules recently adopted by the Federal Communications Commission ("FCC") implementing the Spectrum Act.
- D. Chapter 17C.355 of the Spokane Municipal Code currently governs the City's regulation of wireless communications facilities.
- E. The City's existing regulations for wireless communication facilities are more than ten years old and federal laws, regulations and court decisions, wireless technology and consumer usage have reshaped the environment within which wireless communication facilities are permitted and regulations, and the City's existing regulations are no longer adequate to achieve the City's land use objectives in residentially zoned areas of the City as previously expected.
- F. In recognition of the foregoing, on March 9, 2015, the City Council adopted Ordinance No. C35243 (i) imposing a moratorium on applications for new wireless communication support towers in the City's residential zones, (ii) calling for the development of a work plan to study appropriate standards and/or restrictions on the placement of new wireless communication support towers in residential zones, (iii) authorizing the employment of wireless communication industry experts to assist in this regard, and (iv) calling for broad public and industry participation in the development of updates to the City's regulation of wireless communication support

tower siting in the City's residential zones.

- G. Following the adoption of the moratorium, the City has been engaged in an extensive stakeholder process involving industry, neighborhood, and City department representation, resulting in a substantial re-write of the City's regulations relating to wireless communication facilities, particularly as the regulations relate to siting new wireless communication support towers in or near the City's residential zones.
- H. A Determination of Non Significance (DNS) was issued on September 28, 2015 under WAC 197-11-304(2) with City of Spokane Planning the lead agency. No adverse comments were received from agencies or departments.
- I. The Plan Commission conducted a workshop on September 23, 2015 to review and discuss the proposed modifications to the City's wireless regulations.
- J. On September 15, 2015, staff requested that the Washington State Department of Commerce grant a 14-day expedited review period for this proposal to its Growth Management Services Division. The expedited review was approved on October 1, 2015.
- K. Notices of the Plan Commission Public Hearing and SEPA Determinations were published in the Spokesman Review on September 30, 2015 and October 7, 2015.
- L. Notice of the Public Hearing and SEPA Determinations were posted in City Hall and the City of Spokane web site on September 29, 2015.
- M. Notice of the Public Hearing and SEPA Determinations were sent to applicable agencies, City of Spokane departments and staff, stakeholders, and the Neighborhood Council Chairs on September 29, 2015 and Notice of the Public Hearing was again sent to stakeholders on October 7, 2015.
- N. The City Plan Commission held a public hearing on October 14, 2015 to obtain public comments on the proposed amendments.
- O. During its deliberations, the Plan Commission reviewed the proposed amendments and finds them to be in conformance with the goals and policies of the City's Comprehensive Plan.

Conclusions:

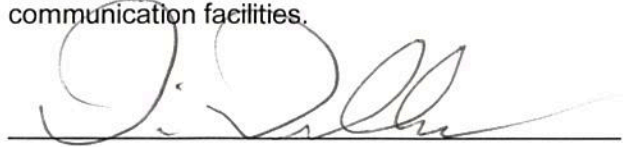
- A. The Plan Commission reviewed all public testimony received during the public hearings.
- B. The Plan Commission finds that the proposed amendments meet the approval criteria for text amendments to the Unified Development Code:

SMC 17G.025.010 (F) Approval Criteria:

1. The proposed amendments are consistent with the applicable provisions of the comprehensive plan; and
2. The proposed amendments bear a substantial relation to public health, safety, welfare, and protection of the environment.

Recommendations:

By a vote of 8 to 0, the Plan Commission recommends to the City Council the approval of the proposed amendments to the Unified Development Code relating to wireless communication facilities.

A handwritten signature in black ink, appearing to read "D. Dellwo", is written over a horizontal line.

**Dennis Dellwo, President
Spokane Plan Commission
~~July 22, 2015~~**

October 14, 2015



Agenda Sheet for City Council Meeting of:
10/26/2015

Date Rec'd	10/13/2015
Clerk's File #	ORD C35313
Renews #	

Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	MIKE ALLEN 625-6715	Project #	
Contact E-Mail	RBARDEN@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	ELIGIBLE FACILITIES REQUESTS		

Agenda Wording

An Ordinance Relating to Eligible Facilities Modificaiotns of Wireless Communication Facilities; Adopting Chpater 17C.356 of the Spokane Municipal Code on a Permanent Basis; and Declaring an Emergency.

Summary (Background)

The City Council previously adopted Ordinance No. C35246 on an emergency basis, relating to collocation, modification, removal and replacement of wireless communications facilities and adding a new chapter 17C.356 to Title 17C of the Spokane Municipal Code on an interim basis. Ordinance No. C35246 and chapter 17C.356 SMC were adopted on an interim basis in order to bring the City's wireless communication facilities regulations into compliance with Federal laws and regulations relating to eligib

Fiscal Impact		Budget Account	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	MCDANIEL, ADAM	Study Session	
Division Director		Other	
Finance	SALSTROM, JOHN	Distribution List	
Legal	RICHMAN, JAMES	jrichman@spokanecity.org	
For the Mayor	SANDERS, THERESA	tpalmquist@spokanecity.org	
Additional Approvals		dcompton@spokanecity.org	
Purchasing			



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Fiscal Impact

Budget Account

\$

#

\$

#

Distribution List

Eligible Facilities Requests

Agenda wording: An Ordinance Relating to Eligible Facilities Modifications of Wireless Communication Facilities; Adopting Chapter 17C.356 of the Spokane Municipal Code on a Permanent Basis; and Declaring an Emergency.

Background: The City Council previously adopted Ordinance No. C35246 on an emergency basis, relating to collocation, modification, removal and replacement of wireless communications facilities and adding a new chapter 17C.356 to Title 17C of the Spokane Municipal Code on an interim basis. Ordinance No. C35246 and chapter 17C.356 SMC were adopted on an interim basis in order to bring the City's wireless communication facilities regulations into compliance with Federal laws and regulations relating to eligible facilities requests. This ordinance will put these regulations in place permanently.

ORDINANCE NO. C35313

AN ORDINANCE RELATING TO ELIGIBLE FACILITIES MODIFICATIONS OF WIRELESS COMMUNICATION FACILITIES; ADOPTING CHAPTER 17C.356 OF THE SPOKANE MUNICIPAL CODE ON A PERMANENT BASIS; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council previously adopted Ordinance No. C35246 on an emergency basis, relating to collocation, modification, removal and replacement of wireless communications facilities and adding a new chapter 17C.356 to Title 17C of the Spokane Municipal Code on an interim basis; and

WHEREAS, Ordinance No. C35246 and chapter 17C.356 SMC were adopted on an interim basis in order to bring the City's wireless communication facilities regulations into compliance with Federal laws and regulations relating to eligible facilities request; and

WHEREAS, pursuant to its findings, conclusions, and recommendation, dated October 14, 2015 (the "Plan Commission Recommendation"), the Spokane Plan Commission unanimously recommended that the City Council adopt the regulations in Ordinance No. C35246 and chapter 17C.356 SMC on a permanent basis; and

WHEREAS, the City Council adopts (i) the recitals in Ordinance No. C35246 and (ii) the Plan Commission Recommendations as its findings of fact justifying its adoption of this Ordinance; and

WHEREAS, the City Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health, or safety and for the immediate support of city government and its existing public institutions;

NOW, THEREFORE, the City Council of the City of Spokane, Washington, does ordain as follows:

Section 1. Chapter 17C.356 SMC Adopted. Chapter 17C.356 of the Spokane Municipal Code, Eligible Facilities Modifications, is hereby amended on a permanent basis to read as follows:

Chapter 17C.356 Eligible Facilities Modifications

- 010. Purpose
- 020. Definitions
- 030. Application Review

Section 17C.356.010 Purpose

This Chapter implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC" or

“Commission”) Acceleration of Broadband Deployment Report & Order, which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

Section 17C.356.020 Definitions

For the purposes of this Chapter, the terms used have the following meanings:

a. Base Station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

i. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).

iii. Any structure other than a tower that, at the time the relevant application is filed with the department under this section, supports or houses equipment described in paragraphs (a)(i)-(a)(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the department under this section, does not support or house equipment described in (a)(i)-(ii) of this section.

b. Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

c. Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- i. Collocation of new transmission equipment;
- ii. Removal of transmission equipment; or
- iii. Replacement of transmission equipment.

d. Eligible support structure. Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City under this section.

e. Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.

f. Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

g. Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- iv. It entails any excavation or deployment outside the current site;
- v. It would defeat the concealment elements of the eligible support structure; or

- vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (g)(i)-(g)(iv) of this section.
- vii. For purposes of this section, changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act. 47 CFR § 1.40001(b)(7)(i)(A).

h. Transmission Equipment. Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

i. Tower. Any structure built for the sole or primary purpose of supporting any FCC- licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Section 17C.356.030 Application Review

a. Application. The department shall prepare and make publicly available an application form which shall be limited to the information necessary for the department to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

b. Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the department shall review such application to determine whether the application so qualifies.

c. Timeframe for Review. Within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, the department shall approve the application unless it determines that the application is not covered by this Chapter.

d. Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the department and the applicant, or in cases where the department determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

- i. To toll the timeframe for incompleteness, the department must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
- ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the department's notice of incompleteness.
- iii. Following a supplemental submission, the department will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

e. Interaction with Section 332(c)(7). If the department determines that the applicant's request is not covered by Section 6409(a) as delineated under this Chapter, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the department's decision that the application is not a covered request. To the extent such information is necessary, the department may request additional information from the applicant to evaluate the application under Section 332(c)(7), pursuant to the limitations applicable to other Section 332(c)(7) reviews.

f. Failure to Act. In the event the department fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Declaration of Emergency and Effective Date. This Ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage.

ADOPTED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendation
Relating to Proposed Amendments to the City's Regulation of Wireless
Communication Facilities**

A Recommendation from the City Plan Commission to the City Council to approve proposed amendments to Title 17 of the Spokane Municipal Code relating to Collocation, Modification, Removal, and Replacement of Wireless Communication Facilities. The proposal adopts Chapter 17C.356 SMC on a permanent basis, which the City Council previously adopted on an interim basis as an emergency.

Findings of Fact:

- A. In 1934, Congress enacted the Communications Act of 1934, creating the FCC and granting it authority over common carriers engaged in the provision of interstate or foreign communications services.
- B. In 1996 Congress enacted Pub. L. No. 104-104, 110 Stat. 70 (the "1996 Act"), amending the Communications Act of 1934 and implementing regulations applicable to both wireless and wireline communications facilities for the purpose of removal of barriers to entry into the telecommunications market while preserving local government zoning authority except where specifically limited under the 1996 Act.
- C. In the 1996 Act, Congress imposed substantive and procedural limitations on the traditional authority of state and local governments to regulate the location, construction, and modification of wireless facilities and incorporated those limitations into the Communications Act of 1934.
- D. The City has adopted regulations that have been codified as part of the Municipal Code of the City establishing local requirements for the location, construction, and modification of wireless facilities.
- E. In 2012 Congress passed the "Middle Class Tax Relief and Job Creation Act of 2012" (the "Spectrum Act") (PL-112-96; codified at 47 U.S.C. § 1455(a)).
- F. Section 6409 (hereafter "Section 6409") of the Spectrum Act implements additional substantive and procedural limitations upon state and local government authority to regulate modification of existing wireless antenna support structures and base stations.
- G. Congress through its enactment of Section 6409 of the Spectrum Act, has mandated that local governments approve, and cannot deny, an application requesting modification of an existing tower or base station if such modification does not substantially change the physical dimensions of such tower or base station.
- H. The Federal Communications Commission (the "FCC"), pursuant to its rule making authority, adopted and released a Notice of Proposed Rulemaking in September of

2013 (*In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 13-122) which focused in part upon whether or not the FCC should adopt rules regarding implementation of Section 6409.

- I. On October 21, 2014, the FCC issued its report and order, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, in the above described proceeding (the "Report and Order" or "Order") clarifying and implementing statutory requirements related to state and local government review of infrastructure siting, including Section 6409, with the intent of facilitating and expediting the deployment of equipment and infrastructure to meet the demand for wireless capacity.
- J. The rules adopted by the FCC in its Report and Order implementing Section 6409 are intended by the FCC to spur wireless broadband deployment, in part, by facilitating the sharing of infrastructure that supports wireless communications through incentives to collocate on structures that already support wireless facilities.
- K. The Report and Order also adopts measures that update the FCC's review processes under the National Environmental Policy Act of 1969 ("NEPA") and section 106 of the National Historic Preservation Act of 1966 ("NHPA"), with a particular emphasis on accommodating new wireless technologies that use smaller antennas and compact radio equipment to provide mobile voice and broadband service.
- L. On January 5, 2015, the FCC released an Erratum to the Report and Order making certain amendments to the provisions of the Report and Order related to NEPA and Section 106 of the NHPA.
- M. Part of the Report and Order related to implementation of Section 6409, amends 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE) by adding new Subpart CC § 1.40001 and establishing both substantive and procedural limitations upon local government application and development requirements applicable to proposals for modification to an existing antenna support structure or an existing base station ("Eligible Facility Request Rules").
- N. The Order, among other things, defines key terms utilized in Section 6409, establishes application requirements limiting the information that can be required from an applicant, implements a 60-day shot clock and tolling provisions, establishes a deemed approved remedy for applications not timely responded to, requires cities to approve a project permit application requesting modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, and establishes development standards that govern such proposed modifications.
- O. The Report and Order provides that the Eligible Facility Request Rules will be effective 90 days following publication in the Federal Register.
- P. The Order was published in the Federal Register on Thursday, January 8, 2015, Federal Register; Vol. 80; No. 5, resulting in the Eligible Facility Request Rules becoming effective on April 8, 2015.

- Q.** The City is required under Section 6409 of the Spectrum Act and the Eligible Facility Request Rules established in the Order, to apply local development and zoning regulations consistent with Section 6409 and the Order.
- R.** The proposed development and zoning regulations (proposed Chapter 17C.356 SMC) are reasonable and necessary in order to ensure that the City's development regulations are applied in a manner that is consistent with the mandate imposed upon the City by Congress pursuant to Section 6409 and the regulations imposed upon the City by the FCC pursuant to its Report and Order, and are therefore in the public interest.
- S.** Because the Eligible Facility Request Rules became effective on April 8, 2015, the City lacked adequate time earlier this year to adopt these proposed development and zoning regulations according to its normal procedures for amending its land use regulations and instead, pursuant to Ordinance No. C35246, adopted the regulations on an emergency interim basis.
- T.** The City now proposes to adopt Chapter 17C.356 SMC on a permanent basis.
- U.** A Determination of Non Significance (DNS) was issued on September 28, 2015 under WAC 197-11-304(2) with City of Spokane Planning the lead agency. No adverse comments were received from agencies or departments.
- V.** The Plan Commission conducted a workshop on September 23, 2015 to review and discuss the proposed modifications to the City's wireless regulations.
- W.** On September 15, 2015, staff requested that the Washington State Department of Commerce grant a 14-day expedited review period for this proposal to its Growth Management Services Division. The expedited review was approved on October 1, 2015.
- X.** Notices of the Plan Commission Public Hearing were published in the Spokesman Review on September 30, 2015 and October 7, 2015.
- Y.** Notice of the Public Hearing and SEPA Determinations were posted in City Hall and the City of Spokane web site on September 29, 2015.
- Z.** Notice of the Public Hearing and SEPA Determinations were sent to applicable agencies, City of Spokane departments and staff, stakeholders, and the Neighborhood Council Chairs on September 29, 2015 and Notice of the Public Hearing was again sent to stakeholders on October 7, 2015.
- AA.** The City Plan Commission held a public hearing on October 14, 2015 to obtain public comments on the proposed amendments.
- BB.** During its deliberations, the Plan Commission reviewed the proposed amendments and finds them to be in conformance with the goals and policies of the City's Comprehensive Plan.

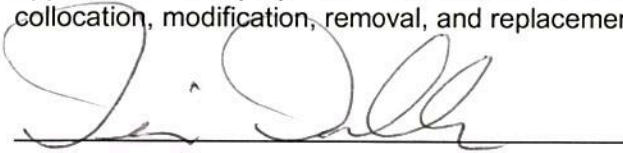
- A. The Plan Commission reviewed all public testimony received during the public hearings.
- B. The Plan Commission finds that the proposed amendments meet the approval criteria for text amendments to the Unified Development Code:

SMC 17G.025.010 (F) Approval Criteria:

- 1. The proposed amendments are consistent with the applicable provisions of the comprehensive plan; and
- 2. The proposed amendments bear a substantial relation to public health, safety, welfare, and protection of the environment.

Recommendations:

By a vote of 8 to 0, the Plan Commission recommends to the City Council the approval of the proposed amendments to the Unified Development Code relating to collocation, modification, removal, and replacement of wireless communication facilities.



**Dennis Dellwo, President
Spokane Plan Commission
~~July 22, 2015~~**

October 14, 2015



OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
509.625.6350

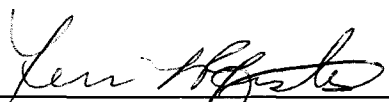
October 19, 2015

City Clerk File No.:
FIN 2015-0001

COUNCIL ACTION MEMORANDUM

RE: SETTING PUBLIC HEARINGS (1) ON POSSIBLE REVENUE SOURCES FOR THE 2016 BUDGET and (2) FOR REVIEW OF THE 2016 PROPOSED BUDGET

During its 3:30 p.m. Administrative Session held Monday, October 19, 2015, the Spokane City Council, upon consideration of the October 19 Current Consent Agenda, unanimously approved the setting of hearings (1) on possible revenue sources for the 2016 Budget for November 2, 2015, and (2) for review of the 2016 Proposed Budget beginning Monday, November 9, 2015, and continuing thereafter at the regular council meetings during the month of November.



Terri L. Pfister, MMC
Spokane City Clerk

**Agenda Sheet for City Council Meeting of:**

10/19/2015

Date Rec'd

10/7/2015

Clerk's File #

FIN 2015-0001

Renews #Submitting Dept

FINANCE

Cross Ref #Contact Name/Phone

TIM DUNIVANT 625-6845

Project #Contact E-Mail

TDUNIVANT@SPOKANECITY.ORG

Bid #Agenda Item Type

Hearings

Requisition #Agenda Item Name

0410 - SET REVENUE HEARING

Agenda Wording

Setting public hearing on possible revenue sources for the 2016 Budget for November 2, 2015.

Summary (Background)

A city such as Spokane that collects a regular property tax levy must hold a public hearing on possible revenue sources for the 2016 current expense budget, including consideration of possible increases in property tax revenues (RCW 84.55.120). This hearing must be held before the meeting at which the City Council considers levy adoption. The property tax ordinance will be on the Council's November 9th agenda.

Fiscal ImpactBudget Account

Select \$

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Select \$

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Select \$

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Additional ApprovalsPurchasing