

**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!**
- 6. No person shall be permitted to speak at open forum more often than once per month.**

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.
- 2.2.6 In an effort to encourage wider participation in open forum so that the Council can hear a wide array of citizen comment, no person shall be permitted to speak at open forum more often than once per month. However, this limitation has no effect on the public comment rules concerning items on the Council's current 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, as specified in Rules 5.3 and 5.4.

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, including but not limited to demonstrations, banners, applause, profanity, vulgar language, or personal insults 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, FEBRUARY 1, 2016

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 MIKE FAGAN

COUNCIL MEMBER CANDACE MUMM

COUNCIL MEMBER KAREN STRATTON

COUNCIL MEMBER LORI KINNEAR

VACANT – DISTRICT 2, POSITION 2

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. Intergovernmental Agreement between the County of Spokane and the City regarding Commute Trip Reduction Implementation.
Kevin Freibott | Approve | OPR 2016-0036 |
| 2. Agreement with Spokane County Sheriff's Office to accept funding from Washington Association of Sheriffs and Police Chiefs for the Registered Sex Offender Address Verification Program—\$50,000 Revenue.
Sally Stopher | Approve | OPR 2016-0037 |
| 3. Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2016, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____. | Approve & Authorize Payment | CPR 2016-0002 |
| 4. City Council Meeting Minutes: _____, 2016 | Approve All | CPR 2016-0013 |

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

Spokane Airport Board: One Appointment.

Plan Commission: Three Appointments.

RECOMMENDATION

Confirm CPR 1982-0071

Confirm CPR 1981-0295

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.

Note: No person shall be permitted to speak at Open Forum more often than once per month (Council Rule 2.2.6).

LEGISLATIVE AGENDA

EMERGENCY BUDGET ORDINANCE

(Require Five Affirmative, Recorded Roll Call Votes)

Ordinance No. C35357 amending Ordinance No. C35322 passed by the City Council November 23, 2015, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2016, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2016, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

General Fund

FROM: Unappropriated Reserves, \$15,000,

TO: Human Services—Contractual Services, same amount;

Council President Stuckart and Council Members Snyder & Kinnear

(This action provides additional funds for use by the Women's Center to match state funds obtained.)

NO EMERGENCY ORDINANCES

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

Staff Requests motion to defer consideration of the following item to the February 8, 2016, City Council meeting:

RES 2016-0011 Setting hearing before the City Council for March 14, 2016 for the proposed Spokane Housing Ventures annexation and amending the City of Spokane comprehensive plan land use map and zoning map to include the Spokane Housing Ventures annexation.

Jo Anne Wright

ORD C35354 Relating to charitable solicitation applications; and amending section 10.42.040 of the Spokane Municipal Code.

Crystal Marchand

ORD C35355 Relating to the City Investment Committee; adopting new section 07.15.005 to Chapter 7 of the Spokane Municipal Code, and amending sections 07.15.010 and 07.15.020 of the Spokane Municipal Code.

Council President Stuckart

ORD C35356 Relating to Council and Legislation; amending sections 02.005.010, 02.01.010, 02.01.030, 02.01.040, and 02.01.050 of the Spokane Municipal Code.

Council President Stuckart

FIRST READING ORDINANCES

(No Public Testimony Will Be Taken)

ORD C35358 "To be considered under Hearings Item H1.b."

ORD C35359 Relating to the pending Spokane Housing Ventures Annexation and amending the Spokane Comprehensive Plan Land Use Plan Map, Map LU 1 to include updated land use designations for the area within the pending Spokane Housing Ventures Annexation.

Jo Anne Wright

ORD C35360 Relating to zoning for the area within the pending Spokane Housing Ventures Annexation and authorizing amendments to the City of Spokane Official Zoning Map.

Jo Anne Wright

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.)

RECOMMENDATION

- | | | | | |
|-----|----|---|-------------------------------------|------------|
| H1. | a. | Vacation of the alley between Boone Avenue and Gardner Avenue from the east line of Ash Street to the west line of Maple Street as requested by Sarff Investments, LLC (West Central Neighborhood). | Approve
Subject to
Conditions | |
| | | Eldon Brown | | |
| | b. | First Reading Ordinance C35358 vacating the alley between Boone Avenue and Gardner Avenue from the east line of Ash Street to the west line of Maple Street. | Further
Action
Deferred | ORD C35358 |
-

**Motion to Approve Advance Agenda for February 1, 2016
(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.

Note: No person shall be permitted to speak at Open Forum more often than once per month (Council Rule 2.2.6).

ADJOURNMENT

The February 1, 2016, Regular Legislative Session of the City Council is adjourned to February 8, 2016.

NOTES



Agenda Sheet for City Council Meeting of:
02/01/2016

Date Rec'd	1/19/2016
Clerk's File #	OPR 2016-0036
Renews #	

Submitting Dept	PLANNING & DEVELOPMENT	Cross Ref #	
Contact Name/Phone	KEVIN 625-6184	Project #	
Contact E-Mail	KFREIBOTT@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	
Agenda Item Name	0650 - AGREEMENT FOR COMMUTE TRIP REDUCTION (CTR) IMPLEMENTATION		

Agenda Wording

An Intergovernmental Agreement between the County of Spokane and the City of Spokane regarding Commute Trip Reduction (CTR) Implementation.

Summary (Background)

The State of Washington (State) mandates that the City and County implement a Commute Trip Reduction Plan (CTR) for all major employers to promote a reduction in the number of vehicle miles traveled. The State has allocated \$215,387.12 to the City of Spokane to implement its CTR plan for the next two years. Since 1994 the County has implemented the City's CTR plan in exchange for the City's share of the allocated funds. The County is proposing an updated agreement to extend this arrangement

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	MEULER, LOUIS	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	PCED (12/14/15)
Finance	KECK, KATHLEEN	Distribution List	
Legal	DALTON, PAT	fperkins@spokanecity.org	
For the Mayor	SANDERS, THERESA	kfreibott@spokanecity.org	
Additional Approvals		jrichman@spokanecity.org	
Purchasing		hwhaley@spokanecity.org	
		lmeuler@spokanecity.org	
		lyamamoto@spokanecity.org	
		jwright@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

through June 30, 2017. As in the past, under this agreement the City would implement and maintain a CTR Program for its own employees.

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

Distribution List

INTERGOVERNMENTAL AGREEMENT
Between Spokane County and the City of Spokane
Regarding Commute Trip Reduction Implementation

THIS AGREEMENT, made and entered into this _____ day of _____, 2016 by and between the City of Spokane, a municipal corporation of the State of Washington, having offices for the transaction of business at 808 W. Spokane Falls Blvd., Spokane, WA, 99201, hereinafter referred to as the "City" and Spokane County, a political subdivision of the State of Washington, having offices for the transaction of business at West 1026 Broadway Avenue, Spokane, Washington, 99260, hereinafter referred to as the "County," jointly hereinafter referred to as the "Parties."

WITNESSETH

WHEREAS, the Washington State Legislature has adopted legislation codified in RCW 70.94.521 through 555, the purpose of which is to improve air quality, improve transportation system efficiency and reduce the consumption of petroleum fuels through employer-based programs that encourage the use of alternatives to the single occupant vehicle for commute trips and reduce vehicle miles traveled (VMT); and

WHEREAS, RCW 70.94.527 requires counties containing urban growth areas and cities and towns with "major employers," that are located within urban growth areas with a state highway segment exceeding the threshold of one hundred person hours of delay or jurisdictions that are located in contiguous urban growth areas, or are within an urban growth area with a population greater than seventy thousand people that adopted an ordinance before the year 2000 or jurisdictions that are located in contiguous urban growth areas, or contain a major employment installation in an affected county to develop ordinances, plans and programs to reduce Vehicle Miles Traveled (VMT) and Single Occupant Vehicle (SOV) commute trips, and thereby reduce vehicle-related air pollution, traffic congestion and energy use, and

WHEREAS, the County and each affected city within Spokane County have adopted Commute Trip Reduction Ordinances and must implement a Commute Trip Reduction (CTR) Plan for all major employers; and

WHEREAS, the WSDOT Public Transportation Division is responsible for administering funds on behalf of the state legislature and is desirous of making available to Spokane County certain funds and requiring Spokane County to enter into agreements through the Interlocal Cooperation Act or by Resolution or Ordinance as appropriate with other jurisdictions, local transit agencies, or regional transportation planning organizations to coordinate the development, implementation and administration of CTR Plans and Ordinances as described in RCW 70.94.521-555.

WHEREAS, Spokane County has entered into an agreement with the Washington State Department of Transportation under Agreement No. GCB2167, hereinafter referred to as "WSDOT Agreement," pursuant to which Spokane County is eligible to receive a reimbursable amount of funds which the County will distribute to itself and cities to implement and administer Commute Trip Reduction Plans and Ordinances; and

WHEREAS, pursuant to the provisions of RCW 70.94.527 (5), counties and cities may enter into agreements through the Interlocal Cooperation Act to coordinate the development and implementation of Commute Trip Reduction Plans and Ordinances; and

WHEREAS, Spokane County has allocated \$214,387.12 to the City from the grant Agreement No. GCB2167 which the City is now desirous of making available to the County to perform those tasks which are the responsibility of the City.

NOW, THEREFORE, for and in consideration of the mutual promises set forth hereinafter, and as authorized under chapter RCW 70.94.527 (5), the parties hereto do mutually agree as follows:

Section 1: PURPOSE

The County has entered into a WSDOT Agreement with the Washington State Department of Transportation under which it will receive \$367,001 for two years. This funding is to be allocated to the County and cities within Spokane County for their use in the implementation and administration of their Commute Trip Reduction Plans and Ordinances. The County, based upon an allocation formula established by the Washington State Department of Transportation, has determined that the City shall receive \$214,387.12 from the WSDOT Agreement from which it shall perform certain tasks. The City agrees to its proportionate share of the monies made available to the County in the WSDOT Agreement and agrees to allow Spokane County to retain its proportionate share in consideration of the County performing those tasks as more particularly set forth in Attachment "A" attached hereto and incorporated herein by reference. In conjunction with allowing the County to retain its proportionate share of monies, the City will execute any and all necessary documents which may be required by the Washington State Department of Transportation.

It is understood by the parties hereto, that in order for the County to perform those tasks as set forth in Attachment "A" for the City, the City must perform certain tasks. Attached hereto as Attachment "B" and incorporated herein by reference, is a listing of tasks which the City agrees to perform in conjunction with the County performing those tasks set forth in Attachment "A."

Section 2: DURATION

The County agrees to provide those tasks set forth in Section 1 and complete performing such tasks on or before June 30, 2017.

Section 3: TERMINATION

The parties agree that this Agreement may be terminated by either party for material breach of any provision set forth herein, upon ninety (90) days advance written notice to the other party at the address set forth hereinabove. Provided, however, the parties agree that any notification of termination shall set forth the specific provision(s) for which such notification is being provided and additionally, advise that if such default is cured within such ninety (90) day time frame, said termination notification shall be of no force and effect.

In the event of termination, the County agrees to provide to the City all written documentation which it has completed to the date of termination under the terms of this Agreement. Additionally, the County agrees to return to the City that portion of the monies set forth in Section 1 hereinabove, which has not been expended by the county, prior to the date of termination, on the City's behalf in providing those tasks as set forth in Attachment "A."

Provided, further, the parties recognize that the Washington State Department of Transportation in Agreement No. GCB12167, has retained the right to unilaterally terminate all or a part of such contract if there is a reduction of funds from the funding source. Accordingly, in the event that the Washington State Department of Transportation terminates all or part of the WSDOT Agreement with Spokane County, and such action affects the allocation of funds by the County to the City herein, and/or modifies the tasks to be performed hereunder, the parties will immediately meet to renegotiate the provisions of this Agreement.

Section 4: DESIGNATION OF ADMINISTRATOR

The County hereby designated Ms. LeAnn M. Yamamoto, the Spokane County Transportation Demand Management Manager, as its designee for the purpose of administering and coordinating the County's responsibilities under the terms of this Agreement.

Section 5: ACQUISITION/DISPOSITION OF PROPERTY

The parties hereto agree that any real or personal property acquired by the County with those monies made available to the County by the City under Section 1 hereinabove shall be and remain the sole property of the County upon acquisition and/or termination of this Agreement.

Section 6: COMPLIANCE WITH LAWS

The County agrees to observe all applicable federal, state and local laws, ordinances and regulations including, but not necessarily limited to, the Americans with Disabilities Act and chapter 49.60 RCW, to the extent that they may have any bearing on performing those tasks for the City as set forth in Section 1 hereinabove. Additionally, the County agrees to comply with all applicable funding audit requirements of the Washington State Department of Transportation in conjunction with performing those tasks for the City. The County agrees to make available to the City or its duly authorized representative during normal County business hours and all records

which it has kept in conjunction with providing those services for the City as set forth herein above.

Section 7: NOTICES

All notices or other communications given under this Agreement shall be considered given on the day such notices or other communications are received when sent by personal delivery; or the third day following the day on which the notice or communication has been mailed by certified mail delivery, receipt requested and postage prepaid addressed to the other Party at the address set forth below, or at such other address as the Parties shall from time-to-time designate by notice in writing to the other Party:

CITY: Mayor or designee
City of Spokane
Seventh Floor, City Hall
808 West Spokane Falls Boulevard
Spokane, Washington 99201

COUNTY: Board of County Commissioners
Spokane County Courthouse
1116 West Broadway Avenue
Spokane, Washington 99260

Section 8: HEADINGS

The section headings in this Agreement have been inserted solely for the purpose of convenience and ready reference. In no way do they purport to, and shall not be deemed to, define, limit or extend the scope or intent of the sections to which they appertain.

Section 9: MODIFICATION

No modification or amendment of this Agreement shall be valid until the same is reduced to writing and executed with the same formalities as this present Agreement.

Section 10: ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto. The City has read and understands all of this Agreement, and now states that no representation, promise or agreement not expressed in this Agreement has been made to induce the City to execute the same.

Section 11: LIABILITY

The County shall indemnify, defend and hold harmless the City, its officers and employees from all claims, demands, or suits in law or equity arising from the County's intentional or negligent acts or breach of its obligations under the Agreement. The County's duty to indemnify shall not apply to loss or liability caused by the intentional or negligent acts of the City, its officers and employees.

The City shall indemnify, defend and hold harmless the County, its officers and employees from all claims, demands, or suits in law or equity arising from the City's intentional or negligent acts or breach of its obligations under the Agreement. The City's duty to indemnify shall not apply to loss or liability caused by the intentional or negligent acts of the County, its officers and employees.

If the comparative negligence of the Parties and their officers and employees is a cause of such damage or injury, the liability, loss, cost, or expense shall be shared between the Parties in proportion to their relative degree of negligence and the right of indemnity shall apply to such proportion.

Where an officer or employee of a Party is acting under the direction and control of the other Party, the Party directing and controlling the officer or employee in the activity and/or omission giving rise to liability shall accept all liability for the other Party's officer or employee's negligence.

Each Party's duty to indemnify shall survive the termination or expiration of the Agreement.

Each Party waives, with respect to the other Party only, its immunity under RCW Title 51, Industrial Insurance. The Parties have specifically negotiated this provision.

Section 12: ANTI-KICKBACK

No officer or employee of the City, having the power or duty to perform an official act or action related to this Agreement shall have or acquire any interest in the Agreement, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in the Agreement.

Section 13: VENUE STIPULATION

This Agreement has been and shall be construed as having been made and delivered within the State of Washington. This Agreement shall be governed by the laws of the State of Washington both as to interpretation and performance. Any action at law, suit in equity or judicial proceeding for the enforcement of this Agreement, or any of its provisions, shall be instituted only in courts of competent jurisdiction within Spokane County, Washington.

Section 14: COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same.

Section 15: SEVERABILITY

If any parts, terms or provisions of this Agreement are held by the courts to be illegal, the validity of the remaining portions or provisions shall not be affected and the rights and obligations of the Parties shall not be affected in regard to the remainder of the Agreement. If it should appear that any part, term or provision of this Agreement is in conflict with any statutory provision of the State of Washington, then the part, term or provision thereof that may be in conflict shall be deemed inoperative and null and void insofar as it may be in conflict therewith and this Agreement shall be deemed to modify to conform to such statutory provision.

Section 16: RCW 39.34 REQUIRED CLAUSES

- A. PURPOSE: See Section 1.
- B. DURATION: See Section 2.
- C. ORGANIZATION OF SEPARATE ENTITY AND ITS POWERS: No new or separate legal or administrative entity is created to administer the provisions of this Agreement.
- D. RESPONSIBILITIES OF THE PARTIES: See Agreement provisions.
- E. AGREEMENT TO BE FILED: The City shall file this Agreement with its City Clerk. The County shall file this Agreement with its County Auditor or place it on its web site or other electronically retrievable public source.
- F. FINANCING: See Section 1.
- G. TERMINATION: See Section 3.
- H. PROPERTY UPON TERMINATION: See Section 5.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

Chair

Vice Chair

Commissioner

ATTEST:

By _____
Ginna Vasquez
Clerk of the Board

Dated: _____

CITY OF SPOKANE

By: _____

Title: _____

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Exhibit I
Funding Allocation Methodology

RCW 70.94.544 authorizes the CTR Board to determine the allocation of program funds made available for the purpose of implementing CTR plans. The funding allocated for local implementation of CTR activities in July 1, 2015 through June 30, 2017 is based on the decision taken by the CTR Board at its October 24, 2014 meeting. At that meeting, the CTR board passed a motion to continue the existing funding policy and grant the same allocation from the previous biennium to implementers in the 2015-2017 biennial allocation.

ATTACHMENT "A"

STATEMENT OF WORK

The County will:

1. Promote consistency within all affected local government jurisdictions within Spokane County, while serving the City's specific needs.
2. Maintain and administer the City's CTR Ordinances and Plan.
3. Employ a full-time Transportation Demand Management Manager to administer the County's and City's CTR Plans and Ordinances.
4. Take reasonable measures to identify and notify all affected employers within the City.
5. Assist each affected employer within the City in preparing a program and promoting the principles of Transportation Demand Management (TDM) with the employer's employees.
6. Maintain an appeals process consistent with RCW 70.94.537(2)(e) by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain a waiver or modification of those requirements and criteria for determining eligibility for waiver or modification. Within 30 days from the date of approval, submit to WSDOT the name and employer identification code for any worksite that has been granted an exemption. Include information about the duration of all exemptions and information on the type of modification granted.
7. Submit to Washington State Department of Transportation periodic progress reports summarizing the overall CTR implementation costs incurred by the County and shall be reported in a format provided by WSDOT.
8. Provide WSDOT with a public hearing notice and copies of any proposed amendments to the CTR ordinance, plan, and/or administrative guidelines within the first week of the public review period and final copies of all actions within one (1) month of adoption.
9. Coordinate and administer baseline and measurement CTR employer surveys. Provide employer survey assistance, training and state-supplied survey forms.
10. Notify Washington State Department of Transportation prior to sending any surveys to University of Washington for processing. The notification must include the name of the worksite, employer identification code and type of survey for each survey being

submitted for processing. The notification shall be submitted as an electronic spreadsheet via electronic mail. The County agrees to wait for confirmation from WSDOT prior to sending or delivering the surveys for processing.

11. Provide WSDOT with updated lists of affected worksites and jurisdiction contacts on a periodic basis or as requested by WSDOT. These updates will be submitted electronically in a format specified by WSDOT.
12. Continue to monitor the programs of each of the affected employers in the City to determine compliance with the CTR Ordinance and Plan. Complete annual review of employer CTR programs including a determination as to whether the employer is acting in good faith to meet the goals established by the CTR Law.
13. Provide on-going support to all employer designated Employee Transportation Coordinators (ETCs) and assist ETCs in facilitating regular employer networking opportunities and obtaining information necessary to perform their duties including information materials that explain a range of measures and activities to encourage employee use of commute alternatives.
14. Market available services to affected employers to assist in accomplishing CTR goals.
15. Work collaboratively with and provide technical guidance and support to employers in developing successful CTR programs.
16. Conduct at least one Basic ETC Training Course per year, using WSDOT-provided ETC Handbook and other training materials reviewed and approved by WSDOT.
17. Provide employers with written information on basic requirements of the CTR ordinance and goals set forth in approved CTR plans.
18. Attend transportation or health/benefits fairs at affected employer worksites to encourage high-occupancy vehicle commuting and promote the employer's CTR program.
19. Design, construct and distribute worksite Commuting Options Boards. Provide professional materials such as brochures, flyers, posters, newsletters, clip art and other tools to assist employer implementation of worksite CTR programs.
20. Provide all affected employers with the WSDOT-approved "Program Description & Employer Annual Report" form. Ensure completed reports are submitted by affected employers to meet applicable deadlines.
21. Submit to Washington State Department of Transportation periodic invoices along with progress reports that accurately assess the progress made by County, on behalf of City, in implementing RCW 70.94.521-551.
Report contents include:

- a. Detailed summary of CTR events and projects, including implementation assistance provided to affected employers within the City;
 - b. Actual total CTR expenditures used by the County for all state CTR funds expended by the County during the previous quarter for the purpose of CTR implementation using WSDOT pre-approved format;
 - c. Updated list of affected employers and worksites (electronic);
 - d. Total number of worksites by jurisdiction;
 - e. List of sites which have applied for exemptions or modifications;
-
- 22. Establish and maintain books, records, documents and other evidence and accounting procedures and practices sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred solely for the performance of this Agreement. Establish and maintain a separate "CTR Account" within Spokane County along with supporting documentation such as payroll and time records, invoices, contracts, vouchers or products proving in proper detail the nature and propriety of the charges.
 - 23. Participate in local implementation of statewide CTR public awareness and recognition programs developed by Washington State Department of Transportation.
 - 24. Offer recommendations to the City for policies on parking and site design which will encourage the use of alternative transportation modes.
 - 25. Encourage employers to develop site designs and improvements to office and industrial sites that promote the use of alternative transportation modes.
 - 26. Assist Washington State Department of Transportation with CTR evaluation.
 - 27. Serve as liaison between Washington State Department of Transportation and cities, towns, transit agencies and regional transportation planning organizations for the purpose of RCW 70.94.521-555.
 - 28. Continue applying for funding opportunities to further encourage the use of commute alternatives.

ATTACHMENT "B"
STATEMENT OF WORK

The City will:

1. Provide Spokane County with copies of any proposed amendments to the CTR Plan and Ordinance.
2. Provide Spokane County with copies of any CTR-related amendments to parking ordinances prior to public review.
3. Develop, implement and maintain its own CTR Program as an affected employer or as otherwise specified in the CTR Board Guidelines or RCW 70.94.521-555.
4. Reimburse the County for the services provided by this Agreement in an amount equal to the City's share of the CTR funding as provided in RCW 70.94.544.

BRIEFING PAPER
City of Spokane
Planning and Development Services
1/4/2016

Subject

Intergovernmental agreement between the County of Spokane and the City of Spokane regarding Commute Trip Reduction (CTR) implementation

Background

The State mandates that the City and County implement a Commute Trip Reduction Plan for all major employers (≥ 100 employees) to promote a reduction in the number of vehicle miles traveled. The State has allocated \$215,387.12 to the City of Spokane to implement its CTR plan for the next two years. Since 1994, Spokane County has implemented the City's CTR Plan in exchange for the City's share of the allocated funds. The County is proposing an updated agreement to extend this arrangement through June 30, 2017. As in the past, under this agreement the City would implement and maintain a CTR Program for its own employees.

Impact

Should the agreement be approved, the County would implement the City's CTR Plan for another two years in exchange for the City's allocation of State CTR funds.

Action

Adopt the proposed updated Intergovernmental Agreement.



Agenda Sheet for City Council Meeting of:
02/01/2016

Date Rec'd	1/13/2016
Clerk's File #	OPR 2016-0037
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	2016 BUDGET

Submitting Dept	GRANTS MGMT & FINANCIAL ASST
Contact Name/Phone	SALLY STOPHER 625-6032
Contact E-Mail	SSTOPHER@SPOKANECITYORG
Agenda Item Type	Contract Item
Agenda Item Name	0680-REGISTERED SEX OFFENDER FY15-16

Agenda Wording

Agreement with Spokane County Sheriff's Office to accept funding from Washington Association of Sheriffs and Police Chiefs (WASPC) for the Registered Sex Offender Address Verification Program.

Summary (Background)

The Spokane County Sheriff's Office in collaboration with Spokane Police Department were awarded funding from WASPC for the Registered Sex Offender Address Verification Program. This is a recurring grant updated on an annual basis. SPD's funding for period beginning on 07/01/2015 to 06/30/2016 is \$50,000.00. \$49,000.00 will be used to pay for a detective position from January 2016 to June 2016 and \$1,000.00 will be used for travel.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 50,000.00	#	1620-91728-21250-VARIOUS
Revenue	\$ 50,000.00	#	1620-91728-21250-33411
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	STOPHER, SALLY	<u>Study Session</u>	PSC Meeting 01/11/16
<u>Division Director</u>	DUNIVANT, TIMOTHY	<u>Other</u>	
<u>Finance</u>	KECK, KATHLEEN	<u>Distribution List</u>	
<u>Legal</u>		achirowamangu	
<u>For the Mayor</u>	COTE, BRANDY	ewade	
<u>Additional Approvals</u>		slynds	
<u>Purchasing</u>		kwatkins	
		kkeck	

**AGREEMENT BETWEEN SPOKANE COUNTY AND CITY OF SPOKANE
POLICE DEPARTMENT IN CONJUNCTION WITH
REGISTERED SEX OFFENDER ADDRESS AND RESIDENCY
VERIFICATION PROGRAM FY15 GRANT**

1. Grantee City of Spokane Spokane Police Department Public Safety Building 1100 W Mallon Spokane, WA 99201		2. Contract Amount <p style="text-align: center;">\$50,000.00</p>		3. Tax ID# 91-6001280	
5. Grantee Representative Sarah Lynds City of Spokane Public Safety Building 1100 W. Mallon Spokane, WA 99201 (509) 625-4056 slynds@spokanepolice.org		6. County's Representative Kari Grytdal Office of Financial Assistance 1116 W. Broadway Spokane, WA 99260 Phone: (509) 477-7273 kgrytdal@spokanecounty.org			
7. Grantor ID # 290SA54		8. Original Grant ID# RSO 15-16 Spokane		9. Start Date 07/01/15	
				10. End Date 6/30/2016	
11. Funding Authority: <p style="text-align: center;">Washington Association of Sheriffs and Police Chiefs</p>					
12. Federal Funds (as applicable) N/A		13. CFDA #		14. Federal Agency: <p style="text-align: center;">N/A</p>	
15. Contractor Selection Process: (check all that apply or qualify) <input type="checkbox"/> Sole Source <input type="checkbox"/> A/E Services <input type="checkbox"/> Competitive Bidding <input checked="" type="checkbox"/> Pre-approved by Funder			16. Contractor Type: (check all that apply) <input type="checkbox"/> Private Organization/Individual <input checked="" type="checkbox"/> Public Organization/Jurisdiction <input type="checkbox"/> VENDOR <input checked="" type="checkbox"/> SUBRECIPIENT <input checked="" type="checkbox"/> Non-Profit <input type="checkbox"/> For-Profit		
17. Grant Purpose: To verify the address and residency of all registered sex offenders and kidnapping offenders under RCW 9A.44.130.					
18. COUNTY and the Grantee, as identified above, acknowledge and accept the terms of this Agreement and attachments and have executed this Agreement the date below to start as of the date and year referenced above. The rights and obligations of both parties to this Agreement are governed by this Agreement and the following other documents incorporated by reference: (1) General Terms and Conditions, (2) Attachment "A" Scope of Work, and (3) Attachment "B" Budget.					
FOR THE GRANTEE :			FOR COUNTY:		
Signature _____ Date _____			Signature _____ Date _____		
Name _____			Name _____		

(FACE SHEET)

GENERAL TERMS AND CONDITIONS

SECTION NO. 1: SERVICES

GRANTEE shall provide those services set forth in the Scope of Work attached hereto as Attachment "A" and incorporated herein by reference.

SECTION NO. 2: COMPENSATION

COUNTY shall reimburse GRANTEE an amount not to exceed the amount set forth in Attachment "B", attached hereto and incorporated herein by reference for the performance of all things necessary for or incidental to the performance of Scope of Work as set forth in Attachment "A". Grantee's reimbursement for services set forth in Attachment "A" shall be in accordance with the terms and conditions set forth in the Budget attached hereto as Attachment "B" and incorporated herein by reference. Requests for reimbursement should be submitted no more than monthly. Invoices must be submitted with appropriate supporting documentation, including time and labor certifications, timesheets, copies of receipts, etc., as directed by the COUNTY'S representative designated hereinafter. Requests for reimbursement by GRANTEE shall be made on or before the 20th of each month for the previous month's expenditures. In conjunction with each reimbursement request, GRANTEE shall certify that services to be performed under this Agreement do not duplicate any services to be charged against any other grant, subgrant, or other funding source. December's reimbursement request must be received no later than January 10th to be allowable under grant. A reimbursement voucher is provided and is required for requests for payment.

Requests for reimbursement shall be submitted to:

Celia Peterson
Senior Accountant and Budget Coordinator
Spokane County Sheriff's Office
1100 West Mallon Avenue
Spokane, WA 99260-0300

Payment shall be considered timely if made by COUNTY within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the GRANTEE.

SECTION NO. 3: TERM

The term of this Agreement shall commence as of the date on the FACE SHEET and shall terminate on the date on the FACE SHEET.

SECTION NO. 4: RELATIONSHIP OF THE PARTIES

The PARTIES intend that an independent contractor relationship will be created by this Agreement. The COUNTY is interested only in the results that can be achieved and the conduct and control of set forth in Section No. 1 and described in Attachment "A" will be solely with GRANTEE. No agent, employee, servant or otherwise of GRANTEE shall be deemed to be an employee, agent, servant, or otherwise of the COUNTY for any purpose, and the employees of GRANTEE are not entitled to any of the benefits that the COUNTY provides for COUNTY employees. GRANTEE will be solely and entirely responsible for its acts and the acts of its agents, employees, servants, and

subcontractors or otherwise, during the performance of this Agreement.

SECTION NO. 5: VENUE STIPULATION

This Agreement has and shall be construed as having been made and delivered in the State of Washington and the laws of the State of Washington shall be applicable to its construction and enforcement. Any action at law, suit in equity or judicial proceeding for the enforcement of this Agreement or any provision hereto shall be instituted only in courts of competent jurisdiction within Spokane County, Washington.

SECTION NO. 6: COMPLIANCE WITH LAWS

The PARTIES specifically agree to observe all federal, state and local laws, ordinances and regulations to the extent that they may have any bearing on meeting their respective obligations under the terms of this Agreement.

SECTION NO. 7: TERMINATION FOR CAUSE / SUSPENSION

In the event COUNTY determines that the GRANTEE failed to comply with any term or condition of this Agreement, COUNTY may terminate the Agreement in whole or in part upon written notice to the GRANTEE. Such termination shall be deemed "Termination for Cause." Termination shall take effect on the date specified in the notice.

In the alternative, COUNTY upon written notice may allow the GRANTEE a specific period of time in which to correct the non-compliance. During the corrective-action time period, COUNTY may suspend further payment to the GRANTEE in whole or in part, or may restrict the GRANTEE's right to perform duties under this Agreement. Failure by the GRANTEE to take timely corrective action shall allow COUNTY to terminate the Agreement upon written notice to the GRANTEE.

"Termination for Cause" shall be deemed a "Termination for Convenience" when COUNTY determines that the GRANTEE did not fail to comply with the terms of the Agreement or when COUNTY determines the failure was not caused by the GRANTEE's actions or negligence.

If the Agreement is terminated for cause, the GRANTEE shall be liable for damages as authorized by law, including, but not limited to, any cost difference between the original Agreement and the replacement Agreement, as well as all costs associated with entering into the replacement Agreement (i.e., competitive bidding, mailing, advertising, and staff time).

SECTION NO. 8. TERMINATION FOR CONVENIENCE

Except as otherwise provided in this Agreement, COUNTY may, by ten (10) business days written notice, beginning on the second day after the mailing, terminate this Agreement, in whole or in part. If this Agreement is so terminated, the COUNTY shall be liable only for payment required under the terms of this Agreement for services rendered prior to the effective date of termination.

SECTION NO. 9: TERMINATION PROCEDURES

After receipt of a Notice of Termination, except as otherwise directed by COUNTY, the GRANTEE shall:

- A. Stop work under the Agreement on the date, and to the extent specified, in the notice;

- B. Place no further orders for materials, services, or facilities related to the Agreement;
- C. Assign to COUNTY all of the rights, title, and interest of the GRANTEE under the orders and subcontracts so terminated, in which case COUNTY has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts. Any attempt by the GRANTEE to settle such claims must have the prior written approval of COUNTY; and
- D. Preserve and transfer any materials, Agreement deliverables and/or COUNTY property in the GRANTEE'S possession as directed by COUNTY.

Upon termination of the Agreement, COUNTY shall pay the GRANTEE for any service provided by the GRANTEE under the Agreement prior to the date of termination. COUNTY may withhold any amount due as COUNTY reasonably determines is necessary to protect COUNTY against potential loss or liability resulting from the termination. COUNTY shall pay any withheld amount to the GRANTEE if COUNTY later determines that loss or liability will not occur.

The rights and remedies of COUNTY under this Section are in addition to any other rights and remedies provided under this Agreement or otherwise provided under law. Provided, further, in the event that the GRANTEE fails to perform this Agreement in accordance with state laws, federal laws, and/or the provisions of this Agreement, COUNTY reserves the right to recapture funds in an amount to compensate COUNTY for the noncompliance in addition to any other remedies available at law or in equity.

Repayment by the GRANTEE of funds under this recapture provision shall occur within the time period specified by COUNTY. In the alternative, COUNTY may recapture such funds from payments due under this Agreement.

SECTION NO. 10: COUNTY REPRESENTATIVE

The COUNTY hereby appoints and GRANTEE hereby accepts the COUNTY'S representative or her designee as identified on the FACE SHEET as the COUNTY'S liaison for the purpose of administering this Agreement. GRANTEE hereby appoints and COUNTY hereby accepts GRANTEE'S representative or his/her designee as identified on the FACE SHEET as GRANTEE'S liaison for the purpose of administering this Agreement.

SECTION NO. 11: NOTICES

Except as provided to the contrary herein, all notices or other communications given hereunder shall be deemed given on: (i) the day such notices or other communications are received when sent by personal delivery; or (ii) the third day following the day on which the same have been mailed by first class delivery, postage prepaid addressed to the COUNTY or GRANTEE at the address set forth on the FACE SHEET for such party, or at such other address as either party shall from time-to-time designate by notice in writing to the other Party.

SECTION NO. 12: HEADINGS

The Section headings in this Agreement have been inserted solely for the purpose of convenience and ready-reference. In no way do they purport to, and shall not be deemed to, define, limit or extend the scope or intent of the Sections to which they appertain.

SECTION NO. 13: NON-DISCRIMINATION

The PARTIES hereto specifically agree that no person shall, on the grounds of race, creed, color, sex, sexual orientation, national origin, marital status, age or the presence of any sensory, mental, or physical disability or Vietnam era or disabled veterans status be excluded from full employment rights and participation in, or be denied the benefits of, or be otherwise subject to, discrimination in conjunction with any Services which GRANTEE will receive payment under the provisions of this Agreement.

SECTION NO. 14: MODIFICATION

No modification or amendment of this Agreement shall be valid until the same is reduced to writing and executed with the same formalities as this present Agreement.

SECTION NO. 15: WAIVER

No officer, employee, agent or otherwise of the COUNTY has the power, right or authority to waive any of the conditions or provisions to this Agreement. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement or at law, shall be taken and construed as cumulative that is, in addition to every other remedy provided herein or by law. Failure of the COUNTY to enforce at any time any of the provisions of this Agreement, or to require at any time performance by GRANTEE of any provision hereof, shall in no way be construed to be a waiver of such provisions, nor in any way effect the validity of this Agreement of any part hereof, or the right of the COUNTY to hereafter enforce each and every such provision.

SECTION NO. 16: INDEMNIFICATION

To the fullest extent permitted by law, GRANTEE shall indemnify, defend, and hold harmless the COUNTY, its officers, agents and employees, from and against all claims, demands, suits in law or equity arising from the GRANTEE's intentional or negligent acts or breach of its obligations under this Agreement and/or damages for injuries or death to persons or property damages arising out of or incident to the GRANTEE's performance or failure to perform under the Agreement. The GRANTEE's obligation to indemnify, defend, and hold harmless includes any claim by the GRANTEE's agents, employees, representatives, or any Subcontractor, or its agents, employees, or representatives. The Grantor's obligation to indemnify, defend, and hold harmless shall be eliminated by any actual or alleged concurrent negligence of the COUNTY or its agents, agencies, employees and officers.

Subcontracts shall include a comprehensive indemnification clause holding harmless the GRANTEE and COUNTY and its officers, employees and authorized agents.

SECTION NO. 17: MAINTENANCE OF RECORDS

At no additional cost, GRANTEE shall make available to the COUNTY, Washington State Auditor, federal and state officials so authorized by law, or their duly authorized representatives at any time during their normal operating hours, all records, books or pertinent information which the COUNTY may be required by law to make part of its auditing procedures, an audit trail, or which may be required for the purpose of funding the Services contracted for herein. The GRANTEE shall provide access to its facilities for this purpose.

SECTION NO. 18: ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the PARTIES. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the PARTIES hereto. GRANTEE has read and understands all of this Agreement and now states that no representation, promise or condition not expressed in this Agreement has been made to induce GRANTEE to execute the same.

SECTION NO. 19: SEVERABILITY

It is understood and agreed between the PARTIES that if any parts, terms or provisions of this Agreement are held by the courts to be illegal, the validity of the remaining portions or provisions shall not be affected and the rights and obligations of the PARTIES shall not be affected in regard to the remainder of the Agreement. If it should appear that any part, term or provision of this Agreement is in conflict with any statutory provisions of the State of Washington, then the part, term or provision thereof that may be in conflict shall be deemed inoperative and null and void insofar as it may be in conflict therewith and this Agreement shall be deemed modify to conform to such statutory provision.

SECTION NO. 20: EXECUTION AND APPROVAL

The PARTIES warrant that the officers/individuals executing below have been duly authorized to act for and on behalf of the party for purposes of confirming this Agreement.

SECTION NO. 21: COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same.

SECTION NO. 22: DISPUTE RESOLUTION

Any dispute between the PARTIES which cannot be resolved between the PARTIES shall be subject to arbitration. Except as provided for to the contrary herein, such dispute shall first be reduced to writing. If the COUNTY and GRANTEE representatives cannot resolve the dispute it will be submitted to arbitration. The provisions of chapter 7.04A RCW shall be applicable to any arbitration proceeding.

The COUNTY and the GRANTEE shall have the right to designate one person each to act as an arbitrator. The two selected arbitrators shall then jointly select a third arbitrator. The decision of the arbitration panel shall be binding on the PARTIES and shall be subject to judicial review as provided for in chapter 7.04A RCW.

The costs of the arbitration panel shall be equally split between the PARTIES.

SECTION NO. 23: NO THIRD PARTY BENEFICIARIES

Nothing in this Agreement is intended to give, or shall give, whether directly or indirectly, any benefit or right, greater than that enjoyed by the general public, to third persons.

SECTION NO. 24: SURVIVAL

Any Sections of this Agreement which, by their sense and context, are intended to survive shall survive the termination of this Agreement.

SECTION NO. 25: INSURANCE

GRANTEE shall furnish and maintain all insurance as required herein and comply with all limits, terms and conditions stipulated therein, at its expense, for the duration of the Agreement. The following is a list of the required Agreement coverage requirements:

GENERAL LIABILITY INSURANCE: GRANTEE shall have Commercial General Liability with limits of \$1,000,000.00 per occurrence, which includes general aggregate, products, completed operation, personal injury, fire damage and \$5,000.00 medical expense.

ADDITIONAL INSURED ENDORSEMENT: General Liability Insurance must state that COUNTY, its officers, agents and employees, and any other entity specifically required by the provisions of this Agreement will be specifically named additional insured(s) for all coverage provided by this policy of insurance and shall be fully and completely protected by this policy from all claims. Language such as the following should be used: "Spokane County, its officers, agents and employees are named as an additional insured with respect to the 2015 Agreement between the COUNTY and GRANTEE."

WORKERS COMPENSATION: If GRANTEE has employees, it shall show proof of Worker's Compensation coverage by providing its State Industrial Account Identification Number. Provision of this number will be the GRANTEE's assurance that coverage is in effect.

PROFESSIONAL LIABILITY INSURANCE: GRANTEE shall provide errors & omissions coverage in the form of Professional liability insurance coverage in the minimum amount of \$1,000,000.00.

Any exclusion of the Agreement's insurance coverage requirements must be pre-approved by the Spokane County Risk Management Department. Services under this Agreement shall not commence until evidence of all required insurance and bonding is provided to the COUNTY. GRANTEE's insurer shall have a minimum A.M. Best's rating of A-VII and shall be licensed to do business in the State of Washington. Evidence of such insurance shall consist of a completed copy of the certificate of insurance, signed by the insurance agent for GRANTEE and returned to the Spokane County Risk Manager. The insurance policy or policies will not be canceled, materially changed or altered without forty-five (45) days prior notice submitted to the COUNTY. The policy shall be endorsed and the certificate shall reflect that the COUNTY is named as an additional insured on the GRANTEE's general liability policy with respect to activities under the Agreement. The policy shall provide and the certificate shall reflect that the insurance afforded applies separately to each insured against whom claim is made or suit is brought except with respect to the limits of the company's liability.

The policy shall be endorsed and the certificate shall reflect that the insurance afforded therein shall be primary insurance and any insurance or self-insurance carried by the COUNTY shall be excess and not contributory insurance to that provided by the GRANTEE.

GRANTEE shall not commence providing services until a Certificate of Insurance, meeting the requirements set forth herein, has been approved by the Spokane County Risk Management Department. Said proof of insurance should be mailed to the Risk Management Department: "Attention Agreement Between Spokane County and City of Spokane Police Department in Conjunction With Registered Sex Offender Address and Residency Verification Program FY15 Grant". Upon request, GRANTEE shall forward to the Risk Management Department the original policy, or endorsement obtained.

Failure of GRANTEE to fully comply with the insurance requirements set forth herein, during the term of the Agreement, shall be considered a material breach of contract and cause for immediate termination of the Agreement at the COUNTY's discretion.

Providing coverage in the above amounts shall not be construed to relieve the GRANTEE from liability in excess of such amounts.

SECTION NO. 26: SUBCONTRACTORS

GRANTEE shall seek and whenever appropriate will receive approval from the COUNTY for all subcontracts under this Agreement. All subcontractors employed or used by GRANTEE to provide the services under the terms of this Agreement agree to comply with Section Nos. 5, 16, 25, 29, and 31 of this Agreement. GRANTEE shall notify the COUNTY's representative of any subcontractor and certify that the subcontractor has been advised of the above provisions and has satisfied the Insurance provisions prior to providing any subcontracting services.

SECTION 27: ASSIGNMENT

Neither this Agreement, nor any claim arising under this Agreement, shall be transferred or assigned by the GRANTEE without prior written consent of COUNTY.

SECTION 28: ATTORNEYS' FEES

Unless expressly permitted under another provision of the Agreement, in the event of litigation or other action brought to enforce the terms of the Agreement, each party agrees to bear its own attorneys' fees and costs.

SECTION NO. 29: RECORDS MAINTENANCE

The GRANTEE shall maintain all books, records, documents, data and other evidence relating to this Agreement and performance of the Services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. GRANTEE shall retain such records for a period of six years following the date of final payment.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been finally resolved.

SECTION NO. 30: SAVINGS

In the event funding from state, federal, or other sources which is the source of funding by the COUNTY for this Agreement is withdrawn, reduced, or limited in any way after the effective date of this Agreement, and prior to normal completion, COUNTY may terminate the Agreement under the "Termination for Convenience" clause, without the ten business day notice requirement. In lieu of termination, the Agreement may be amended to reflect the new funding limitations and conditions.

SECTION NO. 31: CONFIDENTIALITY/SAFEGUARDING OF INFORMATION

A. "Confidential Information" as used in this section includes:

1. All material provided to the GRANTEE by COUNTY that is designated as "confidential" by COUNTY;
2. All material produced by the GRANTEE that is designated as "confidential" by COUNTY; and
3. All personal information in the possession of the GRANTEE that may not be disclosed under state or federal law. "Personal information" includes but is not limited to information related to a person's name, health, finances, education, business, use of government services, addresses, telephone numbers, social security number, driver's license number and other identifying numbers, and "Protected Health Information" under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

B. The GRANTEE shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The GRANTEE shall use Confidential Information solely for the purposes of this Grant and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of COUNTY or as may be required by law. The GRANTEE shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the GRANTEE shall provide COUNTY with its policies and procedures on confidentiality. COUNTY may require changes to such policies and procedures as they apply to this Grant whenever COUNTY reasonably determines that changes are necessary to prevent unauthorized disclosures. The GRANTEE shall make the changes within the time period specified by COUNTY. Upon request, the GRANTEE shall immediately return to COUNTY any Confidential Information that COUNTY reasonably determines has not been adequately protected by the GRANTEE against unauthorized disclosure.

C. Unauthorized Use or Disclosure. The GRANTEE shall notify COUNTY within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

SECTION NO. 32: COPYRIGHT PROVISIONS

Unless otherwise provided, all Materials produced under this Grant shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by COUNTY. COUNTY shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the GRANTEE hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to COUNTY effective from the moment of creation of such Materials.

"Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs,

films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For Materials that are delivered under the Grant, but that incorporate pre-existing materials not produced under the Grant, the GRANTEE hereby grants to COUNTY a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The GRANTEE warrants and represents that the GRANTEE has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to COUNTY.

The GRANTEE shall exert all reasonable effort to advise COUNTY, at the time of delivery of Materials furnished under this Grant, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Grant. The GRANTEE shall provide COUNTY with prompt written notice of each notice or claim of infringement received by the GRANTEE with respect to any Materials delivered under this Grant. COUNTY shall have the right to modify or remove any restrictive markings placed upon the Materials by the GRANTEE.

SECTION NO. 33: REPORTING

The GRANTEE shall provide ongoing reporting to the Spokane County Sheriff's Office in accordance with the established format of the Spokane County Registered Sex Offender Program on the work performed. These reports should be submitted to:

Lt. Rob Sherar
Program Manager
Spokane County Sheriff's Office
1100 West Mallon Avenue
Spokane, WA 99260-0300
RSherar@spokanesherriff.org

SECTION NO. 34: NONCOMPLIANCE WITH NONDISCRIMINATION LAWS

During the performance of this Agreement, the GRANTEE shall comply with all federal, state, and local nondiscrimination laws, regulations and policies. In the event of the GRANTEE's noncompliance or refusal to comply with any nondiscrimination law, regulation or policy, this Agreement may be rescinded, canceled or terminated in whole or in part, and the GRANTEE may be declared ineligible for further Agreements with the COUNTY. The GRANTEE shall, however, be given a reasonable time in which to cure this noncompliance. Any dispute may be resolved in accordance with the dispute resolution provision of this Agreement.

SECTION NO. 35: MISCELLANEOUS

- GRANTEE shall comply with all applicable state or federal laws related to ethics or conflicts of interest in providing Services under this Agreement.
- GRANTEE shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary in conjunction with providing Services under this Agreement.
- No funds may be used under this Agreement for or against ballot measures or for or against the candidacy of any person for public office.
- The funds provided under this Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval of the Grant which is the basis of funding this Agreement or any other approval or concurrence under this Agreement. Provided, however, that reasonable fees for bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as costs.
- GRANTEE agrees not to publish or use any advertising or publicity materials with regard to its Services under this Agreement without the approval of the COUNTY.

SECTION NO. 36: ORDER OF PRECEDENCE:

In the event on an inconsistency between the provisions in Agreement, the inconsistency shall be resolved by giving precedence in the following order:

- 1) Applicable federal and state of Washington statutes and regulations
- 2) Face Sheet
- 3) Attachment "A" Scope of Work
- 4) Attachment "B" Budget

ATTACHMENT “A”

Scope of Work

This is an Agreement to clearly identify the roles and responsibilities of the City of Spokane Police Department (hereinafter referred to as GRANTEE) as they relate to the Spokane County Registered Sex Offender Address and Residency Verification Program (hereinafter referred to as Spokane County RSO Program). As a grant-funded sub-recipient in accordance with this Agreement and the Spokane County RSO Program, GRANTEE agrees to the following conditions:

1. The term of this Agreement is the period within which the Spokane County RSO Program responsibilities will be performed. The term commences July 1, 2015 and terminates on June 30, 2016.
2. Funding from this grant must be used for the support of the Spokane County RSO Program to accomplish a public purpose.
3. The requirement of the Spokane County RSO Program is for face-to-face verification of a registered sex offender's address at the place of residency:
 - a. For level I offenders, once every twelve months;
 - b. For level II offenders, once every six months; and
 - c. For level III offenders, once every three months. For the purposes of this Agreement, unclassified offenders and kidnapping offenders are considered Level I offenders, unless the local jurisdiction sets a higher classification in the interest of public safety.
4. The GRANTEE shall provide one detective full-time to verify addresses and place of residency of RSOs for the purpose of the Spokane County RSO Program.
5. The GRANTEE is responsible to notify the County's Representative of any change in personnel. Non-reporting of change in personnel may impact GRANTEE's request for reimbursement. Time and Effort documentation must be submitted semi-annually in July and January for the previous six-month period (i.e. Jan.-June & July-Dec.).
6. The GRANTEE shall maintain statistics and provide ongoing reporting to the Spokane County Sheriff's Office in accordance with the established format of the Spokane County RSO Program on the work program performed.
7. The Grantee will work collaboratively with the SCSO in accomplishing the goals and objectives of the Spokane County RSO Program.
8. Funding from the Spokane County RSO Program as set forth in Attachment “B” Budget for “Travel/Training” will be used for GRANTEE to send at least one staff person to one or more Offender Watch User Group meetings and/or the RSO Coordinator Conference during the term of this Agreement.

ATTACHMENT “B”
Budget

Category	Budget Protected Direct Costs
Salary/ Benefits	\$49,000.00
Equipment	
Contracted Services	
Goods & Services	
Administrative Costs	
Travel/Training	\$1,000.00

Total Program: \$50,000.00

Transfer of funds between line item budget categories must be approved by COUNTY’S representative.

Approved expenditures for the performance of Services as set forth in Attachment “A” (Scope of Work) must be itemized into the following categories: salary, benefits, contracted services, equipment, goods and services, travel/training or administrative costs.

Payment will be on a reimbursement basis only.



Spokane County INVOICE VOUCHER

Subrecipient Number	Award Number	Award Name
	290SA53	Spokane County RSO Program FY14

AGENCY NAME
City of Spokane Spokane Police Department
CLAIMANT (Warrant is to be payable to)
(please fill in your department's mailing address) City of Spokane Spokane Police Department

INSTRUCTIONS TO CLAIMANT: Submit this form to claim payment for materials, merchandise or services. Show complete detail for each item.

Claimant's Certificate: I hereby certify under penalty of perjury that the items and totals listed herein are proper charges for materials, merchandise or services furnished to Spokane County, and that all goods furnished and/or services rendered have been provided without discrimination because of age, sex, marital status, race, creed, color, national origin, handicap, religion, or Vietnam era or disabled veterans status and all expenses claimed will not be charged to any other grant, subgrant or funding source.

BY _____
(SIGN IN INK)

(TITLE) (DATE)

FEDERAL I.D. NO. OR SOCIAL SECURITY NO. (For reporting Personal Services Contract Payments to I.R.S.)

RECEIVED BY

DATE RECEIVED

DATE	DESCRIPTION	AMOUNT BILLED

**Briefing Paper
City of Spokane
Spokane Police Department
0680-REGISTERED SEX OFFENDER GRANT AWARD
ACCEPTANCE
January 11, 2016**

Subject

Contract with the Spokane County Sheriff's Office to receive funding from Washington Association of Sheriffs and Police Chiefs (WASPC) for the Registered Sex Offender Address and Residency Verification Program.

Background

The Spokane County Sheriff's Office in collaboration with the City of Spokane Police Department submitted a request for funding for a joint proposal under the sex and kidnapping offender address and residency verification program. The requirement of this program is for face-to-face verification of a registered sex offender's address at the place of residency.

Impact

- **Operations-** Maintain statistics and provide ongoing reporting to SCSO in accordance with the established format of the RSO program.
- **Fiscal-** Grant supports Salaries and benefits of \$49,000.00 until June 30, 2016. The grant's budget also includes \$1,000.00 for travel and training. Total grant award is \$50,000.00.

Action

Recommends council approval for grant acceptance from SCSO through WASPC for one FTE, travel and training.

Funding

Supports acceptance of grant revenue to support an employee's salary and benefits and travel/training.



Agenda Sheet for City Council Meeting of:
02/01/2016

Date Rec'd	1/19/2016
Clerk's File #	CPR 1982-0071
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	MAYOR
Contact Name/Phone	KATIE ROSS 625.6716
Contact E-Mail	KROSS@SPOKANECITY.ORG
Agenda Item Type	Boards and Commissions
Agenda Item Name	0520 APPOINTMENT OF JENNIFER WEST TO THE SPOKANE AIRPORT BOARD

Agenda Wording

Appointment of Jennifer West to the Spokane Airport Board for a term of February 1, 2016 to December 31, 2018.

Summary (Background)

Appointment of Jennifer West to the Spokane Airport Board for a term of February 1, 2016 to December 31, 2018.

Fiscal Impact		Budget Account	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	COTE, BRANDY	Study Session	
Division Director		Other	
Finance		Distribution List	
Legal		bcote@spokanecity.org	
For the Mayor	SANDERS, THERESA	jthielemann@spokanecity.org	
Additional Approvals			
Purchasing			



Agenda Sheet for City Council Meeting of:
02/01/2016

Date Rec'd	1/20/2016
Clerk's File #	CPR 1981-0295
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	MAYOR
Contact Name/Phone	KATIE ROSS 625.67116
Contact E-Mail	KROSS@SPOKANECITY.ORG
Agenda Item Type	Boards and Commissions
Agenda Item Name	0520 APPOINTMENT OF PATRICIA KEINHOLZ TO THE PLAN COMMISSION

Agenda Wording

Appointment of Patricia Keinholz to the Plan Commission for a term of February 1, 2016 to December 31, 2018.

Summary (Background)

Appointment of Patricia Keinholz to the Plan Commission for a term of February 1, 2016 to December 31, 2018.

Fiscal Impact		Budget Account	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	COTE, BRANDY	Study Session	
Division Director		Other	
Finance		Distribution List	
Legal		bcote@spokanecity.org	
For the Mayor	SANDERS, THERESA	lmeuler@spokanecity.org	
Additional Approvals			
Purchasing			



Agenda Sheet for City Council Meeting of:
02/01/2016

Date Rec'd	1/20/2016
Clerk's File #	CPR 1981-0295
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	MAYOR
Contact Name/Phone	KATIE ROSS 625.6716
Contact E-Mail	KROSS@SPOKANECITY.ORG
Agenda Item Type	Boards and Commissions
Agenda Item Name	0520 APPOINTMENT OF GREG THOMAS TO THE PLAN COMMISSION

Agenda Wording

Appointment of Greg Thomas to the Plan Commission for a term of February 1, 2016 to December 31, 2019.

Summary (Background)

Appointment of Greg Thomas to the Plan Commission for a term of February 1, 2016 to December 31, 2019.

Fiscal Impact		Budget Account	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	COTE, BRANDY	Study Session	
Division Director		Other	
Finance		Distribution List	
Legal		bcote@spokanecity.org	
For the Mayor	SANDERS, THERESA	lmeuler@spokanecity.org	
Additional Approvals			
Purchasing			



Agenda Sheet for City Council Meeting of:
02/01/2016

Date Rec'd	1/20/2016
Clerk's File #	CPR 1981-0295
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	MAYOR
Contact Name/Phone	KATIE ROSS 625.6716
Contact E-Mail	KROSS@SPOKANECITY.ORG
Agenda Item Type	Boards and Commissions
Agenda Item Name	0520 APPOINTMENT OF JACOB BROOKS TO THE PLAN COMMISSION

Agenda Wording

Appointment of Jacob Brooks to the Plan Commission for a term of February 1, 2016 to December 31, 2016.

Summary (Background)

Appointment of Jacob Brooks to the Plan Commission for a term of February 1, 2016 to December 31, 2016.

Fiscal Impact		Budget Account
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Approvals		Council Notifications
Dept Head	COTE, BRANDY	Study Session
Division Director		Other
Finance		Distribution List
Legal		bcote@spokanecity.org
For the Mayor	SANDERS, THERESA	lmeuler@spokanecity.org
Additional Approvals		
Purchasing		



Agenda Sheet for City Council Meeting of:
02/01/2016

Date Rec'd	1/11/2016
Clerk's File #	ORD C35357
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	
Submitting Dept	CITY COUNCIL
Contact Name/Phone	JON SNYDER/BEN 6256269 STUCKART/LORI KINNEAR
Contact E-Mail	AMCDANIEL@SPOKANECITY.ORG
Agenda Item Type	Emergency Budget Ordinance
Agenda Item Name	0320 EMERGENCY BUDGET ORDINANCE RELATING TO THE WOMEN'S CLUB

Agenda Wording

FROM:0100-99999-General Fund 99999 Unappropriated Reserves \$15,000 TO: 0300-53010- General Fund
65400-54201 Human Services-Contractual Services \$ 15,000

Summary (Background)

FROM:0100-99999-General Fund 99999 Unappropriated Reserves \$15,000 TO: 0300-53010- General Fund
65400-54201 Human Services-Contractual Services \$ 15,000

Fiscal Impact		Budget Account	
Select	\$		#
Select	\$		#
Select	\$		#
Select	\$		#
Approvals		Council Notifications	
Dept Head	MCDANIEL, ADAM	Study Session	
Division Director		Other	
Finance	KECK, KATHLEEN	Distribution List	
Legal	DALTON, PAT		
For the Mayor	COTE, BRANDY		
Additional Approvals			
Purchasing			

ORDINANCE NO C35357

An ordinance amending Ordinance No. C-35322, passed the City Council November 23, 2015, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2016, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2016, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2016 budget Ordinance No. C-35322, as above entitled, and which passed the City Council November 23, 2015, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

WHEREAS, this ordinance has been on file in the City Clerk's Office for five days; - Now, Therefore,

The City of Spokane does ordain:

Section 1. That in the budget of the General Fund, and the budget annexed thereto with reference to the General Fund, the following changes be made:

FROM:	0100-99999- 99999	General Fund Unappropriated Reserves	\$ <u>15,000</u>
TO:	0300-53010- 65400-54201	General Fund Human Services—Contractual Services	\$ <u>15,000</u>

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to provide an additional \$15,000 for the purpose of making the funds available for use by the Women's Center to match state funds obtained; and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to form: _____
Assistant City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council Meeting of:
02/01/2016

Date Rec'd	1/19/2016
Clerk's File #	RES 2016-0011
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 - SET HEARING - SPOKANE HOUSING VENTURES ANNEXATION

Agenda Wording

A resolution setting a hearing before the City Council for March 14, 2016 for the proposed Spokane Housing Ventures Annexation and amending the City of Spokane Comprehensive Plan Land Use Map and Zoning Map to include the Spokane Housing Ventures

Summary (Background)

In February 2015, the City received a request to annex certain property located south of 53rd Avenue. Thereafter, by resolution 2015-0031, the City Council geographically modified the proposed annexation to include an area, approximately 42-acres, referred to as the Spokane Housing Ventures Annexation Area. Thereafter, a sufficient petition for annexation was filed with the City signed by the owners of not less than 60 percent in value of the property within the annexation area. The attached

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	WRIGHT, JO ANNE	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	PED 11/16/15
Finance	KECK, KATHLEEN	Distribution List	
Legal	RICHMAN, JAMES	fperkins@spokanecity.org	
For the Mayor	SANDERS, THERESA	jwright@spokanecity.org	
Additional Approvals		jrichman@spokanecity.org	
Purchasing		htrautman@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

annexation. (Action on this item will be deferred to the February 8, 2016 City Council meeting.)

Summary (Background)

resolution schedules a hearing on that petition. At the hearing, the City Council will also consider appropriate land use and zoning designations for the Spokane Housing Ventures Annexation Area. The City's Comprehensive Plan includes areas the City reasonably expects to annex into the City in the future, including the Spokane Housing Ventures Annexation area. On December 9, 2015, the Spokane Plan Commission held a public hearing on the proposed annexation and voted to recommend that the City Council approve the proposed annexation and assign appropriate Comprehensive Plan Land Use Map and Zoning Map designations to the area, provided that parcels 34031.0459 and 34031.5201 east of Freya Street be removed from the annexation area.

<u>Fiscal Impact</u>		<u>Budget Account</u>
Select	\$	#
Select	\$	#
<u>Distribution List</u>		

RESOLUTION NO. 2016-0011

A RESOLUTION SETTING HEARING BEFORE THE CITY COUNCIL FOR MARCH 14, 2016 FOR THE PROPOSED SPOKANE HOUSING VENTURES ANNEXATION AND AMENDING THE CITY OF SPOKANE COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP TO INCLUDE THE SPOKANE HOUSING VENTURES ANNEXATION.

WHEREAS, petitioners, the owners of property constituting not less than 10 percent in assessed value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, prior to initiation of their petition, notified the City Council of their intention to commence annexation proceedings for the area described below, and the City Council met with said initiating owners and determined by resolution 2015-0031 that the City would geographically modify the proposed annexation to include an approximately 42-acre area subject to specified conditions; and

WHEREAS, thereafter a sufficient petition for annexation was filed with the City Council pursuant to RCW 35.13.130, signed by the owners of not less than 60 percent in value, according to the assessed valuation for general taxation, of the property for which annexation is petitioned, seeking annexation to the City of Spokane of an approximately 42-acre area contiguous to the City, otherwise referred to as the "Spokane Housing Ventures Annexation Area" (the "Petition"); and

WHEREAS, the City desires to conduct a public hearing on the Petition and on the amendment of the City of Spokane Comprehensive Plan Land Use Map and Zoning Map to include the Spokane Housing Ventures Annexation Area.

NOW, THEREFORE, THE CITY OF SPOKANE DOES RESOLVE AS FOLLOWS:

Section 1: Publication and Posting of Notice. The Council hereby directs the City Clerk, or a duly authorized designee of the City Clerk, to cause to be published in the Spokesman Review, a legal newspaper of general circulation within the Spokane Housing Ventures Annexation Area, the Notice of Public Hearing described below and to cause the Notice of Public Hearing to be posted in at least three (3) conspicuous public places located in the Spokane Housing Ventures Annexation Area.

Section 2: Form of Notice. The Council hereby approves the form of Notice of Public Hearing attached as **Exhibit A** to this Resolution and finds that the Notice conforms with the requirements of Washington law.

Section 3: Public Hearing. The Council hereby declares its intent to hold the Public Hearing on Monday, March 14, 2016, at 6:00 p.m., in the City Council Chambers, Municipal Building, 808 West Spokane Falls Blvd, Spokane, Washington, subject to continuance or adjournment from time to time until completed.

ADOPTED by the Spokane City Council this ____ day of

_____, 2016.

City Clerk

Approved as to form:

Assistant City Attorney

EXHIBIT A

Notice of Public Hearing

NOTICE OF PUBLIC HEARING ON PROPOSED ANNEXATION OF SPOKANE HOUSING VENTURES ANNEXATION AREA, INCLUDING ADOPTION OF COMPREHENSIVE PLAN AND APPROPRIATE LAND USE REGULATIONS

The City of Spokane Washington proposes to annex an area otherwise known as the Spokane Housing Ventures Annexation Area. The Spokane Housing Ventures Annexation Area is an approximately 42-acre area contiguous to the City of Spokane, lying South of 53rd Avenue, West of Regal Street, and North of 55th Avenue ("Spokane Housing Ventures Annexation Area"). The Spokane Housing Ventures Annexation Area is situated in the County of Spokane, State of Washington, and is legally described as follows:

Those portions of the North ½ of Section 3, Township 24 North, Range 43 East W.M. and further described as follows:

All of lots 5-7 and portions of lots 3,4 and 8-12 of, Block 1, of The Amended Plat of South Spokane and Lot 1, Block 2, of the Plat of Hilby Station; which include the following Parcel Numbers: 34031.5201, 34031.0459, 34032.0433, 34032.0405, 34032.0432, 34032.0490, 34032.0489, 34032.0492, 34032.0481, 34032.0480, 34032.0446, 34032.0412, and 34032.0447.

The boundaries are described below:

Beginning (Point of Beginning) at the southwest corner of Lot 12, Block 1, of The Amended Plat of South Spokane, which is also the intersection of the north right-of-way line of 55th Avenue and the east right-of-way line of Regal Street; THENCE west across Regal Street to the intersection of the west right-of-way line of Regal Street and the north right-of-way line of 55th Avenue; THENCE north along said west right-of-way line of Regal Street to the intersection of the south right-of-way line of 53rd Avenue (coincident with the south limit of the City of Spokane) and the west right-of-way line of Regal Street; THENCE east along the south limit of the City of Spokane to the intersection of the east limit of the City of Spokane; THENCE east, along the same bearing as the north lot lines of Lots 5 and 6, Block 1, of The Amended Plat of South Spokane (coincident with the south limit of the City of Spokane), to the intersection of the southwest right-of-way line of the Palouse Highway; THENCE southeasterly along said southwest right-of-way line of the Palouse Highway to a point that is 9.96 feet primarily north of the northwest corner of Lot 1, Block 2, of the Plat of Hilby Station; THENCE south 00°36'08" west 9.96 feet to the northwest corner of Lot 1, Block 2, Hilby Station, said plat was filed on

May 5, 1999 under Auditor's File Number 4363950; THENCE along the following (4) courses according to the above mentioned plat; THENCE

- a) south 48°14'45" east 74.61 feet; THENCE
- b) southwesterly along a tangential curve to the right having a radius of 20.00 feet, 45.25 feet; THENCE
- c) southwesterly along a curve having a radius of 185 feet, and a delta angle of 08°59'49" with a chord bearing of north 85°53'42" east and a chord distance of 29.02 feet for an arc distance of 29.05 feet; THENCE
- d) south 89°36'23" west 17.30 feet to a point on the north right-of-way line of 55th Avenue;

THENCE west along the north right-of-way line of 55th Avenue to the intersection of the east right-of-way line of Freya Street; THENCE west to the intersection of the north right-of-way line of 55th Avenue and the west right-of-way line of Freya Street; THENCE west along the north right-of-way line of 55th Avenue to the Point of Beginning.

All properties situate in Spokane County, Washington

The City further proposes to amend the City of Spokane Comprehensive Plan Land Use Map and Zoning Map to include the Spokane Housing Ventures Annexation Area.

The Spokane City Council has fixed Monday, March 14, 2016 at 6:00 p.m., in the City Council Chambers, Municipal Building, 808 West Spokane Falls Blvd, Spokane, WA as the time and place for the hearing to be held by the City Council prior to approving an Ordinance annexing the Spokane Housing Ventures Annexation Area. Interested persons are invited to appear and voice approval or disapproval of the annexation and associated land use and zoning designations.

This will be the final hearing on the City's proposed annexation of the Spokane Housing Ventures Annexation Area.

Further specific information regarding the proposed annexation may be obtained by contacting Jo Anne Wright at 509-625-6017 or jwright@spokanecity.org.

Only the applicant, persons submitting written comments and persons testifying at a hearing may appeal the decision.

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 Council Chambers and the Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., are both wheelchair accessible. The Council Briefing Center is equipped with an audio loop system for persons with hearing loss. The Council Chambers currently has an infrared system and headsets may be checked out by contacting the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Chris 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) 625-6383 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

By: _____
Spokane City Clerk

Published: _____, 2016

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

01/25/2016

Date Rec'd

1/5/2016

Clerk's File #

ORD C35354

Renews #**Submitting Dept**

FINANCE

Cross Ref #**Contact Name/Phone**CRYSTAL 625-6369
MARCHAND**Project #****Contact E-Mail**

CMARCHAND@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**0410 - HOUSEKEEPING UPDATE TO CHARITABLE SOLICITATION PERMIT
APPLICATION**Agenda Wording**

An Ordinance relating to charitable solicitation applications; and amending section 10.42.040 of the Spokane Municipal Code.

Summary (Background)

The City issues Class I licenses for Charitable Solicitations. The Charitable Solicitation Application section of the SMC currently makes reference to a RCW that has been repealed and replaced by RCW 19.09.075(4). This is a housekeeping update to reference the current RCW in the Charitable Solicitation Application section of the SMC.

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

DUNIVANT, TIMOTHY

Study SessionFinance Committee
1/4/16**Division Director**

DUNIVANT, TIMOTHY

Other**Finance**

KECK, KATHLEEN

Distribution List**Legal**

DALTON, PAT

ldillmann@spokanecity.org

For the Mayor

CODDINGTON, BRIAN

mredd@spokanecity.org

Additional Approvals**Purchasing**

ORDINANCE NO. C35354

AN ORDINANCE relating to charitable solicitation application; and amending section 10.42.040 of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That SMC 10.42.040 is amended to read as follows:

Section 10.42.040 Charitable Solicitation Application

- A. A person proposing to solicit for charitable purposes must make written application to the office of taxes and licenses at least fifteen days before the start of the proposed solicitation.
- B. The applicant must state the:
 - 1. name under which the organization is registered with the state department of licensing;
 - 2. name and address of local "key personnel", as defined in RCW ~~19.09.070(3)~~ 19.09.075(4);
 - 3. methods of solicitation to be used; and
 - 4. dates and places of the proposed solicitation.
- C. The applicant must submit with the application a:
 - 1. copy of the current registration statement on file with the state department of licensing; and
 - 2. certified statement from the state director of licensing that the organization is currently validly registered.

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:
01/25/2016

<u>Date Rec'd</u>	1/5/2016
<u>Clerk's File #</u>	ORD C35355
<u>Renews #</u>	

<u>Submitting Dept</u>	CITY COUNCIL	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	BEN STUCKART 625-6269	<u>Project #</u>	
<u>Contact E-Mail</u>	AMCDANIEL@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	First Reading Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0320 CITY INVESTMENT COMMITTEE AND INVESTMENT IN FOSSIL FUELS		

Agenda Wording

An ordinance relating to the City Investment Committee; adopting new section 07.15.005 to Chapter 7 of the Spokane Municipal Code, and amending sections 07.15.010 and 07.15.020 of the Spokane Municipal Code.

Summary (Background)

This ordinance amends the makeup of the City Investment Committee to include: Chief Financial Officer, City Council Member, City's Outside Bond Counsel, Mayor's Investment Officer, and an investment community professional. The ordinance also creates a prohibition on the investment of public funds in fossil fuel companies.

<u>Fiscal Impact</u>	<u>Budget Account</u>
Select \$	#
Select \$	#
Select \$	#
Select \$	#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	MCDANIEL, ADAM	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	Finance
<u>Finance</u>	KECK, KATHLEEN	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT	Tim Dunivant	
<u>For the Mayor</u>	CODDINGTON, BRIAN	Gavin Cooley	
<u>Additional Approvals</u>		Adam McDaniel	
<u>Purchasing</u>		Ben Stuckart	

ORDINANCE NO. C35355

An ordinance relating to the City Investment Committee; adopting new section 07.15.005 to Chapter 7 of the Spokane Municipal Code, and amending sections 07.15.010 and 07.15.020 of the Spokane Municipal Code.

WHEREAS, the climate crisis is a serious threat to current and future generations in Spokane;

WHEREAS, The Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report found that global warming is already causing costly disruption of human and natural systems throughout the world including the melting of Arctic ice, the ocean's rise in acidity, flooding and drought; and

WHEREAS, Almost every government in the world has agreed through the 2009 Copenhagen Accord that any warming above a 2°C (3.6°F) rise would be unsafe, and that humans can only pour about 565 more gigatons of carbon dioxide into the atmosphere to maintain this limit; and

WHEREAS, In its "Unburnable Carbon" report, the Carbon Tracker Initiative found that fossil fuel companies possess proven fossil fuel reserves that would release approximately 2,795 gigatons of CO₂ if they are burned, which is five times the amount that can be released without exceeding 2°C of warming; and

WHEREAS, the City of Spokane has a responsibility to protect the lives and livelihoods of its inhabitants from the threat of climate change; and,

WHEREAS, the City of Spokane adopted Resolution No. 2010-0037 committing the City to address the issues of climate change and energy security through the Sustainability Action Plan; and

WHEREAS, Section 70.235.010 of the Revised Code of Washington requires the state of Washington to reduce greenhouse gas emissions to 1990 levels by 2020; and

WHEREAS, the city of Spokane believes that its investments should support a future where all citizens can live healthy lives without the negative impacts of a warming environment;

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That there is adopted a new section 07.15.005 to Chapter 7 of the Spokane Municipal Code to read as follows:

Section 07.15.005 Definitions

- A. "Fossil fuels" means a fuel formed in the earth from plant or animal remains. The term includes petroleum, shale oil, coal, natural gas, heating oils, light and heavy diesel oil, motor gasoline, propane, butane, residential fuel oils, kerosene, liquefied petroleum gas (LPG), and aviation fuels. 40 CFR 60.41. However, the term excludes biodiesel fuel as defined in RCW 19.112.010.
- B. "Fossil fuel company" means a company which, directly or through an affiliate or subsidiary, meets any of the following criteria:
- A. Derives more than 25 percent of its revenue from:
 - (i) sale of fossil fuels;
 - (ii) coal extraction activities; or
 - (iii) oil-related activities.
 - B. Owns or holds leases for fossil fuel reserves that if extracted and burned would account for more than 0.1 gigatons of carbon dioxide.

Section 2. That section 07.15.010 of the Spokane Municipal Code is amended to read as follows:

Section 07.15.010 City Investment Committee

- A. There is established the ~~((city investment committee))~~ City Investment Committee, ((consisting of)) to consist of the following:
1. ~~((chief financial officer))~~ Chief Financial Officer,
 2. ~~((city treasurer))~~ City Retirement Director, and
 3. ~~((director of accounting))~~ City Treasurer or other Investment Officer designated by the Mayor who shall act as Committee Chairperson,
 4. One City Council Member, and
 5. An investment community professional designated by the Mayor

who shall be appointed annually and who shall serve on the committee without additional compensation.

~~B. The ((chief financial officer)) Chief Financial Officer is chairperson, the city treasurer is vice chairperson and the director of accounting is secretary.~~

B. The duties of the committee are to:

1. determine the amount of money available in each fund for investment purposes;
2. make the investments authorized as indicated in RCW 35.39.030 as now or hereafter amended and the provisions of RCW 35.39.034 without the consent of the ~~((city council))~~ City Council for each investment;
3. convert any or any part thereof of the City's investment securities into cash; and
4. manage the investable assets of the City not immediately needed for City purposes.

C. The ~~((committee))~~ City Investment Committee reports monthly to the ~~((council))~~ City Council on all investment transactions.

Section 3. That section 07.15.020 of the Spokane Municipal Code is amended to read as follows:

Section 07.15.020 Investment Policy

A. The ~~((city council))~~ City Council reviews and approves the City of Spokane ~~((investment policy))~~ Investment Policy. The City of Spokane ~~((investment policy))~~ Investment Policy, at a minimum, includes:

- A. scope of the policy,
- B. investment objectives,
- C. authorized investments,
- D. safekeeping and custody,
- E. diversification and maturity restrictions,
- F. authorization for making investments, and
- G. "prudent person" standard for investments.

B. At no time shall a City of Spokane public fund acquire direct holdings in securities of a fossil fuel company as defined in SMC 07.15.005(B).

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:
01/25/2016

Date Rec'd	1/6/2016
Clerk's File #	ORD C35356
Renews #	

Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	BEN STUCKART 625-6269	Project #	
Contact E-Mail	AMCDANIEL@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0320 COUNCIL AND LEGISLATION CODE CLEAN-UP		

Agenda Wording

AN ORDINANCE relating to Council and Legislation; amending sections 02.005.010, 02.01.010, 02.01.030, 02.01.040, and 02.01.050 of the Spokane Municipal Code.

Summary (Background)

These changes correspond with the Council Rules of Procedure resolution adopted by the City Council on January 4th, 2016.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	MCDANIEL, ADAM	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	
<u>Finance</u>	KECK, KATHLEEN	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT		
<u>For the Mayor</u>	COTE, BRANDY		
<u>Additional Approvals</u>			
<u>Purchasing</u>			

ORDINANCE NO. C35356

AN ORDINANCE relating to Council and Legislation; amending sections 02.005.010, 02.01.010, 02.01.030, 02.01.040, and 02.01.050 of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That section 02.005.010 of the Spokane Municipal Code is amended to read as follows:

Section 02.005.010 Council President and City Council

- A. As provided in the City Charter a ~~((council president))~~ City Council President and six ~~((council members))~~ City Council Members constitute the ~~((city council))~~ City Council, which is the legislative body of the City. The ~~((council president))~~ City Council President and ~~((city council members))~~ City Council Members have no administrative authority over personnel matters except the ~~((president))~~ Council President and the ~~((council members))~~ Council Members:
1. Appoint, evaluate and discharge the ~~((hearing examiner))~~ Hearing Examiner;
 2. appoint, evaluate, and discharge the ~~((city council's budget and performance analyst))~~ City Council's Senior Research and Policy Analyst;
 3. appoint, evaluate, and discharge the City Council's Policy Advisor;
 4. confirm the appointment by the ~~((mayor))~~ Mayor of the ~~((city attorney))~~ City Attorney, the ~~((city clerk))~~ City Clerk, and the administrative head in each department and division;
 5. appoint nominees of the ~~((mayor))~~ Mayor to boards, commissions, and other official City agencies, unless otherwise provided;
 6. hire, supervise, evaluate, and discharge their own administrative staff;
 7. hire, supervise, evaluate, and discharge their individual legislative assistants.
- B. The ~~((council president))~~ Council President reviews the preparation of the agenda for ~~((city council))~~ City Council meetings, briefings, and study session meetings and presides at meetings of the ~~((council))~~ City Council. The ~~((council president))~~ Council President also serves as the ~~((mayor pro tem))~~ Mayor Pro Tem. The Council President shall serve as the primary signatory on all Council budgetary, expenditure, and appropriation matters as related to the Council Office budget; consistent with City procedures and policies.
- C. City ~~((council))~~ Council agenda items shall be submitted and processed consistent with the ~~((city council rules of procedure))~~ City Council Rules of Procedure and administrative policies and procedures.

- D. ~~The ((city council))~~ City Council shall establish committees to assist in the performance of its assigned duties. ~~There shall be a minimum of five standing committees and other ad hoc committees as determined by the city council.~~
1. The standing committees shall have a minimum of three members, one from each of the three ~~((city council))~~ City Council districts.
 2. The council president ~~((shall))~~ may chair two of the standing committees ~~((to be))~~ as determined ~~((by the council president))~~ in his or her sole discretion.
 3. All other committees, including ad hoc committees, shall select their own chair.
 4. At no time shall a member of the ~~((city council))~~ City Council chair more than two standing committees at the same time.
 5. Ad hoc committees shall be composed with a minimum of three members appointed by the majority of the ~~((council))~~ City Council.
 6. Standing committee membership shall be determined ~~((at))~~ by the second legislative session of the ~~((city council))~~ City Council of each calendar year and memorialized by resolution of the ~~((city council))~~ City Council. Membership on each of the standing committees will be determined from those expressing an interest to serve on the committee.
- E. Any ~~((council))~~ City Council committee with more than three ~~((council members))~~ Council Members as committee members shall be considered a committee of the whole ~~((council))~~ City Council. All meetings of such a committee shall be considered a special ~~((council))~~ Council meeting with the appropriate public meeting notice. No legislative action may be taken at any standing or ad hoc committee unless the committee meeting was noticed as a special meeting in compliance with the Washington Open Public Meetings Act (OPMA) and Rule 4.2 of the City Council Rules of Procedure.
- F. All standing ~~((committees))~~ committee meetings shall be open to the public except when the committee adjourns into executive session. No public testimony will be taken during standing committee meetings. Participation in a standing committee meeting shall be limited to standing committee members, appropriate staff, and other individuals recognized by the committee. Participation by ~~((council members))~~ Council Members, including deliberation and voting, shall be open to all ~~((council members))~~ Council Members when the standing committee is meeting as a committee of the whole and as a special ~~((council))~~ Council meeting. Participation by ~~((council members))~~ Council Members in a standing committee that is not a committee of the whole shall be limited to just the appointed ~~((council members))~~ Council Members.

Section 2. That Section 02.01.010 of the Spokane Municipal Code is amended to read as follows:

Section 02.01.010 Time and Place

- A. Regular meetings of the ~~((city council))~~ City Council shall be held at three-thirty p.m. on Monday each week in the ~~((city council chambers))~~ City Council Chambers located in the lower level of City Hall at 808 West Spokane Falls Boulevard.
- B. The meeting shall consist of a briefing session followed by an administrative session at which time action will be taken on the items on the consent agenda, followed by an executive session, if necessary, followed by a recess until six p.m., followed by a legislative and hearings session. When a Monday is a legal holiday according to City ordinance, then the meeting ~~((will))~~ may be held on the next succeeding day which is not a City holiday.
- C. The City ~~((council))~~ Council may hold a study session(s) intended to provide the ~~((council))~~ Council with background information and briefing from the ~~((mayor))~~ Mayor or the ~~((mayor's))~~ Mayor's designee and selected other persons regarding forthcoming agenda matters or other items as necessary, when proper notice of the meetings has been given.
- D. An executive session may be called at any time during a regular or special meeting of the ~~((city council))~~ City Council as provided in RCW 42.30.110.
- E. The City ~~((council))~~ Council may, four times a year, hold a "town hall" meeting, which shall be cablecast on Channel 5 or online through the City of Spokane website, for the purpose of providing citizens access to the ~~((council))~~ Council to address concerns of City government.

Section 3. That Section 02.01.030 of the Spokane Municipal Code is amended to read as follows:

Section 02.01.030 Right to Speak

All meetings of the ~~((city council))~~ City Council are open to the public except an executive session. Members of the public shall have the right to speak to an item on the ~~((city council's))~~ City Council's legislative, special consideration, or hearing agendas that are not adjudicatory hearings. Members of the public may attend but do not have the right to speak when the ~~((city council))~~ City Council is meeting in briefing, study, or other workshop sessions, standing or ad hoc committee, or acting in an adjudicative capacity. It shall be the duty of the presiding officer to determine and allot whatever time is necessary due to the number of public participants and extent of the proposed participation.

Section 4. That Section 02.01.040 of the Spokane Municipal Code is amended to read as follows:

Section 02.01.040 Open Forum Session

In the course of each regular City ~~((council))~~ Council meeting, unless it is ten p.m. or later, there shall may be an allotment of meeting time that shall not exceed ~~((one hour))~~ thirty minutes, at which time items of interest to the citizens of the City that were not placed upon the current or advance agenda may be discussed in front of and with City ~~((council))~~ Council members by interested citizens who have indicated their desire to address the City ~~((council))~~ Council by such procedure as the ~~((city council))~~ City Council may prescribe. The open forum session is a limited public forum and all matters discussed shall relate to the affairs of the City. No person shall be permitted to speak at open forum more often than once per month.

Section 5. That Section 02.01.050 of the Spokane Municipal Code is amended to read as follows:

Section 02.01.050 Rules of Procedure

The ~~((city council))~~ City Council may implement and specify this chapter and applicable state law by appropriate rules. All administrative policies and procedures related to the conduct of ~~((city council))~~ City Council meetings, including the preparation and submission of the ~~((city council))~~ City Council agenda, shall conform to ~~((city council-rules of procedure))~~ City Council Rules of Procedure and practices.

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:
02/01/2016

Date Rec'd	1/19/2016
Clerk's File #	ORD C35359
Renews #	

Submitting Dept	PLANNING & DEVELOPMENT	Cross Ref #	
Contact Name/Phone	JO ANNE 625-6017	Project #	
Contact E-Mail	JWRIGHT@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0650 - AMENDING ORDINANCE FOR SPOKANE HOUSING VENTURES		

Agenda Wording

An ordinance amending the City of Spokane Comprehensive Plan Land Use Map to include the Spokane Housing Ventures Annexation area. (Testimony will be taken on February 8, 2016/Action March 14, 2016).

Summary (Background)

The City's Comprehensive Plan includes areas the City reasonably expects to annex into the City in the future, including the Spokane Housing Ventures Annexation Area. On December 9, 2015, the Spokane Plan Commission held a public hearing on the proposed annexation and voted to recommend that the City Council approve the annexation and assign appropriate Comprehensive Plan Land Use Map designations to the area, provided that parcels 34031.0459 and 34031.5201 east of Freya Street be removed from

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	WRIGHT, JO ANNE	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	PED 11/16/15 - SPC
Finance	KECK, KATHLEEN	Distribution List	
Legal	RICHMAN, JAMES	fperkins@spokanecity.org	
For the Mayor	SANDERS, THERESA	jwright@spokanecity.org	
Additional Approvals		jrichman@spokanecity.org	
Purchasing		htrautman@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

the annexation area.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

ORDINANCE NO. C35359

AN ORDINANCE relating to the pending Spokane Housing Ventures Annexation and amending the Spokane Comprehensive Plan Land Use Plan Map, Map LU 1 to include updated land use designations for the area within the pending Spokane Housing Ventures Annexation.

WHEREAS, a portion of the Urban Growth Area located on the southern boundary of the City of Spokane's corporate limits known as the Spokane Housing Ventures Annexation Area is proposed to be annexed into the City of Spokane; and

WHEREAS, State law authorizes local jurisdictions to prepare a proposed Comprehensive Plan Land Use Plan to become effective upon the annexation of any area which might reasonably be expected to be annexed; and

WHEREAS, the City of Spokane Comprehensive Plan policy - LU 10.3 Existing Plans states, "*Recognize the interests of the residents of the annexing area and, in the absence of specific policies and standards adopted by the city, honor the intent of adopted county plans and ordinances for areas proposed to be annexed,*" and

WHEREAS, the proposed amendment to the Comprehensive Plan Land use Plan map converts the existing Spokane County Comprehensive Plan Land Use designations for the Spokane Housing Ventures Annexation Area to the closest corresponding City of Spokane Comprehensive Plan Land Use Plan Map designations; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on October 30, 2015; and

WHEREAS, the City of Spokane Plan Commission held workshops on the proposed Comprehensive Plan Land Use and Zoning map amendments on October 14, October 28, and November 11, 2015; and

WHEREAS, A State Environmental Policy Act (SEPA) Environmental Checklist was completed and a Determination of Non-significance issued for the proposal on October 19, 2015. The determination was circulated to agencies with jurisdiction and parties of interest. Notice of the determination was published in the Spokesman Review on October 19, 2015; and

WHEREAS, Notice of the proposal and of the Plan Commission's December 9, 2015 hearing was published in the Spokesman Review on November 25, 2015 and December 2, 2015. Adjacent jurisdictions and other interested agencies and parties were also sent email and mailed notifications of the hearing; and

WHEREAS, Spokane Municipal Code (SMC) Section 17G.020.010 "Comprehensive Plan and Development Standard Amendment Process" identifies terms and conditions for Comprehensive Plan amendments and Comprehensive Plan emergency amendments, and specifically recognizes that annexations will require amendment of the Comprehensive Plan land use map outside of the annual comprehensive plan amendment cycle; and

WHEREAS, after consideration of the issues and public testimony that is a part of the record and summarized in the Plan Commission Findings of Fact, Conclusions, and Recommendations adopted on December 9, 2015, the Plan Commission has forwarded its recommended amendments to the Comprehensive Plan and zoning map; and

WHEREAS, notices of the City Council's hearings have been posted in the Spokesman Review and the City's official Gazette; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That the City of Spokane Comprehensive Plan Land Use Plan Map, Map LU 1 is amended to include updated land use designations for the area within the pending Spokane Housing Ventures Annexation Area as shown on the attached map.

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 Recommendations
Spokane Housing Ventures Annexation**

A recommendation of the City Plan Commission relating to the proposed Spokane Housing Ventures Annexation and related zoning map and Comprehensive Plan land use map designations for proposed annexation area.

Findings of Fact:

- A. The City of Spokane, pursuant to chapter 35.13 RCW, is authorized to annex land within an urban growth area and contiguous to the City's municipal boundary.
- B. The owners of certain property situated within the Spokane Housing Ventures Annexation Area filed a proper and sufficient Notice of Intent to commence annexation proceedings with the City.
- C. Following its receipt of said notice, the City Council held a public meeting with the owners and determined by Resolution 2015-0031 that the City would geographically modify the proposed annexation area to include the property lying between Regal Street on the west, Palouse Hwy on the east, 53rd Avenue on the North, and 55th Avenue on the South, as shown in the Spokane Housing Ventures Annexation Parcel Map attached hereto as Exhibit "A".
- D. Thereafter, a sufficient petition for annexation was filed with the City pursuant to RCW 35.13.130, signed by the owners of not less than 60 percent in value, according to the assessed valuation for general taxation, of the property for which annexation is petitioned, seeking annexation to the city of Spokane of an approximately 42-acre area within an urban growth area and contiguous to the City's southern municipal boundary, otherwise referred to as the Spokane Housing Ventures Annexation Area (the "Petition").
- E. On December 9, 2015, the Plan Commission held a hearing to obtain public comments on the annexation and the proposed land use and zoning designations for the Spokane Housing Ventures Annexation Area.
- F. The City of Spokane Comprehensive Plan policy LU 9, Annexation Areas, encourages the annexation of areas that are logical extensions of the City, and further encourages the use of readily identifiable boundaries, such as highways, to define annexation areas where possible. The Spokane Housing Ventures Annexation Area, as modified by City Council resolution 2015-0031, is a logical extension of the City's corporate boundaries and uses streets to make the new boundaries readily identifiable. Based on testimony by Fire District 8 and the owners of property on the east end of the modified annexation area (i.e., parcel no. 34031.0459), the western edge of Freya Street also provides a readily identifiable and logical corporate boundary.
- G. The City of Spokane Comprehensive Plan policy - LU 10.3, Existing Plans states, *"Recognize the interests of the residents of the annexing area and, in the absence of specific policies and standards adopted by the city, honor the intent of adopted county plans and ordinances for areas proposed to be annexed."*

- H. Consistent with LU 10.3, and in the context of annexation of new areas to the City, proposed amendments to the City's Comprehensive Plan Land Use Map and Zoning Map should convert the existing Spokane County Comprehensive Plan Land Use designations and zoning for the Spokane Housing Ventures Annexation area to the closest corresponding City of Spokane land use and zoning designations.
- I. The existing Spokane County Comprehensive Plan Land Use Map and Zoning Map designations are illustrated on Exhibit "B". The City of Spokane Comprehensive Plan Land Use Map and Zoning Map designations reflected in Exhibit "C" are consistent with the City of Spokane Comprehensive Plan and particularly LU 10.3 relating to recognition of existing plans, and most closely match the land use and zoning designations currently in effect for the Spokane Housing Ventures Annexation Area in Spokane County.
- J. A State Environmental Policy Act (SEPA) Environmental Checklist was completed and a Determination of Non-significance issued for the proposal on October 19, 2015. The determination was circulated to agencies with jurisdiction and parties of interest. Notice of the determination was published in the Spokesman Review on October 19, 2015.
- K. Notice of the proposal and of the Plan Commission's December 9, 2015 hearing was published in the Spokesman Review on November 25, 2015 and December 2, 2015. Adjacent jurisdictions and other interested agencies and parties were also sent email notifications of the hearing.
- L. Spokane Municipal Code (SMC) Section 17G.020.010 "Comprehensive Plan and Development Standard Amendment Process" identifies terms and conditions for Comprehensive Plan amendments and Comprehensive Plan emergency amendments, and specifically recognizes that annexations will require amendment of the Comprehensive Plan land use map outside of the annual comprehensive plan amendment cycle.

Conclusions:

- A. The Plan Commission has reviewed all public comments and testimony received during the public hearing.
- B. Based on testimony from Fire District 8 and the owner of parcel no. 34031.0459, and based on the review of maps of the proposed annexation area, the western edge of Freya Street would provide a readily identifiable and logical corporate boundary.
- C. The City of Spokane Comprehensive Plan Land Use and Zoning designations set forth in Exhibit "C" are consistent with the goals and policies of the City of Spokane Comprehensive Plan, and particularly LU 10.3 relating to recognition of existing plans, and most closely match the land use and zoning designations currently in effect for the Spokane Housing Ventures Annexation Area in Spokane County
- D. All State and local public notice and participation requirements have been satisfied.

Recommendations:

By a vote of 5 to 1, and subject to the proviso set forth below, the Spokane City Plan Commission recommends that the City Council approve the Spokane Housing Ventures Annexation, as previously modified by the City Council, and that the City Council adopt the land use and zoning designations for the annexation area as are set forth in Exhibit "C" hereto, provided that parcels 34031.0459 and 34031.5201 be removed from the annexation area, and that the western edge of the Freya Street right-of-way form the eastern end of the annexation area.

By a similar vote, the Plan Commission also recommends that if the City Council is inclined to consider imposing center and corridor zoning on those western areas of the annexation area designated for community business zoning in Exhibit "C", then the City Council instead zone such property Community Business, subject to a development agreement between the City and the owner of such property imposing agreed upon design standards that shall apply to and govern development of the property.



Dennis Dellwo, President
City Plan Commission

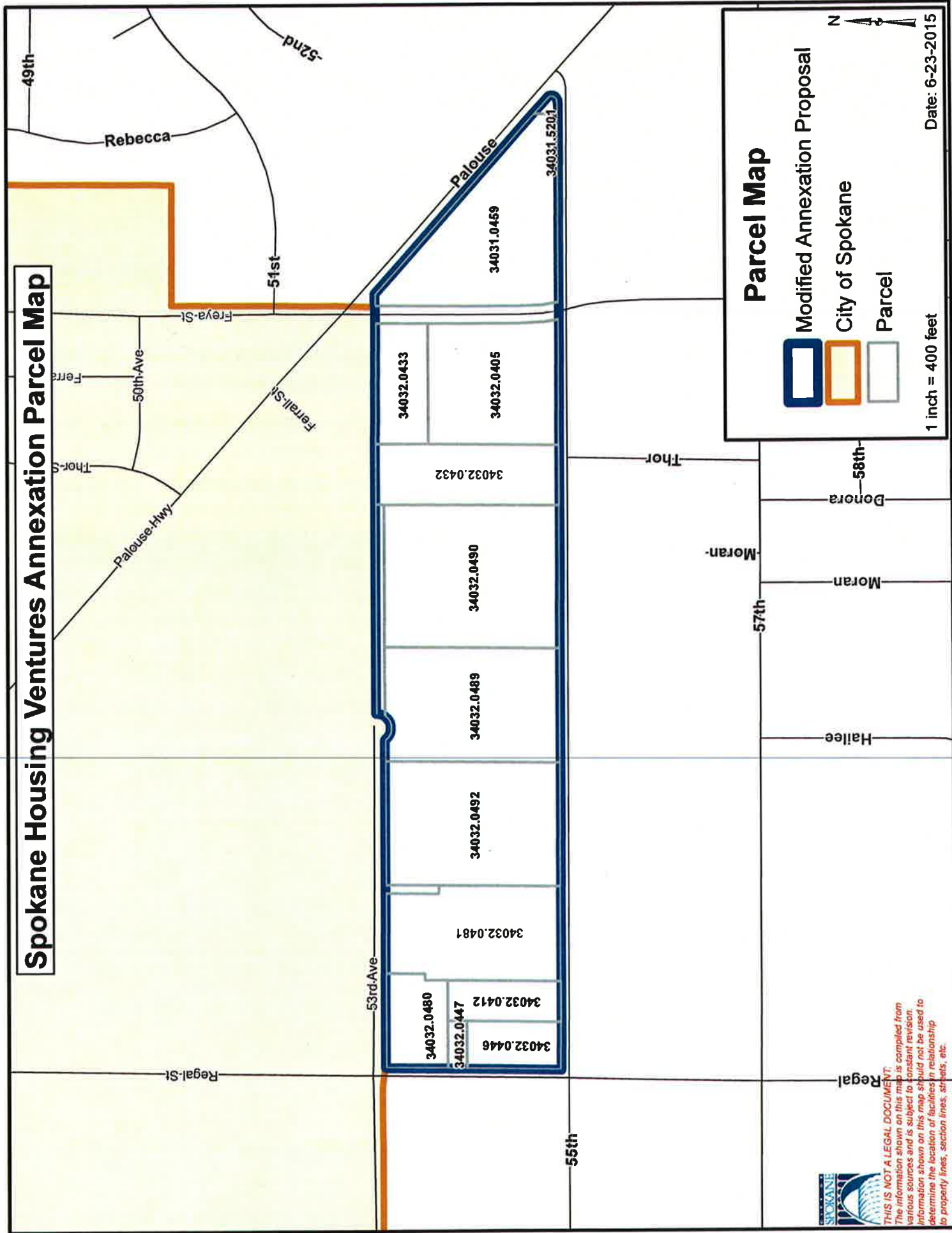
12-17-15
Date

EXHIBIT "A"

Spokane Housing Ventures Proposed Annexation

Parcel Map

Spokane Housing Ventures Annexation Parcel Map



THIS IS NOT A LEGAL DOCUMENT.
 The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

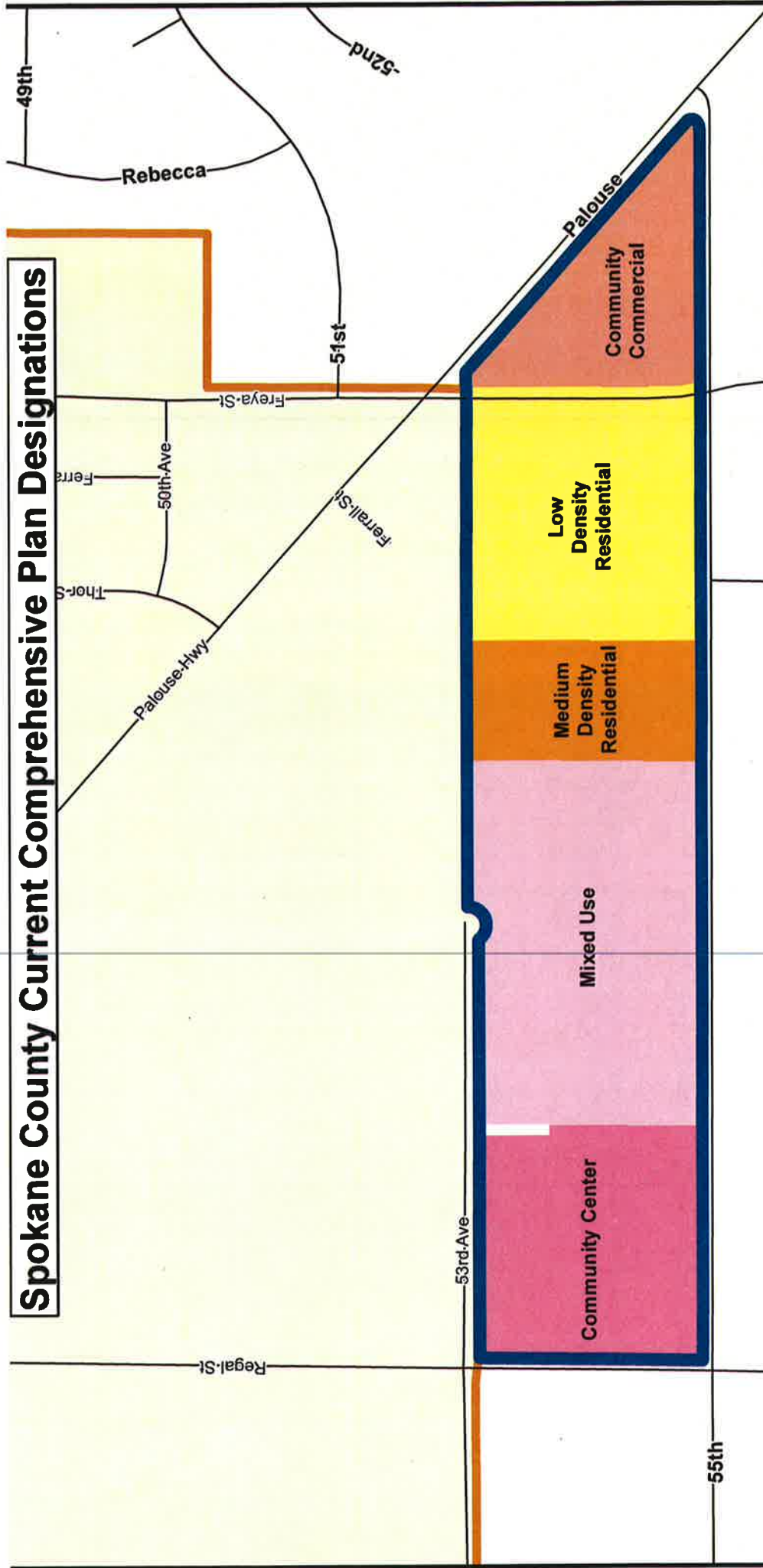
EXHIBIT "B"

Spokane Housing Ventures Proposed Annexation

Spokane County

Existing Comprehensive Plan Land Use Map and Zoning Map Designations

Spokane County Current Comprehensive Plan Designations



Landuse Plan Map

- Modified Annexation Proposal
 - City of Spokane
- ### County Comprehensive Plan
- Low Density Residential
 - Medium Density Residential
 - Mixed Use
 - Community Center
 - Community Commercial

1 inch = 400 feet

Date: 6-23-2015



THIS IS NOT A LEGAL DOCUMENT.
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Spokane County Current Zoning Designations

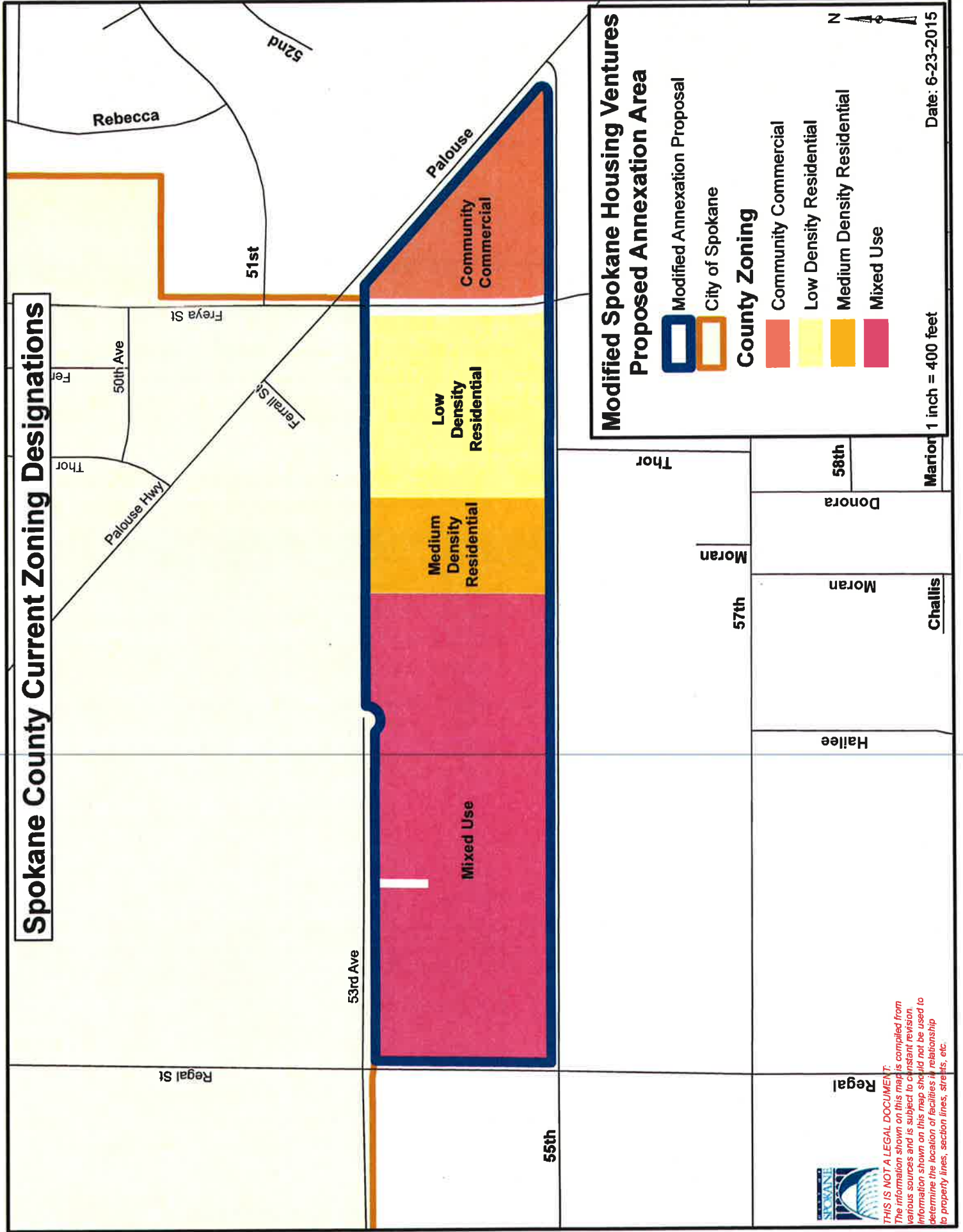


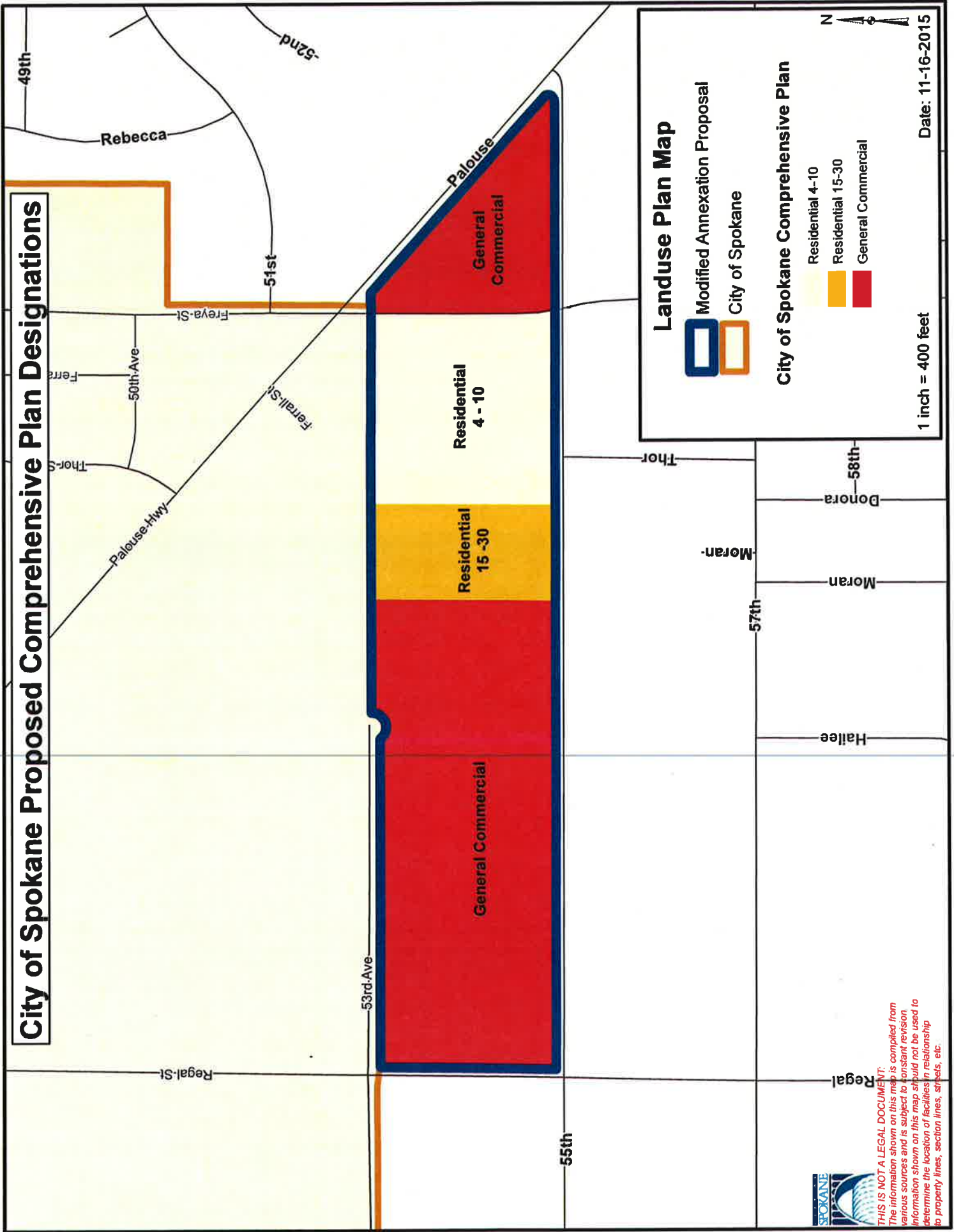
EXHIBIT "C"

Spokane Housing Ventures Proposed Annexation

City of Spokane

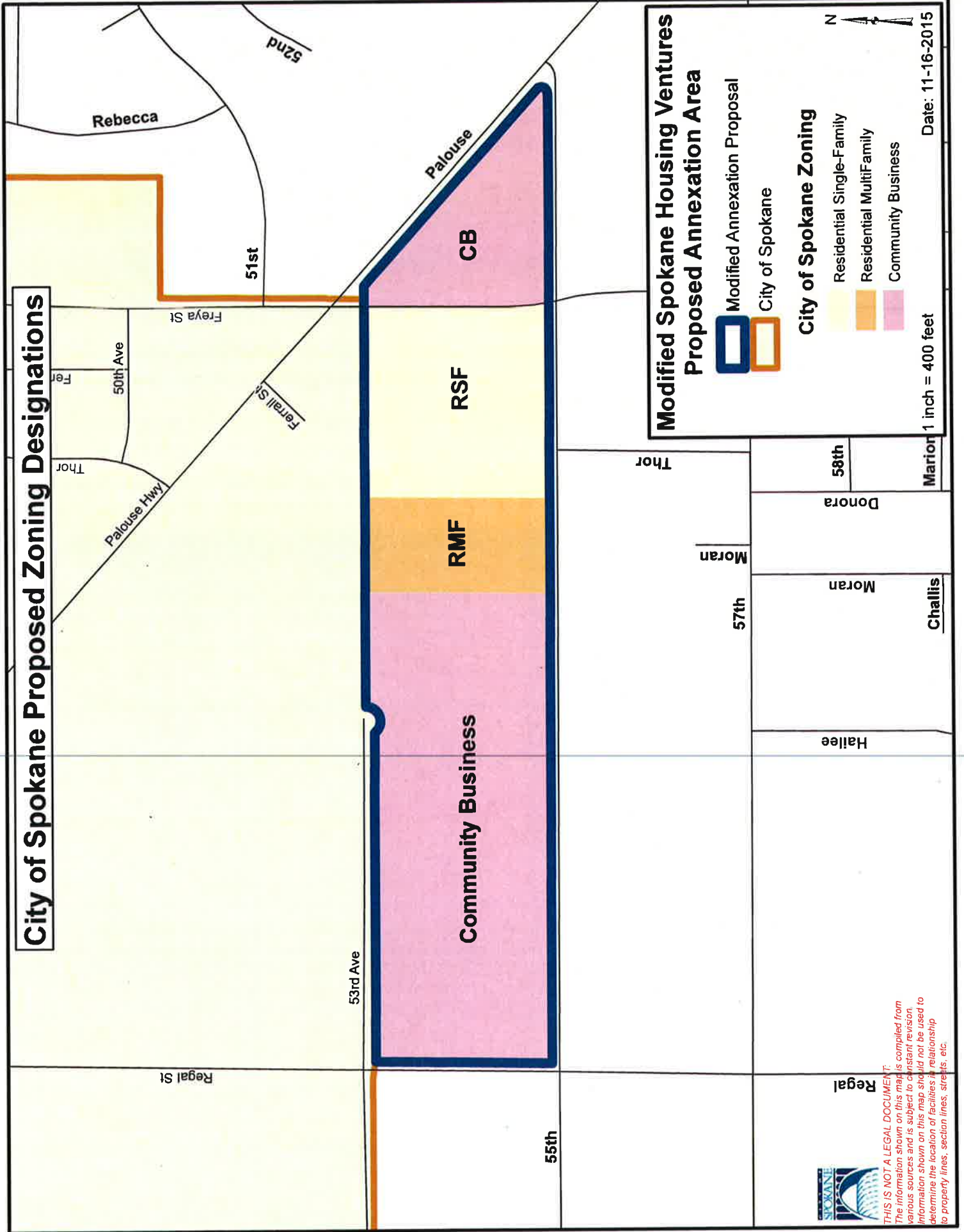
Proposed Comprehensive Plan Land Use Map and Zoning Map Designations

City of Spokane Proposed Comprehensive Plan Designations



THIS IS NOT A LEGAL DOCUMENT:
 The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

City of Spokane Proposed Zoning Designations



THIS IS NOT A LEGAL DOCUMENT.
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Regal

Hailee

Moran

Donora

58th

Challis

Marion

57th

Moran

Thor

55th

53rd Ave

Community Business

RMF

RSF

CB

Palouse

52nd

51st

Freya St

Ferrall St

Palouse Hwy

50th Ave

Rebecca

Regal St

Stanley M. Schwartz
Admitted in Washington & Idaho
email: sms@witherspoonkelley.com

October 27, 2015

Mr. Dennis Dellwo, President
City of Spokane Plan Commission
808 W. Spokane Falls Blvd.
Spokane, Washington 99201-3329

***Re: Spokane Housing Ventures
Parcel Numbers 34032.0409, 34032.0492, and 34032.0489***

Dear Mr. President and Plan Commission Members:

This letter is intended to provide background and information concerning the above annexation.

A. BACKGROUND.

1. Summer 2011, SHV and partnerships make request to be annexed to the City.
2. November 2011, matter deferred by City Council to allow City administration to evaluate boundaries for the annexation.
3. May 29, 2012, Mayor Condon recognizes partnerships affordable housing projects, but "rejects annexation at this time."
4. February 12, 2015, letter to Council President Ben Stuckart requesting annexation and providing background concerning installation of City water, sanitary sewer, and public street development to include execution of Connection/Annexation Agreements and payment of connection fees to the City.
5. April 20, 2015, Resolution No. 2015-0031. This City Council Resolution geographically modified the annexation proposal to include a statement that the City of Spokane will pursue this annexation in accordance with the direct petition method described in RCW 35.13.
6. August 26, 2015, letter to Interim Planning Director requesting that this annexation be placed before the City Plan Commission for consideration.

At the October 14, 2015, Plan Commission Meeting, City staff presented information suggesting that this annexation would not result in positive cash flow to the City general, EMS and utility funds. This was due in large part to the difference between the "in city" utility fees versus the

"out of city" utility fees. Notably, this exact same information was presented to the City Council.

Once again, the City presentation failed to take into consideration the significant capital investment by the proponent, which amounts to approximately \$1,027,281.00. See Attachment A. This constructed public infrastructure, city utilities and streets, was required by the City, in order benefit, support, and expand planned growth of the urban area. There is no doubt this infrastructure allows the City to collect additional connection fees, service charges, and other costs in the operation of its public utilities. Not to mention, additional sales and property tax will be generated from these properties following the annexation.

B. THE CITY COMPREHENSIVE PLAN.

Goal LU 9 entitled "Annexation Areas" states that the City supports annexations that support logical boundaries and reasonable service areas within the City's urban grow area, where the city has the fiscal capacity to provide services. LU 9.6 qualifies the "negative fiscal impact on the city" with regard to utilities and states

Property owners in annexing areas should fund the public utility improvements necessary to serve new development in a manner that is consistent with applicable City of Spokane policies and regulations.

It is without question that this annexation has satisfied the goals and policies of annexation set forth in the City Comprehensive Plan. See Attachment B.

The Spokane Housing Ventures annexation also fulfills policies in the housing chapter of the Comprehensive Plan that recognizes "few new housing units are developed that are affordable to lower income households." H-19. Special needs populations to include the physically disabled are in great need of affordable and subsidized housing located throughout the community. H 2.6, SH 4.2, and SH 4.2. Along with the affordable housing studies cited in the February 12, 2015 letter to Ben Stuckart, this annexation supports the Comprehensive Plan's affordable housing goals.

Finally, this annexation supports the City's affordable housing studies conducted pursuant to HUD regulations, and compliance with five goals set forth in the November 2014 "talking points on needs" for the "Spokane Consolidated Plan 2015-2020."


President Dennis Dellwo
October 27, 2015
Page 3

C. CONCLUSION.

It is requested on behalf of Spokane Housing Ventures that the Plan Commission forward to the City Council a recommendation to approve the Spokane Housing Ventures annexation.

Very truly yours,

WITHERSPOON • KELLEY



Stanley M. Schwartz

SMS/kh
Enclosure

ATTACHMENT A Annexation Request

Developer Constructed Improvements

Installed and Conveyed to the City the following Utilities:

a) Approx. 1000 feet of 8" Sanitary Sewer in 53 rd Ave:	Cost	\$160,000.00
b) Approx. 600 feet of water main in 55 th Ave	Cost	\$50,000.00

Streets and Walking Path Construction:

a) 600 feet of City Street/Sidewalk/Curb and Gutter in 53 rd Avenue with fire access to remainder of	Cost	\$126,000.00
b) 1400 feet of widening for City Street/Sidewalk/Curb and Gutter	Cost	\$133,000.00
a) 680 feet City Street/Sidewalk/Curb and Gutter for Fiske St. (for connectivity requirements).	Cost	\$132,000.00
b) 680 feet for Walking Path Connectivity	Cost	\$61,000.00

ROW deeded to City/County:

a) 53 rd ROW dedicated for street	Cost	\$125,000.00
b) Fiske ROW dedicated to meet City street connectivity	Cost	\$102,000.00
c) Walking Path to meet City connectivity requirement	Cost	\$34,000.00

TOTAL COST and Public Benefit for Utilities, Streets and ROW	\$923,000.00
---	---------------------

Hazel's Creek Regional Stormwater - Capital Cost Fees	\$104, 287.00
--	----------------------

<u>TOTAL BENEFIT TO CITY:</u>	\$1,027,281.00
--------------------------------------	-----------------------

ATTACHMENT B:

Develop a broad, community-based process that periodically reevaluates and directs city policies and regulations consistent with the Visions and Values.

LU 7.3 Historic Reuse

Allow compatible residential or commercial use of historic properties when necessary to promote preservation of these resources.

Discussion: Preservation of historic properties is encouraged by allowing a practical economic use, such as the conversion of a historic single-family residence to a higher density residential or commercial use. A public review process should be required for conversions to a use not allowed in the underlying zoning district. Special attention should be given to assuring that the converted use is compatible with surrounding properties and the zone in which the property is located. Recommendations from the Historic Landmarks Commission and the Historic Preservation Officer should be received by any decision-maker before a decision is made regarding the appropriateness of a conversion of a historic property.

LU 7.4 Sub-Area Planning Framework

Use the Comprehensive Plan for overall guidance and undertake more detailed sub-area and neighborhood planning in order to provide a forum for confronting and reconciling issues and empowering neighborhoods to solve problems collectively.

☐ **LU 8 URBAN GROWTH AREA**

Goal: 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 CWPPs.

Policies

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.

LU 8.2 Urban Growth Area Planning

Plan with Spokane County for the unincorporated portions of the urban growth area.

Discussion: Planning for the urban growth area should include the adoption of consistent land use designations, policies, and development standards, as well as the identification and preservation of natural environmental features.

LU 8.3 Growth Boundary Establishment

Establish an urban growth area boundary, consistent with the CWPPs, that provides enough land to accommodate the urban growth area's projected growth for the next 20 years.

LU 8.4 Urban Land Supply

Regularly monitor the relationship between land supply and demand to ensure that the goals of the comprehensive plan are met.

Discussion: To assure that land supply is adequate, the land supply should be regularly monitored. Particularly important at the onset of the identification of an urban growth boundary, regular monitoring can allow the city and Spokane County to make adjustments as necessary.

LU 8.5 Growth Boundary Review

Review the urban growth area boundary at least once every five years relative to the current Office of Financial Management's twenty-year population forecast and make adjustments, as warranted, to accommodate the projected growth.

LU 9 ANNEXATION AREAS

Goal: Support annexations that create logical boundaries and reasonable service areas within the city's urban growth area, where the city has the fiscal capacity to provide services.

Policies

LU 9.1 Logical Boundaries

Encourage the annexation of areas that are logical extensions of the city.

Discussion: As much as possible, the city should avoid annexations that create "peninsulas" of unincorporated land within the city limits. The following policies shall apply to the size of an annexation and the location of boundaries:

- A. The City Council will decide whether to require increases in the size of proposed annexations on a case-by-case basis.
- B. City staff may recommend expansion of a proposed annexation prior to the first meeting with property owners required under RCW 35A.14.120. The City Council will consider whether a requirement that the initiator expand the proposed annexation up to the maximum allowed under state law would meet any of the following criteria:
 1. The expanded annexation would create logical boundaries and service areas.
 2. Without the proposed annexation, the area to be added would not likely be annexed within the foreseeable future.
 3. The area to be added would eliminate or reduce an unincorporated county peninsula.
- C. If the City Council concludes that any of the criteria applies to a specific annexation proposal, it will require the initiator to expand the boundaries of the proposed annexation to the extent allowed by law and deemed appropriate by the City Council.
- D. Service delivery should be a criteria in the formation of boundaries. Annexations should attempt to maximize efficiencies of urban services.

LU 9.2 Peninsula Annexation

Encourage and assist property owners in existing unincorporated "peninsulas" in the city's urban growth area to annex to the city.

Discussion: Unincorporated "peninsulas" are land areas of any size that are located outside of the city limits that have at least eighty percent of their boundaries contiguous to the city. RCW 35.13.182, allows the cities to resolve to annex such areas (in existence before June 30, 1994) subject to referendum for forty-five days after passage following the adoption of the annexation ordinance.

LU 9.3 City Utilities

Require property owners requesting city utilities to annex or sign a binding agreement to annex when requested to do so by the city.

LU 9.4 Readily-Identifiable Boundaries

Use readily identifiable boundaries, such as lakes, rivers, streams, railroads, and highways, to define annexation areas wherever possible.

Discussion: Permanent physical features provide city limit boundaries that are easy to identify and understand. Streets or roads may be used where appropriate. However, streets and roads are generally less suitable boundaries because of utility access issues.

LU 9.5 Community Impacts

Evaluate all annexations on the basis of their short and long-term community impacts and benefits.

Discussion: If the annexation includes proposed development, consideration of the proposal should include an analysis of the short and long-term impacts on the neighborhood and city in terms of all services required, including water, sewer, urban runoff, roads, schools, open space, police and fire protection, garbage collection, and other services.

LU 9.6 Funding Capital Facilities in Annexed Areas

Ensure that annexations do not result in a negative fiscal impact on the city.

Discussion: In general, property owners in annexing areas should fund the public facility improvements necessary to serve new development in a manner that is consistent with applicable City of Spokane policies and regulations. If an area annexing to Spokane requires public facility improvements to correct health and safety related problems, the property owners within the annexed area should fund these improvements. If an area annexing to Spokane has public facilities that do not meet City of Spokane standards and the property owners or residents want to improve the facilities to meet city standards, the property owners should fund those improvements, or the proportion of those improvements, that do not have a citywide benefit. Public facility improvements within annexed areas that have a citywide benefit should be considered for funding through city revenues as part of the Spokane capital facilities and improvements planning processes.

LU 9.7 City Construction Standards

Require utilities, roads, and services in the city's urban growth area to be built to city standards.

Discussion: Interlocal agreements are a mechanism that should be used to apply these standards to the urban growth area. Requiring these facilities to be built to city standards will assure that they meet city standards at the time of annexation of these areas to the city.

LU 9.8 City Bonded Indebtedness

Require property owners within an annexing area to assume a share of the city's bonded indebtedness.

Discussion: When property is annexed to the city, it becomes subject to all city laws. It is also assessed and taxed in the same way as the property already in the city. As a result, annexed areas are required to help pay for the outstanding indebtedness of the city approved by voters prior to the effective date of the annexation.

☐ LU 10 JOINT PLANNING

Goal: Support joint growth management planning and annexation requests, which best meet the Comprehensive Plan's development goals and policies.

Policies

LU 10.1 Land Use Plans

Prepare land use plans in cooperation with Spokane County for the urban growth area to ensure that planned land uses are compatible with adopted city policies and development standards at the time of annexation.

LU 10.2 Special Purpose Districts

Confer with affected special purpose districts and other jurisdictions to assess the impact of annexation prior to any annexation.

Discussion: Where possible, boundaries should be mutually resolved by the jurisdictions involved before any final action is taken on a formal annexation petition.

LU 10.3 Existing Plans

Recognize the interests of the residents of the annexing area and, in the absence of specific policies and standards adopted by the city, honor the intent of adopted county plans and ordinances for areas proposed to be annexed.

LU 10.4 Permitted Uses

Discourage annexations when the sole purpose is to obtain approval of uses not allowed by county regulations unless the proposal is consistent with an adopted joint plan and with city standards and policies.

LU 10.5 UGA Expansion

Establish a forty-year planning horizon to address eventual expansion of UGAs beyond the twenty-year boundary required by the Growth Management Act.

Discussion: The purpose of the longer planning period is to ensure the ability to expand urban governmental services and avoid land use barriers to future expansion of the twenty-year UGA boundary. Within the urban reserve areas, densities and land use patterns should be established that do not preclude later subdivision to urban densities.

To identify urban reserve areas, it is necessary for the city and Spokane County to work together to identify the amount of land necessary to support the next 40 years of growth. Factors that need to be considered include the ability to provide public services and facilities and carrying capacity issues, such as water quantity and air quality.

ABOUT SPACE!

STORAGE CENTER

3715 East 55th Avenue
Spokane, Washington 99223
(509) 443-0484 ♦ Fax (509) 443-9484

RE: Annexation Proposal

We are the owners of About Space Storage located at 3715 E 55th Ave, in Spokane County. This 3 acre parcel is located at the east end of the proposed annexation into the city. It is a triangular property surrounded by the Palouse Hwy., 55th Ave., and Freya. It is zoned Community Commercial. We have owned the property since 2002.

While we receive city water and sewer services, all other services i.e., fire protection, roads, snow removal; Sheriff, etc. are provided by Spokane County. Over the past couple of weeks, we have been in contact with many city and county departments trying to determine the impact the proposed annexation would have on our business. No one has been able to give us a definitive answer other than we would be required to obtain a city business license, that the tax levy rate probably would be about the same and that some of the city water fees would be reduced but other fees would be added to make that a draw. We have not been able to form a conclusion on the immediate financial impact based on the information we have received.

The one long term issue that we have researched and have formed an opinion on is zoning. If the annexation is approved we definitely want the property to be zoned General Commercial. This is a small family business which supports 4 families, in addition to ours, and it has been our hope for it to support us throughout our lives. A change to a more restricted zoning, such as center and corridors, would have a negative financial impact on our long term goals.

Thank you for considering our concerns.

Dale and Deanna Bright

RECEIVED
NOV 17 2015
PLANNING & DEVELOPMENT

November 16, 2015

Ms. Jo Anne Wright
Associate Planner
City of Spokane
808 West Spokane Falls Boulevard
Spokane, WA 99201

KELLY E. KONKRIGHT
Admitted In: Washington
Direct Fax: (509) 363-2484
Direct Dial: (509) 623-2011

Re: Proposed City of Spokane Comprehensive Plan Land Use and Zoning Amendments for
the Spokane Housing Ventures Annexation
Public Comments of The Moody Bible Institute of Chicago

Dear Ms. Wright:

On behalf of The Moody Bible Institute of Chicago ("Moody"), I submit this public comment in response to the Notice of SEPA Determination and Proposed City of Spokane Comprehensive Plan Land Use and Zoning Amendments for the Spokane Housing Ventures Annexation.

Moody is a non-profit Christian organization which operates a ministry in several states. This ministry includes religious higher education, operation of Christian radio stations, and operation of a Christian publisher. As part of its ministry, Moody owns and operates a radio tower and station located at 5408 S. Freya Street just outside the City's boundaries on the South Hill. Moody owns approximately 9 acres of land at this address consisting of parcel numbers 34032.0405; 34032.0432; and 34032.0433. Moody has operated this station for more than forty (40) years.¹

Under the Spokane County Zoning Code, Moody's property is zoned Low Density Residential ("LDR"). In the proposed annexation, the City has stated it plans to zone the property as Residential Single Family ("RSF"). This change of zoning will restrict the range of uses for which this property can be used more than the current zoning under the Spokane County Zoning Code, and eliminate some entities who may otherwise have been interested in purchasing the land.

The specific uses that are allowed under the current County LDR zoning that will no longer be allowed under the City's RSF zoning are as follows:

¹ Moody also operates two (2) branches of its post-secondary higher education program in Spokane, WA where students can earn a four (4) years bachelor's degree in multiple disciplines.

- Community residential facilities;
- Crisis residential center;
- Row housing;
- Family day-care provider;
- Child day-care center;
- Garden sales;
- Golf course;
- Home industry;
- Home profession; and
- Transit facilities.

As a non-profit religious organization, Moody relies heavily on donations and maintaining the value of its assets in order to fund its ministry. The proposed RSF zoning the City plans to impose through the annexation will negatively impact the value of Moody's property, and have a corresponding detrimental impact on Moody's ministry.

It is important to also note that the Spokane Transit Authority ("STA") recently contacted Moody to indicate that it is exploring potential acquisition of the Moody property as a terminal for "park and ride" bus service. While Moody understands that STA is only in the preliminary planning phases for this project and no offer has been made to Moody regarding the acquisition of its property, we wish to make you aware that STA would be prevented from proceeding with this project under the proposed RSF zoning classification.

Upon review the City's proposed annexation as a whole, it is readily apparent that the ministry's parcels are the only property in the annexation area that will be zoned RSF. The other properties along 55th Avenue between Regal Street and Freya Street (as well as the parcel at the east corner of 55th Avenue and Freya Street) are zoned primarily Community Business ("CB") and the parcel immediately adjacent to Moody's land is zoned Residential Multi-Family ("RMF"). In other words, its RSF property will be sandwiched between RMF and CB on one side, and CB on the other side. It will be an island of RSF zoning stuck in a sea of CB and RMF properties. Moody submits that as part of the annexation, all three Moody parcels should receive similar zoning (i.e. either RMF or CB) consistent with the other properties impacted by

the annexation. Alternatively, Moody requests that the City exclude the Moody parcels from the annexation so that it can keep the current County zoning classification.

The current zoning of LDR will be restricted by a change to RSF. However, the next higher land use zone, RMF, will allow Moody all the uses it is currently allowed under the LDR zoning. For example, duplexes, community residential facilities, outdoor recreation (i.e. golf courses), and limited office (currently allowed under the current LDR zone) would all be allowed under the RMF zone, but not allowed under the RSF zone. Per Moody's real estate broker, zoning the land RMF upon annexation will maintain the current value of Moody's property.

This is consistent with the County's current comprehensive plan. The County's plan provides for Low Density Residential uses of the Moody property – its current zoning. Zoning the property as RMF will enable Moody to benefit from all the uses allowed under the County's comprehensive plan, whereas the proposed RSF designation will not.

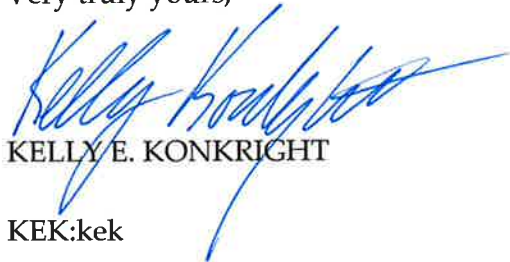
Similarly, zoning the property as RMF is consistent with the City's Comprehensive Plan ("Comp Plan") policies. There are no provisions in the Comp Plan which prevent the City from zoning Moody's property as either RMF or CB. Indeed, DP 1.4 of the Comp Plan states the "development needs to take into account the context of the area and should result in an improvement to the surrounding neighborhood." This policy supports comparable uses of property within the annexed zone. Having an RSF zone between lands zoned as CB on both sides of the Moody parcels is out of context with the CB zones.

Finally, this is consistent with the Revised Code of Washington. Pursuant to RCW 35.14.177, Spokane City can develop a comprehensive land use plan for areas outside the City limits, but inside its Urban Growth Area, to be effective upon annexation. In this case, it does not appear the City has gone through this procedure for the Moody property. Enclosed as **Attachment A** is that portion of the City's Land Use Plan map which depicts the proposed annexation area (i.e. 55th Avenue between Regal Street and Freya Street). As can be seen, while the most western section of the annexed area has a pre-planned zoning designation, the remainder of the property inside the annexed area does not. There is no barrier to the City zoning the Moody property as either RMF or CB.

For the foregoing reasons, Moody Bible Institute respectfully requests the City of Spokane Planning Commission and City Council to allow for RMF or CB zoning for its land within the proposed area to be annexed into the City limits. Such zoning will enable Moody to maintain the value of an important asset, and will enable it to make all the uses currently available to it under the County's current zoning. Alternatively, Moody requests the City to exclude the Moody parcels from the annexation.

Ms. Jo Anne Wright
November 16, 2015
Page 4

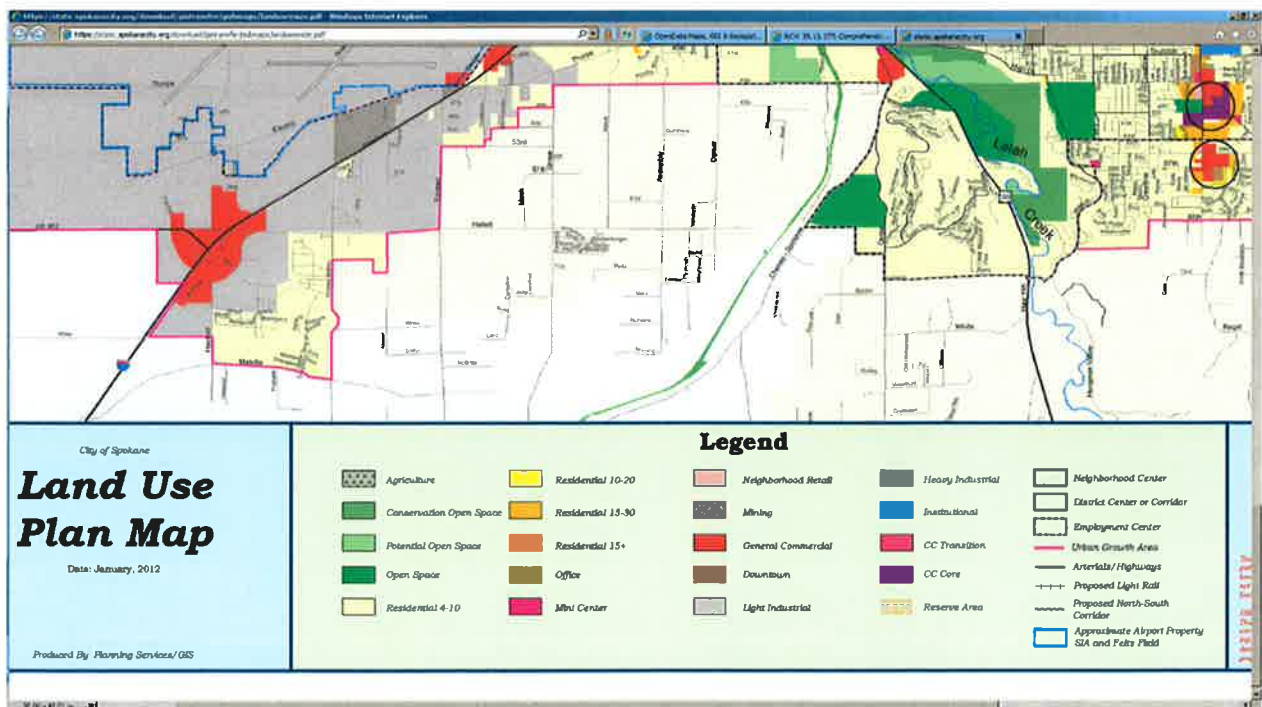
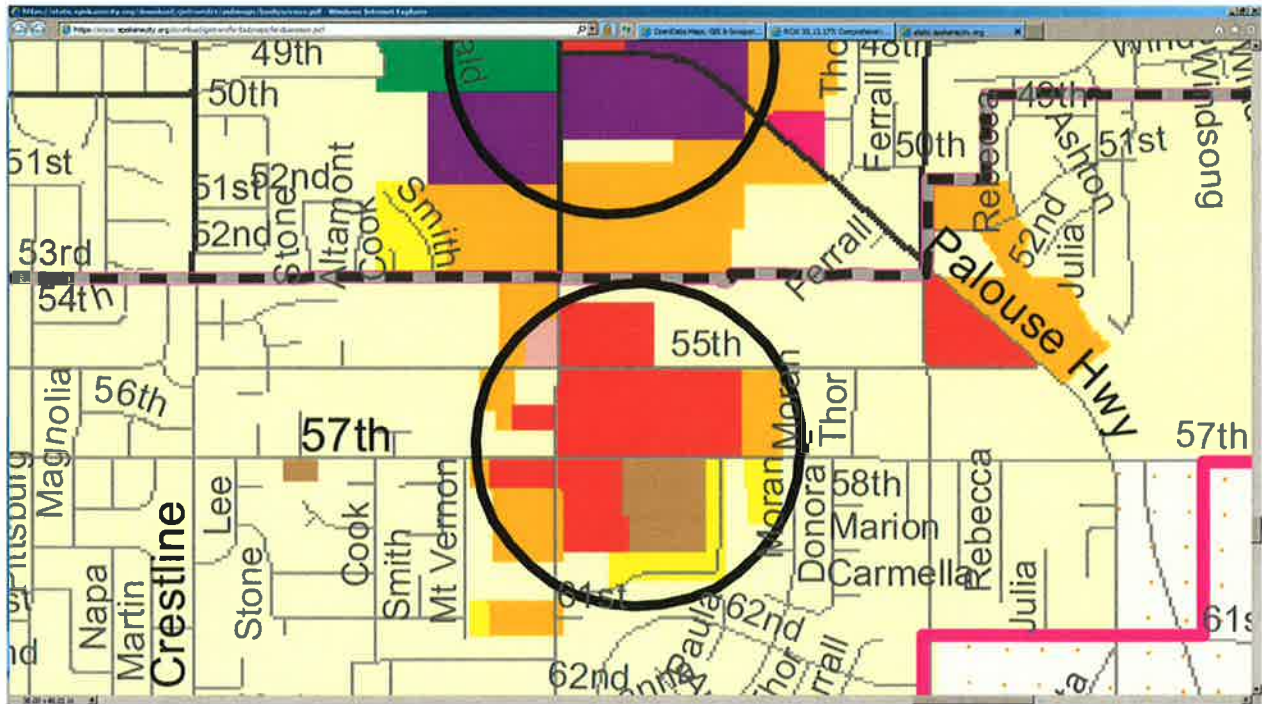
Very truly yours,



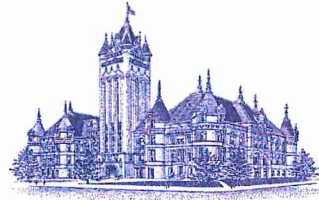
KELLY E. KONKRIGHT

KEK:kek

Attachment A



Memo



SPOKANE COUNTY
PUBLIC WORKS DEPARTMENT
Division of Engineering and Roads
Transportation Engineering
1026 West Broadway Avenue
Spokane, WA 99260-0170
(509) 477-3600 Fax (509) 477-7655
sengelhard@spokanecounty.org
gbaldwin@spokanecounty.org

Planner: Jo Ann Wright, Planning and Development
From: Scott Engelhard, Spokane County Engineering *Scott Engelhard*
File #: 2015 SHV.
Date: November 18, 2015
RE: Comprehensive Plan Land Use Map and Zoning Map Changes

Jo Ann, thank you for chatting with me briefly on the phone this morning regarding the hearing status of the above referenced application.

Spokane County Engineering has no specific comments regarding the Planning Commission consideration of Comprehensive Plan and Zoning Map changes should the proposed area be annexed into the City of Spokane.

Spokane County Engineering would like to comment for the record that should the City of Spokane proceed with the annexation application, that the adjacent streets and roads surrounding the proposed area also be included as part of the final annexation. Specifically, the adjacent streets and roads surrounding the proposal are the Palouse Highway, 55th Avenue and Regal Street.

It is my understanding that there will be additional opportunity to comment on the annexation application as the process continues.

end

Spokane Housing Ventures Annexation

Comments from the Southgate Neighborhood Council

The Area



Land Use

One area of concern we have is the differentiation of the Land Use and Zoning designations in the alternative plan. The large CC parcels already in Southgate are designated CC-Core for Land Use and CC2-DC for zoning. We are wondering why the city-proposed alternative splits the Land Use and Zoning designations into General Commercial and CC2-DC. We would like to see them match the other CC zones in our neighborhood to maintain uniformity in their development. During discussions that led to the creation of the Southgate District Center back in 2005/06, it was explained to the Southgate Neighborhood Council that that city would not be creating any more General Commercial areas in Spokane and that dense, commercial development would happen only within the Center and Corridor designation. Why has the policy changed? When did it change?

Zoning

In an email on May 18, 2015, Acting Planning Director Louis Meuler stated that the department's intention was to use Spokane Comprehensive Plan policy LU 10.3 as guidance when considering the zoning designation for these properties.

LU 10.3 – Existing Plans

Recognize the interests of the residents of the annexing area and, in the absence of specific policies and standards adopted by the city, honor the intent of adopted county plans and ordinances for areas proposed to be annexed.

Southgate finds it appropriate to follow this policy as the city considers how to integrate these properties into the Southgate neighborhood. The mix of developing mixed use, established community commercial, and open low-density designated parcels provides a good blend of new land to our neighborhood. Given that the majority of the proposed annexed area is currently in the County's Mixed Use zoning, Southgate believes that the city should seek to maintain that designation as this land becomes part of our neighborhood.

According to County Zoning Code Chapter 14.608.100, the intent of Mixed Use zoning is to, "implement the Mixed-use Area, Community Center and Urban Activity Center categories of the Comprehensive Plan. These mixed-use categories encourage development that fosters pedestrian activity, supports transit, and provides for a mix of diverse land uses. **The Mixed-use zone supports many activities of daily life that can occur within easy walking distance, giving independence to those who do not drive.** Mixed-use areas support higher intensity

development, but compatibility of uses is ensured through special design standards. Mixed-use areas often provide a central focus point with transportation linkages to the broader community.”

When you compare this intent with the various zoning classifications in the Spokane Municipal Code (SMC) you see that it aligns most directly with our Center and Corridor Zoning as outlined in SMC 17C.122.010, “The intent of center and corridor regulations is to implement the goals and policies of the comprehensive plan for centers and corridors. These areas are **intended to bring employment, shopping, and residential activities into shared locations** and encourage, through new development and rehabilitation, new areas for economic activity. New development and redevelopment is encouraged in these areas that promotes a relatively cohesive development pattern with a mix of uses, higher density housing, buildings oriented to the street, screened parking areas behind buildings, **alternative modes of transportation with a safe pedestrian environment**, quality design, smaller blocks and relatively narrow streets with on-street parking.”

It is Southgate’s view that designating the Land Use and Zoning Center and Corridor is the best way to meet the intent of the Comp Plan policy cited by Mr. Meuler.

The Vision

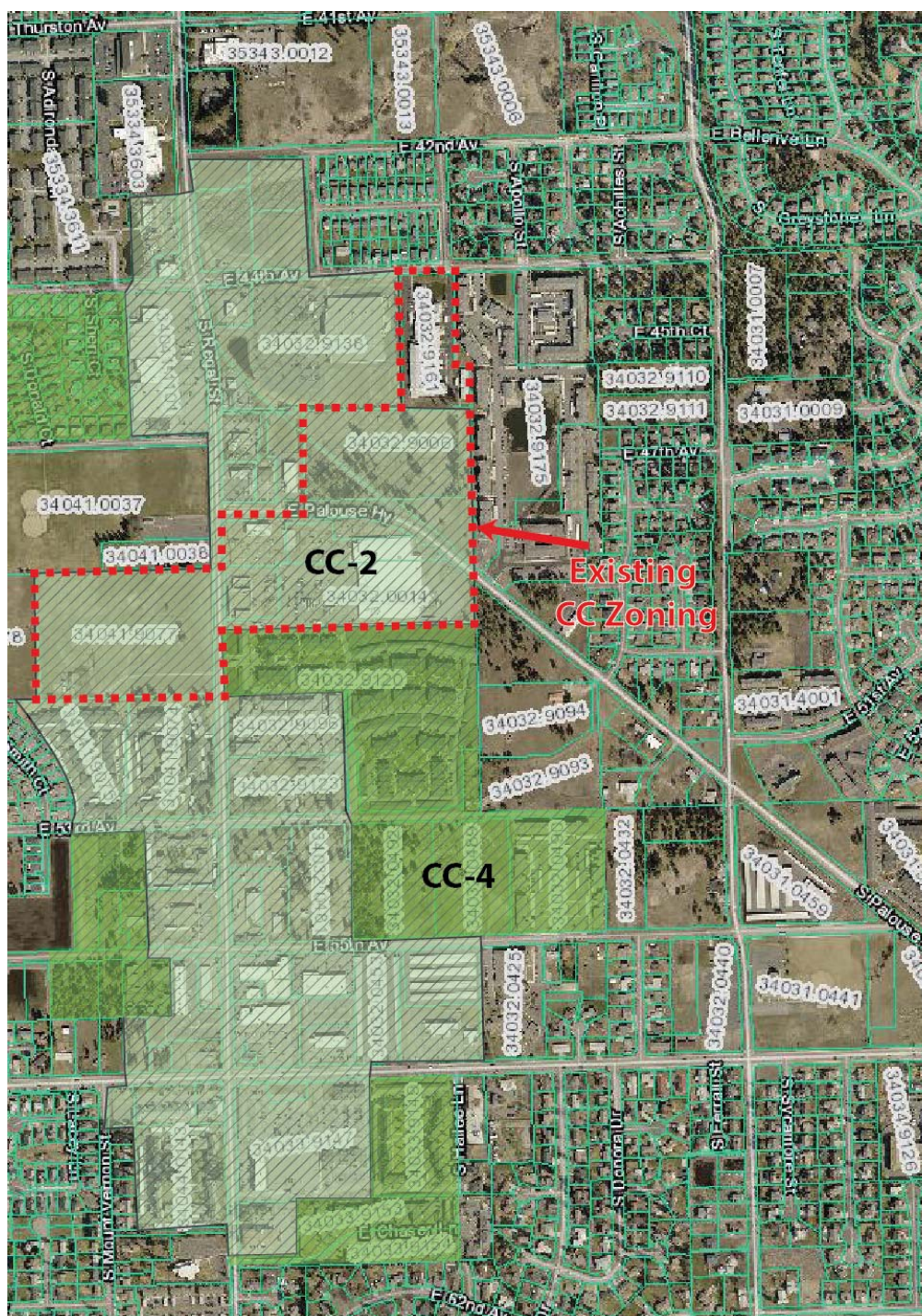
In early September, the neighborhood met with city staff to discuss the annexation and proposed the following zoning for the parcels (see image below). The city can annex the Mixed Use properties and designate them as a combination of CC-2 and CC-4 to meet the intent of the County zoning and the reality of the projects in development. The CC-2 pedestrian enhanced/auto-accommodating zoning will encourage the development of pedestrian-oriented commercial projects in the 8-acres adjacent to Regal Street and the CC-4 zoning for the apartment parcels will accommodate those projects as well. This vision has been modified and incorporated into the City’s “alternative” option.



The total area of these CC designated parcels (27 acres) are larger than the CC zones found at 29th and Grand Ave., the Perry District, and 14th and Grand Ave. This area has the potential to align with our Comprehensive Plan’s vision for a high-density, mixed-use area. To zone it as purely commercial and residential is to violate LU 10.3 and fall short of the standards we have set for ourselves as a community.

A Bigger Vision

Beyond the current annexation question, Southgate would suggest the city expand its vision to look at the Southgate/Moran Prairie area as a whole. There are already three designated District Centers along Regal Street within 2 miles of each other: Lincoln Heights, Southgate, and 57th and Regal Street. The annexation of the properties at the southern edge of our neighborhood point to a need for broader planning for the future annexation of the land already in the Urban Growth Area which extends clear to 65th Ave. to the south and Glenrose Road to the east. In this immediate case, the city should look to see how these three Centers are connected or can be connected with a comprehensive and holistic plan that enacts the vision of our city as state in the Comprehensive Plan.



Two Alternatives

The city planning staff is proposing two alternatives to the land use and zoning of the proposed annexed area. One would create a Community Business zone along Regal Street, the other would reflect a version of the thoughts laid out by Southgate Neighborhood Council above which includes creating Center and Corridor zoning along Regal Street. The Southgate Neighborhood Council would recommend the Plan Commission and City Council adopt the “alternative” plan being proposed by the City. The Center and Corridor zoning is more in line with the intent of the County’s Mixed Use zoning (as outlined above). It could even recommend revising the Land Use and Zoning to match the mixed CC-2/CC-4 zoning the neighborhood proposed back in September.

The Center and Corridor Land Use and Zoning is also better aligned with the city-adopted Southgate Neighborhood Connectivity Plan and would provide a better neighborhood commercial development for the large number of high-density residential developments nearby (over a dozen within a quarter mile). Pedestrian-oriented land use and zoning could help create the type of vibrant, walkable neighborhood that is the goal of the Spokane Comprehensive Plan and the stated goal of such lauded developments as Perry Street, Kendall Yards, and the East Sprague Redevelopment Project. In either case, the neighborhood urges the city to include ADA/Pedestrian access along 53rd and 55th clear to Regal Street. As the design stands right now, there is limited access along those streets for residents of the apartments along 55th to the transit corridor on Regal Street.

Creating desirable, livable neighborhoods is an intentional exercise, it cannot be achieved by maintaining or accepting the status quo. Pedestrian-oriented development at this location can be built up over time to connect with the growing Southgate District Center and the Comp Plan-designated Center at 57th and Regal Street. We thank you for your time and consideration and look forward to continued dialogue and input with the city as we work to implement our neighborhood plans.

Thank you,
Ted Teske, Chair, Southgate Neighborhood Council
Kerry Brooks, Chair, SNC Land Use Committee

December 1, 2015

Mayor David Condon
Spokane City Hall
808 W. Spokane Falls Blvd.,
Spokane, WA 99201

Via Hand Delivery

Ms. Nancy Isserlis
City Attorney
Spokane City Hall
808 W. Spokane Falls Blvd.,
Spokane, WA 99201

Via Hand Delivery

Ms. Jo Anne Wright
City of Spokane Planning & Development
808 W. Spokane Falls Blvd.,
Spokane, WA 99201

Via Hand Delivery

Re: Cyrus Vaughn and Vaughn's 57th Avenue, LLC v. City of Spokane

ER 408 COMMUNICATION

Dear Mayor Condon, Ms. Isserlis, and Ms. Wright:

We represent Cyrus Vaughn and his company, Vaughn's 57th Avenue, LLC, with regard to the City's threatened regulatory taking of his company's commercial retail property located at Regal and 57th Avenue. The City of Spokane has recently announced plans to hold a hearing to change land use zoning designations relating to the proposed annexation of land parcels in Spokane County to the City of Spokane. This proposed annexation includes property of Spokane Housing Ventures and property owned by Vaughn's 57th Avenue, LLC, bounded by the Palouse Highway and Regal Street to the east and west, and 53rd Avenue and 55th Avenue to the north and south.

December 1, 2015

Page 2

As you are aware, Mr. Vaughn's company owns 8 acres of commercial property within the proposed annexation area. His company's land currently has a Spokane County land use designation of Mixed Use. This of course allows Mr. Vaughn and his company to develop their property free of significant restrictions, including free of restrictions on where drive-through facilities can be located. This zoning designation and capability is critical to attracting tenants that require easy access and high-visibility from the street. Such capabilities and facilities are necessary to attract highly-desirable and profitable tenants such as fast-food restaurants and cafes, as well as other high-rent, major retailers eager to capitalize on the foot and vehicle traffic generated by such establishments.

The current land use and zoning designation allowing Mr. Vaughn and Vaughn's 57th Avenue, LLC to develop such drive-through facilities was thus critical and foremost to Mr. Vaughn and his company's original decision to acquire this property. In direct reliance on this capability, Vaughn's 57th Avenue, LLC proceeded to purchase the property located at 5311 South Regal Street on October 29, 2013 for \$685,000. Shortly thereafter on November 1, 2013, Mr. Vaughn's company also purchased parcel numbers 34032.0412, 34032.0446, 34032.0447, and 34032.0481 located along 57th Avenue for the amount of \$2,8253,000. The total purchase price for the aggregated parcels of property came to \$3,510,000. Mr. Vaughn and his company thereafter proceeded to invest an additional \$2,125,559.88 in developing this property for its intended retail use, again in direct reliance on the ability to develop the property in a manner consistent with the needs of the intended retail tenants requiring property that could accommodate drive-through facilities between the street and buildings.

Upon learning in April of this year that the City of Spokane was contemplating annexation including the property owned by Mr. Vaughn's company, Mr. Vaughn immediately had his land use attorney contact the City of Spokane to inquire into whether and how any potential future annexation of the property might affect the property's land use and zoning designation with respect to its intended retail uses. He was assured by City officials that if annexation were to be approved, his company's property would be zoned for General Commercial or Community Business use, both of which he was advised would afford similar capabilities. He was also told neither designation would impact or restrict his ability to locate and develop any planned drive-through facilities.

Mr. Vaughn has invested nearly \$6,000,000 in acquiring and developing this property in reliance on the uses permitted under the property's current County zoning, including the ability to locate drive-throughs between the buildings and street. Mr. Vaughn and his company have further relied upon the City's representations and

December 1, 2015

Page 3

promises that any zoning change caused by a future annexation would have no significant effect on their development plans with respect to this capability. Now, the City of Spokane has recently advised Mr. Vaughn that the proposed Spokane Housing Ventures annexation may in fact result in a Centers and Corridors Type 2 ("CC-2") City zoning designation change. This is directly contrary to how he was told the property's current County designation of Mixed Use would be addressed. Unlike the current designation or the General Commercial or Community Business designations which the City had assured Mr. Vaughn would result from any annexation involving his company's property, a CC-2 designation drastically alters development plans prohibiting the location of drive-throughs between buildings and the street.

This newly-proposed restriction is entirely unacceptable to our clients and to the prospective tenants they seek to attract, as it deprives them of the uses for which they originally purchased and invested in developing this property. Indeed, already, the mere threat that this designation may be applied to the land owned by Vaughn's 57th Avenue, LLC has resulted in the loss of two prospective tenants unwilling to run the risk of even considering leasing property that may be subject to drive-through restrictions as proposed by a CC-2 designation. Mr. Vaughn has been further advised that absent the ability to attract such tenants and establishments, other highly desirable and lucrative tenants will likewise look to lease elsewhere. It is expected the direct result of a land use change to a CC-2 zoning designation will be to diminish the value of Mr. Vaughn and his company's investment and improvements by approximately 50%.

Should the City of Spokane use this alternative proposed zoning designation of CC-2 or otherwise zone or regulate Vaughn's 57th Avenue, LLC's land so as to restrict uses, and especially the location of drive-through facilities, this constitutes an unconstitutional taking of Mr. Vaughn and his company's property. This threatened regulatory taking is not only ill-advised, but there is also simply no need for this restrictive designation with regard to the proposed annexation area. There is no factual or legal justification for depriving Mr. Vaughn and his company of the property they purchased and the value of the investments they have made in direct reliance on the current use permitted, which the City subsequently assured them would not be affected or hindered by any proposed annexation.

Accordingly, enclosed you will find a Claim for Damages identifying Mr. Vaughn and Vaughn's 57th Avenue, LLC's demand for just compensation in the amount of not less than \$3,500,000 for the taking and damaging of their property implicated by the City's threatened annexation and alternative zoning designations. This claim obviously becomes moot and will be withdrawn if the City simply confirms in writing that

December 1, 2015

Page 4

Vaughn's 57th Avenue, LLC's property will remain zoned consistent with its present designation, and the City's prior representations that in the event of annexation, development will still be allowed in accordance with the same uses and capabilities permitted under the current Mixed Use County designation. If Mr. Vaughn does not receive these assurances by 12:00 p.m. on Monday, December 7th, 2015, he will be forced to proceed accordingly.

Very truly yours,


DUNN & BLACK, P.S.

ALEXANDRIA T. JOHN
ROBERT A. DUNN

Enclosure

cc: Cyrus Vaughn

CLAIM FOR DAMAGES
CITY OF SPOKANE, WASHINGTON

PLEASE PRINT
IN BLACK INK

Space for Clerk's Stamp

1. Claimant's Name: Cyrus Vaughn III & Vaughn's 57th Avenue, LLC

Residence: 520 W. Main Ave.

Spokane, Washington 99201

(List full address: Street, City, State, Zip Code)

Phone #: Home (509) 998-3508 Work (509) 747-3048 Birthdate: _____

2. Residence of claimant for six months prior to the time the claim of damages accrued (if different): _____

3. Name, address and telephone of owner of any damaged property if not given above: _____
TOTAL CLAIM: \$ Not less than \$3,500,000.00

4. CLAIM INCIDENT DATE: 11/25/2015 TIME: 10:00 a.m. PLACE: Regal & 57th Ave.

DESCRIPTION OF INCIDENT: (Give full account; describe how the City was at fault. List defects causing loss and City acts or omissions) See attached.

☒ Attachments (Attach additional sheets if necessary.)

5. Give an itemization of your claim, listing specific losses actually sustained or expected: Damages of not less than \$3,500,000 for the taking of Mr. Vaughn and Vaughn's 57th Avenue, LLC's property.

☐ Attachments (Attach bills, statements, estimates or other proof of your specific items of loss.)

6. Were any other persons involved in the incident? Give details with name, address and telephone: See attached.

7. Name, address and telephone of witnesses or persons with further information: See attached.

8. Is claimant willing to settle or compromise? If so, state amount acceptable as full settlement: \$ 3,500,000.00

NOTE: Please see Spokane Municipal Code 4.02.030 for further information on claim requirements.

MEDICAL INFORMATION DISCLAIMER: Per chapter 42.56 RCW (Public Records Act), a filed Claim for Damages and its attachments are subject to public disclosure. If you have any attachments to this claim containing medical information, please enclose those attachments in a sealed envelope marked with your name and the phrase "Medical Contents."

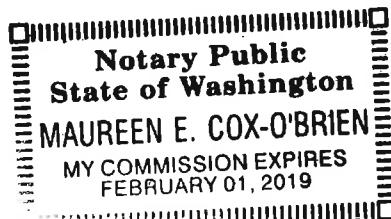
STATE OF WASHINGTON)
County of Spokane :)

I, Alexandria J. Sohn (print name), being first duly sworn, on oath, depose and say: That I have read the foregoing claim, know the matter therein contained, and the same is true to the best of my knowledge.

SUBSCRIBED AND SWORN to before me this 25 day of November, 2015. Claimant attorney for Cyrus Vaughn and Vaughn's 57th Avenue, LLC

FILE COMPLETED FORM WITH:

Spokane City Clerk's Office
Fifth Floor, Municipal Bldg.
808 W. Spokane Falls Blvd.
Spokane WA 99201-3342
509-625-6350



Notary Public in and for the State of Washington,
Residing at Spokane Valley
My commission expires 2-1-19

December 1, 2015

Mayor David Condon
Spokane City Hall
808 W. Spokane Falls Blvd.,
Spokane, WA 99201

Via Hand Delivery

Ms. Nancy Isserlis
City Attorney
Spokane City Hall
808 W. Spokane Falls Blvd.,
Spokane, WA 99201

Via Hand Delivery

Ms. Jo Anne Wright
City of Spokane Planning & Development
808 W. Spokane Falls Blvd.,
Spokane, WA 99201

Via Hand Delivery

Re: Cyrus Vaughn and Vaughn's 57th Avenue, LLC v. City of Spokane

ER 408 COMMUNICATION

Dear Mayor Condon, Ms. Isserlis, and Ms. Wright:

We represent Cyrus Vaughn and his company, Vaughn's 57th Avenue, LLC, with regard to the City's threatened regulatory taking of his company's commercial retail property located at Regal and 57th Avenue. The City of Spokane has recently announced plans to hold a hearing to change land use zoning designations relating to the proposed annexation of land parcels in Spokane County to the City of Spokane. This proposed annexation includes property of Spokane Housing Ventures and property owned by Vaughn's 57th Avenue, LLC, bounded by the Palouse Highway and Regal Street to the east and west, and 53rd Avenue and 55th Avenue to the north and south.

December 1, 2015

Page 2

As you are aware, Mr. Vaughn's company owns 8 acres of commercial property within the proposed annexation area. His company's land currently has a Spokane County land use designation of Mixed Use. This of course allows Mr. Vaughn and his company to develop their property free of significant restrictions, including free of restrictions on where drive-through facilities can be located. This zoning designation and capability is critical to attracting tenants that require easy access and high-visibility from the street. Such capabilities and facilities are necessary to attract highly-desirable and profitable tenants such as fast-food restaurants and cafes, as well as other high-rent, major retailers eager to capitalize on the foot and vehicle traffic generated by such establishments.

The current land use and zoning designation allowing Mr. Vaughn and Vaughn's 57th Avenue, LLC to develop such drive-through facilities was thus critical and foremost to Mr. Vaughn and his company's original decision to acquire this property. In direct reliance on this capability, Vaughn's 57th Avenue, LLC proceeded to purchase the property located at 5311 South Regal Street on October 29, 2013 for \$685,000. Shortly thereafter on November 1, 2013, Mr. Vaughn's company also purchased parcel numbers 34032.0412, 34032.0446, 34032.0447, and 34032.0481 located along 57th Avenue for the amount of \$2,8253,000. The total purchase price for the aggregated parcels of property came to \$3,510,000. Mr. Vaughn and his company thereafter proceeded to invest an additional \$2,125,559.88 in developing this property for its intended retail use, again in direct reliance on the ability to develop the property in a manner consistent with the needs of the intended retail tenants requiring property that could accommodate drive-through facilities between the street and buildings.

Upon learning in April of this year that the City of Spokane was contemplating annexation including the property owned by Mr. Vaughn's company, Mr. Vaughn immediately had his land use attorney contact the City of Spokane to inquire into whether and how any potential future annexation of the property might affect the property's land use and zoning designation with respect to its intended retail uses. He was assured by City officials that if annexation were to be approved, his company's property would be zoned for General Commercial or Community Business use, both of which he was advised would afford similar capabilities. He was also told neither designation would impact or restrict his ability to locate and develop any planned drive-through facilities.

Mr. Vaughn has invested nearly \$6,000,000 in acquiring and developing this property in reliance on the uses permitted under the property's current County zoning, including the ability to locate drive-throughs between the buildings and street. Mr. Vaughn and his company have further relied upon the City's representations and

December 1, 2015

Page 3

promises that any zoning change caused by a future annexation would have no significant effect on their development plans with respect to this capability. Now, the City of Spokane has recently advised Mr. Vaughn that the proposed Spokane Housing Ventures annexation may in fact result in a Centers and Corridors Type 2 ("CC-2") City zoning designation change. This is directly contrary to how he was told the property's current County designation of Mixed Use would be addressed. Unlike the current designation or the General Commercial or Community Business designations which the City had assured Mr. Vaughn would result from any annexation involving his company's property, a CC-2 designation drastically alters development plans prohibiting the location of drive-throughs between buildings and the street.

This newly-proposed restriction is entirely unacceptable to our clients and to the prospective tenants they seek to attract, as it deprives them of the uses for which they originally purchased and invested in developing this property. Indeed, already, the mere threat that this designation may be applied to the land owned by Vaughn's 57th Avenue, LLC has resulted in the loss of two prospective tenants unwilling to run the risk of even considering leasing property that may be subject to drive-through restrictions as proposed by a CC-2 designation. Mr. Vaughn has been further advised that absent the ability to attract such tenants and establishments, other highly desirable and lucrative tenants will likewise look to lease elsewhere. It is expected the direct result of a land use change to a CC-2 zoning designation will be to diminish the value of Mr. Vaughn and his company's investment and improvements by approximately 50%.

Should the City of Spokane use this alternative proposed zoning designation of CC-2 or otherwise zone or regulate Vaughn's 57th Avenue, LLC's land so as to restrict uses, and especially the location of drive-through facilities, this constitutes an unconstitutional taking of Mr. Vaughn and his company's property. This threatened regulatory taking is not only ill-advised, but there is also simply no need for this restrictive designation with regard to the proposed annexation area. There is no factual or legal justification for depriving Mr. Vaughn and his company of the property they purchased and the value of the investments they have made in direct reliance on the current use permitted, which the City subsequently assured them would not be affected or hindered by any proposed annexation.

Accordingly, enclosed you will find a Claim for Damages identifying Mr. Vaughn and Vaughn's 57th Avenue, LLC's demand for just compensation in the amount of not less than \$3,500,000 for the taking and damaging of their property implicated by the City's threatened annexation and alternative zoning designations. This claim obviously becomes moot and will be withdrawn if the City simply confirms in writing that

December 1, 2015

Page 4

Vaughn's 57th Avenue, LLC's property will remain zoned consistent with its present designation, and the City's prior representations that in the event of annexation, development will still be allowed in accordance with the same uses and capabilities permitted under the current Mixed Use County designation. If Mr. Vaughn does not receive these assurances by 12:00 p.m. on Monday, December 7th, 2015, he will be forced to proceed accordingly.

Very truly yours,

DUNN & BLACK, P.S.



ALEXANDRIA T. JOHN
ROBERT A. DUNN

Enclosure

cc: Cyrus Vaughn

Spokane Housing Venture Annexation Crossover Land Use & Zoning Categories

County Land Use is Community Commercial	City Land Use Crossover Designation is General Commercial	
County Zoning is Community Commercial	City Zoning Crossover Designation is Community Business	
Residential Uses	Permitted in County Community Commercial Zone	Permitted in City Community Business Zone
Dwelling, multi-family	L	L/CU
Dwelling, single-family	P	P
Dwelling, two-family duplex	P	L/CU
Commercial Uses	Permitted in County Community Commercial Zone	Permitted in City Community Business Zone
Adult entertainment/retail establishment	L	L
Billboard/videoboard	N	P
Drive through business	L	P
General retail sales and services	L	P
High impact use	N	N
Kennel, public/private	L	P
Manufacturing and production	CU	L/CU
Manufactured home/recreational sales	N	L/CU
Motor vehicle rental	CU	P
Motor vehicle sales	N	P
Parking lot/structure	P	P
Parks and Open Spaces	P	P
Research and educational facility	L	P
Restaurant including alcohol service	P	P
Self service storage facility (mini storage)	P	L[5]
Tavern/pub	P	L/CU
Theater, motion picture or performing arts	P	P
Top soil removal	CU	CU
Warehouse / Freight Movement	N	L/CU
Utilities/Facilities Uses	Permitted in County Community Commercial Zone	Permitted in City Community Business Zone
Fire station	P	P
Incinerator	N	N
Landfill	N	N
Law enforcement facility	L	P
Power plant	N	N
Recycle collection center	P	N
Sewage treatment plant	N	N
Solid waste transfer site	N	N
Stormwater treatment/disposal	P	P
Tower	L	L/CU
Tower, private	L	L/CU
Wireless communication antenna array	L	L/CU
Wireless communication support tower	P	L/CU

Institutional Uses	Permitted in County Community Commercial Zone	Permitted in City Community Business Zone
Child day-care center	P	P
Church	P	P
Community hall, club, or lodge, facility	P	P
Cultural center/museum	P	P
Detention facility (EPF)	N	CU
Hospital and medical services	N	P
Library	P	P
Post Office	P	P
High school	P	P
College or university	P	P
County Development Standards	City Development Standards	
Max. Building Coverage: 55% Max. Building Height: 50 ft. Max. Building Height 100ft. of LDR zone: 35 ft. Setbacks: Front/flanking yard - 10 ft. Side yard abutting commercial or industrial zone/use - 10 ft. Side yard abutting residential or rural - 15 ft. Rear yard - 15 ft. Min. Frontage- 50 ft. on a minor arterial or higher Landscaping required: Yes Parking required: Yes. Varies space from 1 space per 100 gross sq.ft. upto 1 space pr 2,000 gross sq. ft. depending on use. Residential parking spaces vary based on rooms and or dwelling units.	FAR: 1.5 Max. Max. Building Height: 55 ft. Setbacks: Front lot line: 0 ft.. From lot line abutting O, OR, NR, NMU, CB, GC, DT, CC, LI or HI lots: 0 ft. From abutting residential lots: 10 ft. Min. Street Lot Line: 0 ft. Front lot line: 0 ft. Landscaping required: Yes Parking required: Yes. Parking areas are not allowed within the first 20 ft. from a street lot line for the first 60 ft from the boundary of the residential zoning district.	

This table provides a general summary of development standards and permitted uses. Please see the Chapter 17C. 120 of Spokane Municipal Code available at www.spokanecity.org and Chapter 14.608 of the Spokane County Zoning Code available at www.spokanecounty.org for the full Development Standards.

Notes:

- [1] Retail uses having more than forty thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.
- [2] Eating and drinking establishments larger than five thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.
- [3] Limited industrial uses having more than twenty thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.
- [4] Residential uses are required to be mixed on the same parcel as proposed office and retail uses. Nonresidential uses are limited to three thousand square ft. per parcel. In neighborhood centers, nonresidential uses are only allowed on parcels with frontage on an arterial street. Nonresidential uses in the CC4 zone are not allowed within sixty ft. of a single-family and two-family residential zone or further than three hundred ft. (neighborhood center only) from a CC core comprehensive plan designation.
- [5] 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.

Use is: **P**-Permitted, **N**-Not Permitted, **L**-Limited Use, **CU**- Conditional Use Review Required



Agenda Sheet for City Council Meeting of:
02/01/2016

Date Rec'd	1/19/2016
Clerk's File #	ORD C35360
Renews #	

Submitting Dept	PLANNING & DEVELOPMENT	Cross Ref #	
Contact Name/Phone	JO ANNE 625-6017	Project #	
Contact E-Mail	JWRIGHT@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0650 - ORDINANCE FOR SPOKANE HOUSING VENTURES ANNEXATION		

Agenda Wording

An Ordinance relating to zoning for the area within the pending Spokane Housing Ventures Annexation and authorizing amendments to the City of Spokane Official Zoning Map. (Testimony will be taken on February 8, 2016/Action March 14, 2016.)

Summary (Background)

The City's Comprehensive Plan includes areas the City reasonably expects to annex into the City in the future, including the Spokane Housing Ventures Annexation area. On December 9, 2015, the Spokane Plan Commission held a public hearing on the proposed annexation and voted to recommend that the City Council approve the annexation and assign appropriate Zoning Map designations to the area, provided that parcels 34031.0459 and 34031.5201 east of Freya Street be removed from the annexation area.

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	WRIGHT, JO ANNE	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	PED 11/16/15 - SPC
Finance	KECK, KATHLEEN	Distribution List	
Legal	RICHMAN, JAMES	fperkins@spokanecity.org	
For the Mayor	SANDERS, THERESA	jwright@spokanecity.org	
Additional Approvals		jrichman@spokanecity.org	
Purchasing		htrautman@spokanecity.org	

ORDINANCE NO. C35360

AN ORDINANCE relating to zoning for the area within the pending Spokane Housing Ventures Annexation and authorizing amendments to the City of Spokane Official Zoning Map.

WHEREAS, a portion of the Urban Growth Area located on the southern boundary of the City of Spokane's corporate limits known as the Spokane Housing Ventures Annexation Area is proposed to be annexed into the City of Spokane; and

WHEREAS, State law authorizes local jurisdictions to prepare a proposed Comprehensive Plan Land Use Plan to become effective upon the annexation of any area which might reasonably be expected to be annexed; and

WHEREAS, the City of Spokane Comprehensive Plan policy - LU 10.3 Existing Plans states, *"Recognize the interests of the residents of the annexing area and, in the absence of specific policies and standards adopted by the city, honor the intent of adopted county plans and ordinances for areas proposed to be annexed,"* and

WHEREAS, the proposed amendment to the City of Spokane Official Zoning Map converts the existing Spokane County zoning designations for the Spokane Housing Ventures Annexation Area to the closest corresponding City of Spokane zoning designations; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the zoning map on October 30, 2015; and

WHEREAS, the City of Spokane Plan Commission held workshops on the proposed Zoning map amendments on October 14, October 28, and November 11, 2015; and

WHEREAS, A State Environmental Policy Act (SEPA) Environmental Checklist was completed and a Determination of Non-significance issued for the proposal on October 19, 2015. The determination was circulated to agencies with jurisdiction and parties of interest. Notice of the determination was published in the Spokesman Review on October 19, 2015; and

WHEREAS, Notice of the proposal and of the Plan Commission's December 9, 2015 hearing was published in the Spokesman Review on November 25 and December 2, 2015. Adjacent jurisdictions and other interested agencies and parties were also sent email and mailed notifications of the hearing; and

WHEREAS, after consideration of the issues and public testimony that is a part of the record and summarized in the Plan Commission Findings of Fact, Conclusions,

and Recommendations adopted on December 9, 2015, the Plan Commission has forwarded its recommended amendments to the Comprehensive Plan and zoning map; and

WHEREAS, notices of the City Council's hearings have been posted in the Spokesman Review and the City's official Gazette; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That the Official Zoning Map is amended to include the zoning designations for the area within the pending Spokane Housing Ventures Annexation Area as shown on the attached map, and that the Director of Planning Services shall update the Official Zoning Map consistent with this amendment.

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 Recommendations
Spokane Housing Ventures Annexation**

A recommendation of the City Plan Commission relating to the proposed Spokane Housing Ventures Annexation and related zoning map and Comprehensive Plan land use map designations for proposed annexation area.

Findings of Fact:

- A. The City of Spokane, pursuant to chapter 35.13 RCW, is authorized to annex land within an urban growth area and contiguous to the City's municipal boundary.
- B. The owners of certain property situated within the Spokane Housing Ventures Annexation Area filed a proper and sufficient Notice of Intent to commence annexation proceedings with the City.
- C. Following its receipt of said notice, the City Council held a public meeting with the owners and determined by Resolution 2015-0031 that the City would geographically modify the proposed annexation area to include the property lying between Regal Street on the west, Palouse Hwy on the east, 53rd Avenue on the North, and 55th Avenue on the South, as shown in the Spokane Housing Ventures Annexation Parcel Map attached hereto as Exhibit "A".
- D. Thereafter, a sufficient petition for annexation was filed with the City pursuant to RCW 35.13.130, signed by the owners of not less than 60 percent in value, according to the assessed valuation for general taxation, of the property for which annexation is petitioned, seeking annexation to the city of Spokane of an approximately 42-acre area within an urban growth area and contiguous to the City's southern municipal boundary, otherwise referred to as the Spokane Housing Ventures Annexation Area (the "Petition").
- E. On December 9, 2015, the Plan Commission held a hearing to obtain public comments on the annexation and the proposed land use and zoning designations for the Spokane Housing Ventures Annexation Area.
- F. The City of Spokane Comprehensive Plan policy LU 9, Annexation Areas, encourages the annexation of areas that are logical extensions of the City, and further encourages the use of readily identifiable boundaries, such as highways, to define annexation areas where possible. The Spokane Housing Ventures Annexation Area, as modified by City Council resolution 2015-0031, is a logical extension of the City's corporate boundaries and uses streets to make the new boundaries readily identifiable. Based on testimony by Fire District 8 and the owners of property on the east end of the modified annexation area (i.e., parcel no. 34031.0459), the western edge of Freya Street also provides a readily identifiable and logical corporate boundary.
- G. The City of Spokane Comprehensive Plan policy - LU 10.3, Existing Plans states, *"Recognize the interests of the residents of the annexing area and, in the absence of specific policies and standards adopted by the city, honor the intent of adopted county plans and ordinances for areas proposed to be annexed."*

- H. Consistent with LU 10.3, and in the context of annexation of new areas to the City, proposed amendments to the City's Comprehensive Plan Land Use Map and Zoning Map should convert the existing Spokane County Comprehensive Plan Land Use designations and zoning for the Spokane Housing Ventures Annexation area to the closest corresponding City of Spokane land use and zoning designations.
- I. The existing Spokane County Comprehensive Plan Land Use Map and Zoning Map designations are illustrated on Exhibit "B". The City of Spokane Comprehensive Plan Land Use Map and Zoning Map designations reflected in Exhibit "C" are consistent with the City of Spokane Comprehensive Plan and particularly LU 10.3 relating to recognition of existing plans, and most closely match the land use and zoning designations currently in effect for the Spokane Housing Ventures Annexation Area in Spokane County.
- J. A State Environmental Policy Act (SEPA) Environmental Checklist was completed and a Determination of Non-significance issued for the proposal on October 19, 2015. The determination was circulated to agencies with jurisdiction and parties of interest. Notice of the determination was published in the Spokesman Review on October 19, 2015.
- K. Notice of the proposal and of the Plan Commission's December 9, 2015 hearing was published in the Spokesman Review on November 25, 2015 and December 2, 2015. Adjacent jurisdictions and other interested agencies and parties were also sent email notifications of the hearing.
- L. Spokane Municipal Code (SMC) Section 17G.020.010 "Comprehensive Plan and Development Standard Amendment Process" identifies terms and conditions for Comprehensive Plan amendments and Comprehensive Plan emergency amendments, and specifically recognizes that annexations will require amendment of the Comprehensive Plan land use map outside of the annual comprehensive plan amendment cycle.

Conclusions:

- A. The Plan Commission has reviewed all public comments and testimony received during the public hearing.
- B. Based on testimony from Fire District 8 and the owner of parcel no. 34031.0459, and based on the review of maps of the proposed annexation area, the western edge of Freya Street would provide a readily identifiable and logical corporate boundary.
- C. The City of Spokane Comprehensive Plan Land Use and Zoning designations set forth in Exhibit "C" are consistent with the goals and policies of the City of Spokane Comprehensive Plan, and particularly LU 10.3 relating to recognition of existing plans, and most closely match the land use and zoning designations currently in effect for the Spokane Housing Ventures Annexation Area in Spokane County
- D. All State and local public notice and participation requirements have been satisfied.

Recommendations:

By a vote of 5 to 1, and subject to the proviso set forth below, the Spokane City Plan Commission recommends that the City Council approve the Spokane Housing Ventures Annexation, as previously modified by the City Council, and that the City Council adopt the land use and zoning designations for the annexation area as are set forth in Exhibit "C" hereto, provided that parcels 34031.0459 and 34031.5201 be removed from the annexation area, and that the western edge of the Freya Street right-of-way form the eastern end of the annexation area.

By a similar vote, the Plan Commission also recommends that if the City Council is inclined to consider imposing center and corridor zoning on those western areas of the annexation area designated for community business zoning in Exhibit "C", then the City Council instead zone such property Community Business, subject to a development agreement between the City and the owner of such property imposing agreed upon design standards that shall apply to and govern development of the property.



Dennis Dellwo, President
City Plan Commission

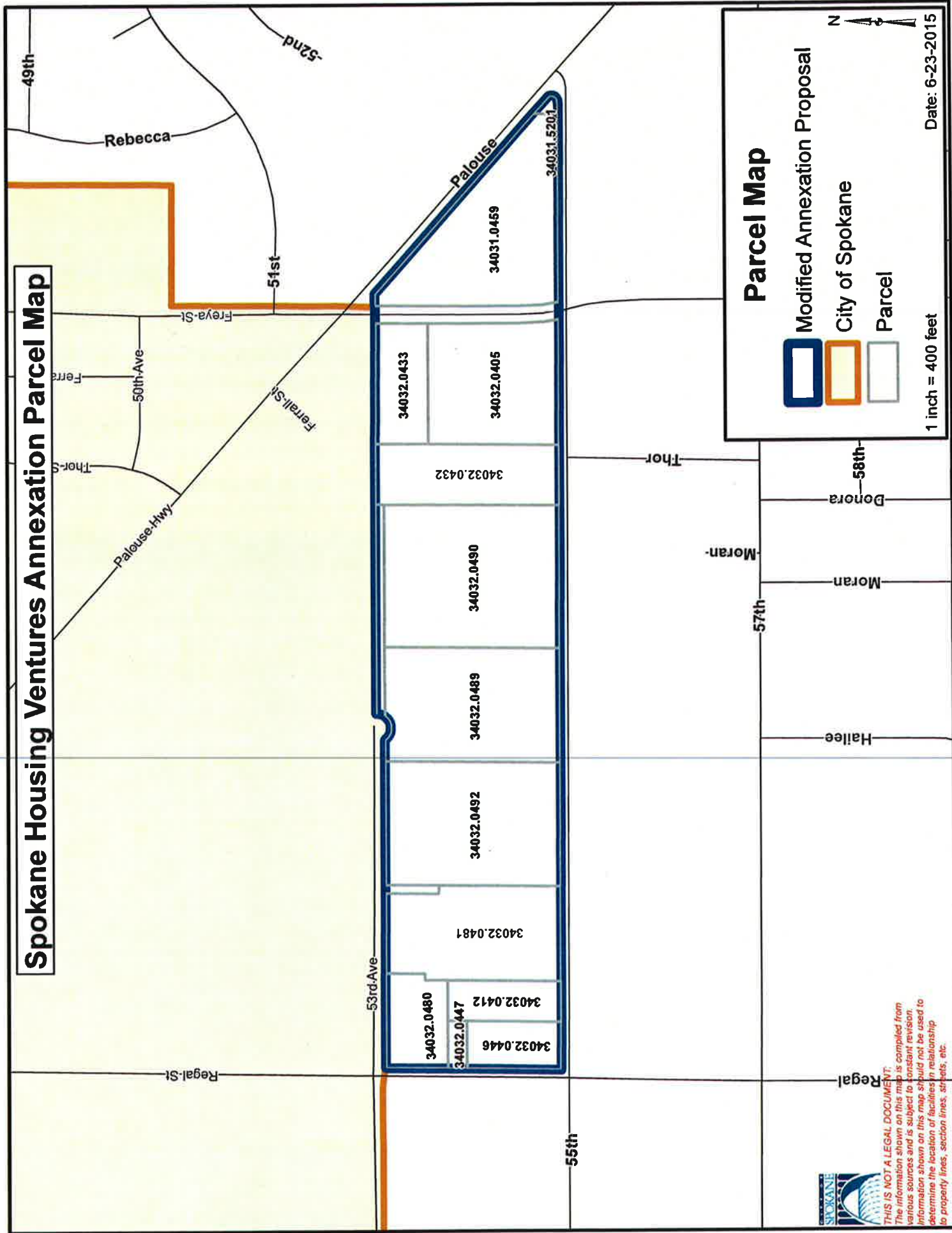
12-17-15
Date

EXHIBIT "A"

Spokane Housing Ventures Proposed Annexation

Parcel Map

Spokane Housing Ventures Annexation Parcel Map



THIS IS NOT A LEGAL DOCUMENT.
 The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

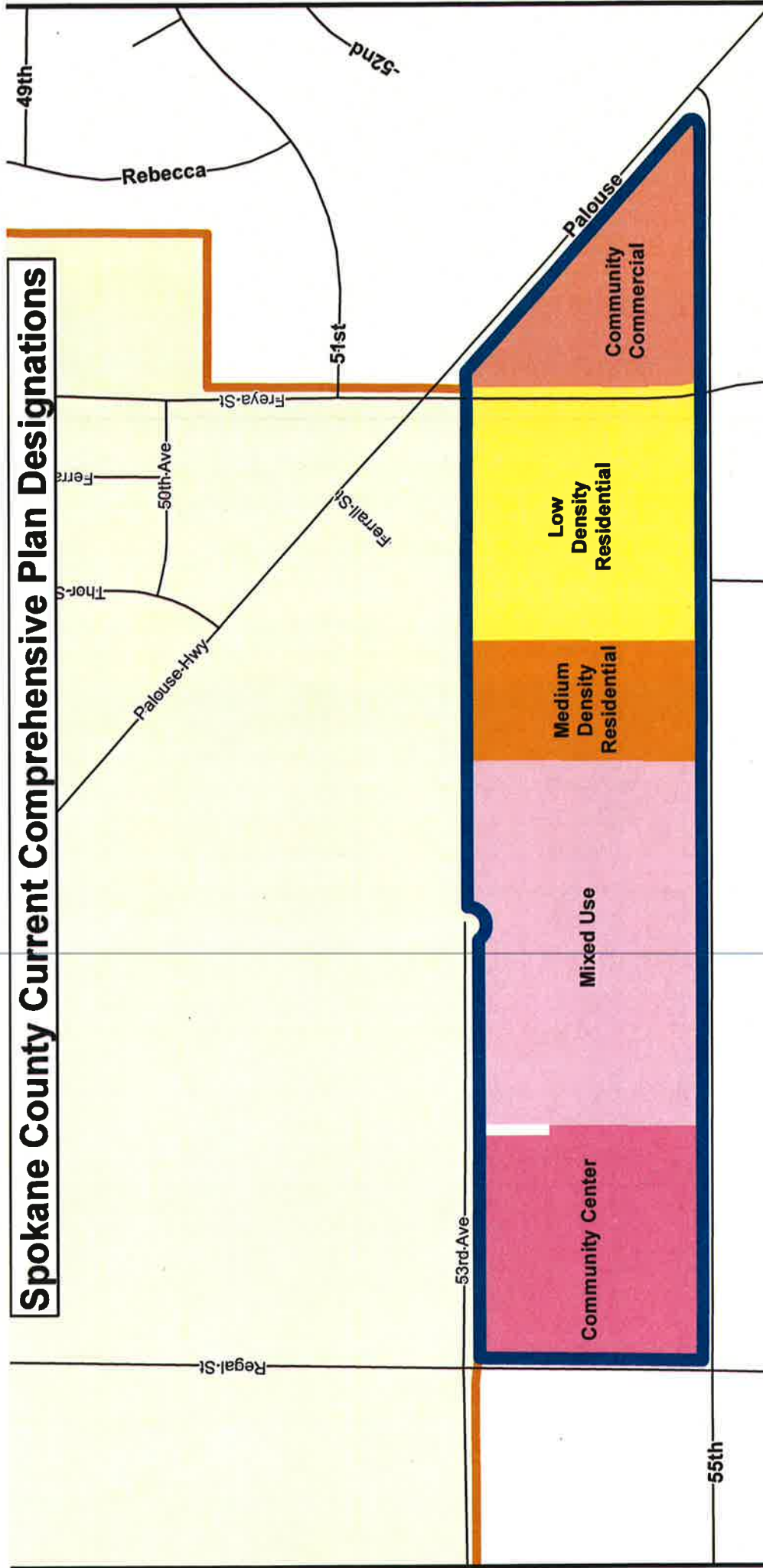
EXHIBIT "B"

Spokane Housing Ventures Proposed Annexation

Spokane County

Existing Comprehensive Plan Land Use Map and Zoning Map Designations

Spokane County Current Comprehensive Plan Designations



Landuse Plan Map

Modified Annexation Proposal
 City of Spokane

County Comprehensive Plan

	Low Density Residential
	Medium Density Residential
	Mixed Use
	Community Center
	Community Commercial

1 inch = 400 feet

Date: 6-23-2015



THIS IS NOT A LEGAL DOCUMENT.
 The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Spokane County Current Zoning Designations

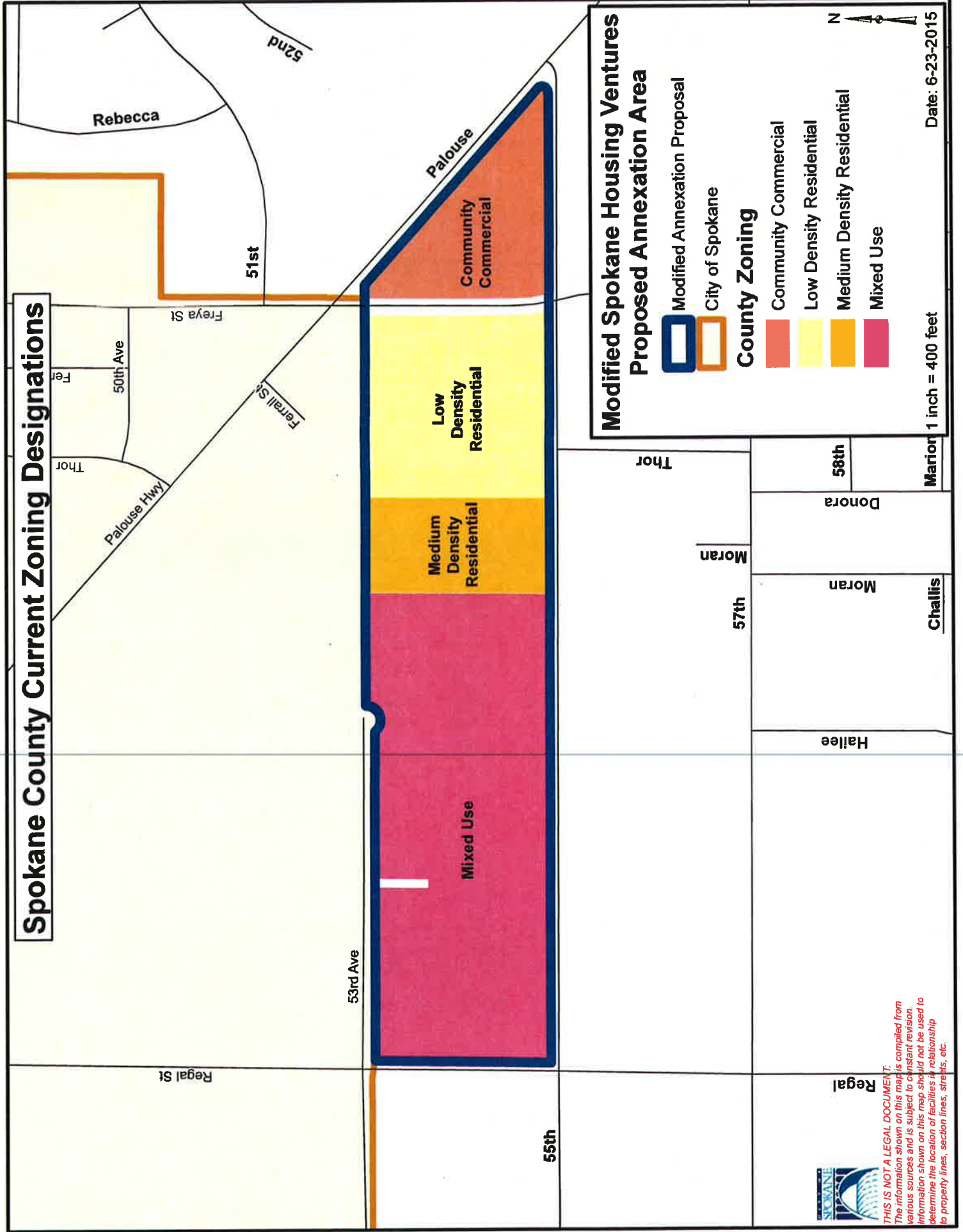


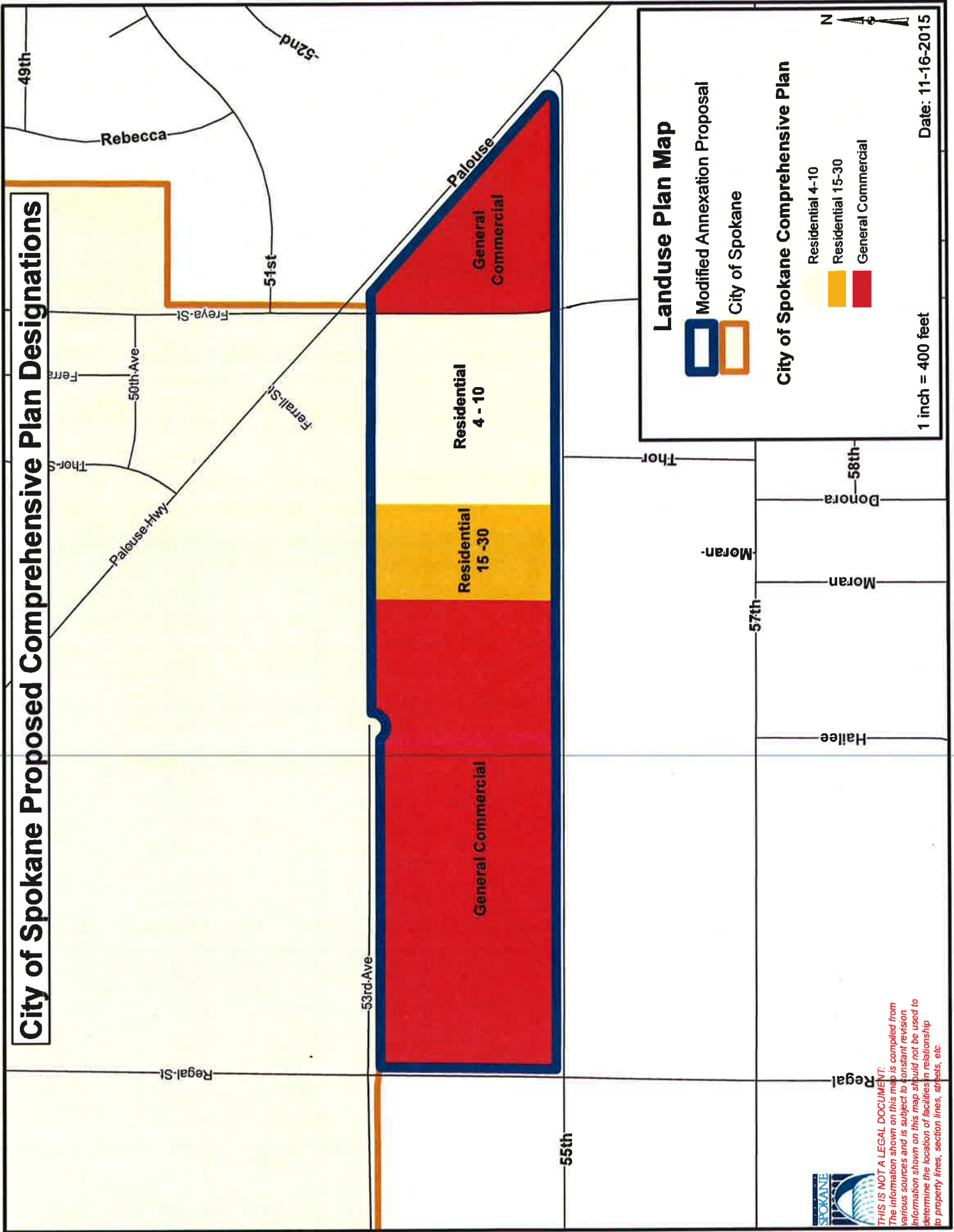
EXHIBIT "C"

Spokane Housing Ventures Proposed Annexation

City of Spokane

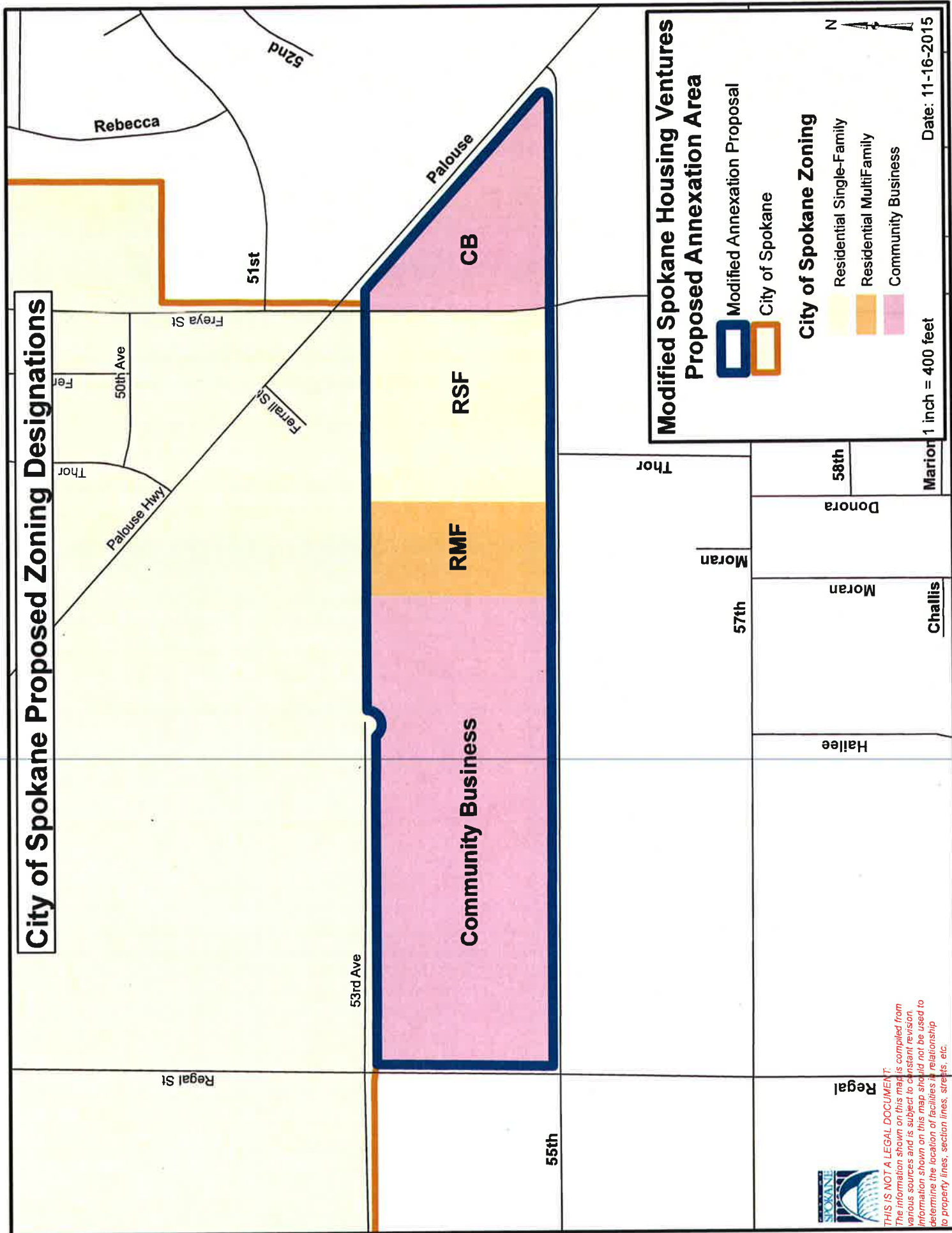
Proposed Comprehensive Plan Land Use Map and Zoning Map Designations

City of Spokane Proposed Comprehensive Plan Designations



THIS IS NOT A LEGAL DOCUMENT.
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

City of Spokane Proposed Zoning Designations



Stanley M. Schwartz
Admitted in Washington & Idaho
email: sms@witherspoonkelley.com

October 27, 2015

Mr. Dennis Dellwo, President
City of Spokane Plan Commission
808 W. Spokane Falls Blvd.
Spokane, Washington 99201-3329

***Re: Spokane Housing Ventures
Parcel Numbers 34032.0409, 34032.0492, and 34032.0489***

Dear Mr. President and Plan Commission Members:

This letter is intended to provide background and information concerning the above annexation.

A. BACKGROUND.

1. Summer 2011, SHV and partnerships make request to be annexed to the City.
2. November 2011, matter deferred by City Council to allow City administration to evaluate boundaries for the annexation.
3. May 29, 2012, Mayor Condon recognizes partnerships affordable housing projects, but "rejects annexation at this time."
4. February 12, 2015, letter to Council President Ben Stuckart requesting annexation and providing background concerning installation of City water, sanitary sewer, and public street development to include execution of Connection/Annexation Agreements and payment of connection fees to the City.
5. April 20, 2015, Resolution No. 2015-0031. This City Council Resolution geographically modified the annexation proposal to include a statement that the City of Spokane will pursue this annexation in accordance with the direct petition method described in RCW 35.13.
6. August 26, 2015, letter to Interim Planning Director requesting that this annexation be placed before the City Plan Commission for consideration.

At the October 14, 2015, Plan Commission Meeting, City staff presented information suggesting that this annexation would not result in positive cash flow to the City general, EMS and utility funds. This was due in large part to the difference between the "in city" utility fees versus the

"out of city" utility fees. Notably, this exact same information was presented to the City Council.

Once again, the City presentation failed to take into consideration the significant capital investment by the proponent, which amounts to approximately \$1,027,281.00. See Attachment A. This constructed public infrastructure, city utilities and streets, was required by the City, in order benefit, support, and expand planned growth of the urban area. There is no doubt this infrastructure allows the City to collect additional connection fees, service charges, and other costs in the operation of its public utilities. Not to mention, additional sales and property tax will be generated from these properties following the annexation.

B. THE CITY COMPREHENSIVE PLAN.

Goal LU 9 entitled "Annexation Areas" states that the City supports annexations that support logical boundaries and reasonable service areas within the City's urban grow area, where the city has the fiscal capacity to provide services. LU 9.6 qualifies the "negative fiscal impact on the city" with regard to utilities and states

Property owners in annexing areas should fund the public utility improvements necessary to serve new development in a manner that is consistent with applicable City of Spokane policies and regulations.

It is without question that this annexation has satisfied the goals and policies of annexation set forth in the City Comprehensive Plan. See Attachment B.

The Spokane Housing Ventures annexation also fulfills policies in the housing chapter of the Comprehensive Plan that recognizes "few new housing units are developed that are affordable to lower income households." H-19. Special needs populations to include the physically disabled are in great need of affordable and subsidized housing located throughout the community. H 2.6, SH 4.2, and SH 4.2. Along with the affordable housing studies cited in the February 12, 2015 letter to Ben Stuckart, this annexation supports the Comprehensive Plan's affordable housing goals.

Finally, this annexation supports the City's affordable housing studies conducted pursuant to HUD regulations, and compliance with five goals set forth in the November 2014 "talking points on needs" for the "Spokane Consolidated Plan 2015-2020."


President Dennis Dellwo
October 27, 2015
Page 3

C. CONCLUSION.

It is requested on behalf of Spokane Housing Ventures that the Plan Commission forward to the City Council a recommendation to approve the Spokane Housing Ventures annexation.

Very truly yours,

WITHERSPOON • KELLEY



Stanley M. Schwartz

SMS/kh
Enclosure

ATTACHMENT A Annexation Request

Developer Constructed Improvements

Installed and Conveyed to the City the following Utilities:

a) Approx. 1000 feet of 8" Sanitary Sewer in 53 rd Ave:	Cost	\$160,000.00
b) Approx. 600 feet of water main in 55 th Ave	Cost	\$50,000.00

Streets and Walking Path Construction:

a) 600 feet of City Street/Sidewalk/Curb and Gutter in 53 rd Avenue with fire access to remainder of	Cost	\$126,000.00
b) 1400 feet of widening for City Street/Sidewalk/Curb and Gutter	Cost	\$133,000.00
a) 680 feet City Street/Sidewalk/Curb and Gutter for Fiske St. (for connectivity requirements).	Cost	\$132,000.00
b) 680 feet for Walking Path Connectivity	Cost	\$61,000.00

ROW deeded to City/County:

a) 53 rd ROW dedicated for street	Cost	\$125,000.00
b) Fiske ROW dedicated to meet City street connectivity	Cost	\$102,000.00
c) Walking Path to meet City connectivity requirement	Cost	\$34,000.00

TOTAL COST and Public Benefit for Utilities, Streets and ROW	\$923,000.00
---	---------------------

Hazel's Creek Regional Stormwater - Capital Cost Fees	\$104, 287.00
--	----------------------

<u>TOTAL BENEFIT TO CITY:</u>	\$1,027,281.00
--------------------------------------	-----------------------

ATTACHMENT B:

Develop a broad, community-based process that periodically reevaluates and directs city policies and regulations consistent with the Visions and Values.

LU 7.3 Historic Reuse

Allow compatible residential or commercial use of historic properties when necessary to promote preservation of these resources.

Discussion: Preservation of historic properties is encouraged by allowing a practical economic use, such as the conversion of a historic single-family residence to a higher density residential or commercial use. A public review process should be required for conversions to a use not allowed in the underlying zoning district. Special attention should be given to assuring that the converted use is compatible with surrounding properties and the zone in which the property is located. Recommendations from the Historic Landmarks Commission and the Historic Preservation Officer should be received by any decision-maker before a decision is made regarding the appropriateness of a conversion of a historic property.

LU 7.4 Sub-Area Planning Framework

Use the Comprehensive Plan for overall guidance and undertake more detailed sub-area and neighborhood planning in order to provide a forum for confronting and reconciling issues and empowering neighborhoods to solve problems collectively.

☐ **LU 8 URBAN GROWTH AREA**

Goal: 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 CWPPs.

Policies

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.

LU 8.2 Urban Growth Area Planning

Plan with Spokane County for the unincorporated portions of the urban growth area.

Discussion: Planning for the urban growth area should include the adoption of consistent land use designations, policies, and development standards, as well as the identification and preservation of natural environmental features.

LU 8.3 Growth Boundary Establishment

Establish an urban growth area boundary, consistent with the CWPPs, that provides enough land to accommodate the urban growth area's projected growth for the next 20 years.

LU 8.4 Urban Land Supply

Regularly monitor the relationship between land supply and demand to ensure that the goals of the comprehensive plan are met.

Discussion: To assure that land supply is adequate, the land supply should be regularly monitored. Particularly important at the onset of the identification of an urban growth boundary, regular monitoring can allow the city and Spokane County to make adjustments as necessary.

LU 8.5 Growth Boundary Review

Review the urban growth area boundary at least once every five years relative to the current Office of Financial Management's twenty-year population forecast and make adjustments, as warranted, to accommodate the projected growth.

LU 9 ANNEXATION AREAS

Goal: Support annexations that create logical boundaries and reasonable service areas within the city's urban growth area, where the city has the fiscal capacity to provide services.

Policies

LU 9.1 Logical Boundaries

Encourage the annexation of areas that are logical extensions of the city.

Discussion: As much as possible, the city should avoid annexations that create "peninsulas" of unincorporated land within the city limits. The following policies shall apply to the size of an annexation and the location of boundaries:

- A. The City Council will decide whether to require increases in the size of proposed annexations on a case-by-case basis.
- B. City staff may recommend expansion of a proposed annexation prior to the first meeting with property owners required under RCW 35A.14.120. The City Council will consider whether a requirement that the initiator expand the proposed annexation up to the maximum allowed under state law would meet any of the following criteria:
 1. The expanded annexation would create logical boundaries and service areas.
 2. Without the proposed annexation, the area to be added would not likely be annexed within the foreseeable future.
 3. The area to be added would eliminate or reduce an unincorporated county peninsula.
- C. If the City Council concludes that any of the criteria applies to a specific annexation proposal, it will require the initiator to expand the boundaries of the proposed annexation to the extent allowed by law and deemed appropriate by the City Council.
- D. Service delivery should be a criteria in the formation of boundaries. Annexations should attempt to maximize efficiencies of urban services.

LU 9.2 Peninsula Annexation

Encourage and assist property owners in existing unincorporated "peninsulas" in the city's urban growth area to annex to the city.

Discussion: Unincorporated "peninsulas" are land areas of any size that are located outside of the city limits that have at least eighty percent of their boundaries contiguous to the city. RCW 35.13.182, allows the cities to resolve to annex such areas (in existence before June 30, 1994) subject to referendum for forty-five days after passage following the adoption of the annexation ordinance.

LU 9.3 City Utilities

Require property owners requesting city utilities to annex or sign a binding agreement to annex when requested to do so by the city.

LU 9.4 Readily-Identifiable Boundaries

Use readily identifiable boundaries, such as lakes, rivers, streams, railroads, and highways, to define annexation areas wherever possible.

Discussion: Permanent physical features provide city limit boundaries that are easy to identify and understand. Streets or roads may be used where appropriate. However, streets and roads are generally less suitable boundaries because of utility access issues.

LU 9.5 Community Impacts

Evaluate all annexations on the basis of their short and long-term community impacts and benefits.

Discussion: If the annexation includes proposed development, consideration of the proposal should include an analysis of the short and long-term impacts on the neighborhood and city in terms of all services required, including water, sewer, urban runoff, roads, schools, open space, police and fire protection, garbage collection, and other services.

LU 9.6 Funding Capital Facilities in Annexed Areas

Ensure that annexations do not result in a negative fiscal impact on the city.

Discussion: In general, property owners in annexing areas should fund the public facility improvements necessary to serve new development in a manner that is consistent with applicable City of Spokane policies and regulations. If an area annexing to Spokane requires public facility improvements to correct health and safety related problems, the property owners within the annexed area should fund these improvements. If an area annexing to Spokane has public facilities that do not meet City of Spokane standards and the property owners or residents want to improve the facilities to meet city standards, the property owners should fund those improvements, or the proportion of those improvements, that do not have a citywide benefit. Public facility improvements within annexed areas that have a citywide benefit should be considered for funding through city revenues as part of the Spokane capital facilities and improvements planning processes.

LU 9.7 City Construction Standards

Require utilities, roads, and services in the city's urban growth area to be built to city standards.

Discussion: Interlocal agreements are a mechanism that should be used to apply these standards to the urban growth area. Requiring these facilities to be built to city standards will assure that they meet city standards at the time of annexation of these areas to the city.

LU 9.8 City Bonded Indebtedness

Require property owners within an annexing area to assume a share of the city's bonded indebtedness.

Discussion: When property is annexed to the city, it becomes subject to all city laws. It is also assessed and taxed in the same way as the property already in the city. As a result, annexed areas are required to help pay for the outstanding indebtedness of the city approved by voters prior to the effective date of the annexation.

☐ LU 10 JOINT PLANNING

Goal: Support joint growth management planning and annexation requests, which best meet the Comprehensive Plan's development goals and policies.

Policies

LU 10.1 Land Use Plans

Prepare land use plans in cooperation with Spokane County for the urban growth area to ensure that planned land uses are compatible with adopted city policies and development standards at the time of annexation.

LU 10.2 Special Purpose Districts

Confer with affected special purpose districts and other jurisdictions to assess the impact of annexation prior to any annexation.

Discussion: Where possible, boundaries should be mutually resolved by the jurisdictions involved before any final action is taken on a formal annexation petition.

LU 10.3 Existing Plans

Recognize the interests of the residents of the annexing area and, in the absence of specific policies and standards adopted by the city, honor the intent of adopted county plans and ordinances for areas proposed to be annexed.

LU 10.4 Permitted Uses

Discourage annexations when the sole purpose is to obtain approval of uses not allowed by county regulations unless the proposal is consistent with an adopted joint plan and with city standards and policies.

LU 10.5 UGA Expansion

Establish a forty-year planning horizon to address eventual expansion of UGAs beyond the twenty-year boundary required by the Growth Management Act.

Discussion: The purpose of the longer planning period is to ensure the ability to expand urban governmental services and avoid land use barriers to future expansion of the twenty-year UGA boundary. Within the urban reserve areas, densities and land use patterns should be established that do not preclude later subdivision to urban densities.

To identify urban reserve areas, it is necessary for the city and Spokane County to work together to identify the amount of land necessary to support the next 40 years of growth. Factors that need to be considered include the ability to provide public services and facilities and carrying capacity issues, such as water quantity and air quality.

ABOUT SPACE!

STORAGE CENTER

3715 East 55th Avenue
Spokane, Washington 99223
(509) 443-0484 ♦ Fax (509) 443-9484

RE: Annexation Proposal

We are the owners of About Space Storage located at 3715 E 55th Ave, in Spokane County. This 3 acre parcel is located at the east end of the proposed annexation into the city. It is a triangular property surrounded by the Palouse Hwy., 55th Ave., and Freya. It is zoned Community Commercial. We have owned the property since 2002.

While we receive city water and sewer services, all other services i.e., fire protection, roads, snow removal; Sheriff, etc. are provided by Spokane County. Over the past couple of weeks, we have been in contact with many city and county departments trying to determine the impact the proposed annexation would have on our business. No one has been able to give us a definitive answer other than we would be required to obtain a city business license, that the tax levy rate probably would be about the same and that some of the city water fees would be reduced but other fees would be added to make that a draw. We have not been able to form a conclusion on the immediate financial impact based on the information we have received.

The one long term issue that we have researched and have formed an opinion on is zoning. If the annexation is approved we definitely want the property to be zoned General Commercial. This is a small family business which supports 4 families, in addition to ours, and it has been our hope for it to support us throughout our lives. A change to a more restricted zoning, such as center and corridors, would have a negative financial impact on our long term goals.

Thank you for considering our concerns.

Dale and Deanna Bright

RECEIVED
NOV 17 2015
PLANNING & DEVELOPMENT

November 16, 2015

Ms. Jo Anne Wright
Associate Planner
City of Spokane
808 West Spokane Falls Boulevard
Spokane, WA 99201

KELLY E. KONKRIGHT
Admitted In: Washington
Direct Fax: (509) 363-2484
Direct Dial: (509) 623-2011

Re: Proposed City of Spokane Comprehensive Plan Land Use and Zoning Amendments for
the Spokane Housing Ventures Annexation
Public Comments of The Moody Bible Institute of Chicago

Dear Ms. Wright:

On behalf of The Moody Bible Institute of Chicago ("Moody"), I submit this public comment in response to the Notice of SEPA Determination and Proposed City of Spokane Comprehensive Plan Land Use and Zoning Amendments for the Spokane Housing Ventures Annexation.

Moody is a non-profit Christian organization which operates a ministry in several states. This ministry includes religious higher education, operation of Christian radio stations, and operation of a Christian publisher. As part of its ministry, Moody owns and operates a radio tower and station located at 5408 S. Freya Street just outside the City's boundaries on the South Hill. Moody owns approximately 9 acres of land at this address consisting of parcel numbers 34032.0405; 34032.0432; and 34032.0433. Moody has operated this station for more than forty (40) years.¹

Under the Spokane County Zoning Code, Moody's property is zoned Low Density Residential ("LDR"). In the proposed annexation, the City has stated it plans to zone the property as Residential Single Family ("RSF"). This change of zoning will restrict the range of uses for which this property can be used more than the current zoning under the Spokane County Zoning Code, and eliminate some entities who may otherwise have been interested in purchasing the land.

The specific uses that are allowed under the current County LDR zoning that will no longer be allowed under the City's RSF zoning are as follows:

¹ Moody also operates two (2) branches of its post-secondary higher education program in Spokane, WA where students can earn a four (4) years bachelor's degree in multiple disciplines.

- Community residential facilities;
- Crisis residential center;
- Row housing;
- Family day-care provider;
- Child day-care center;
- Garden sales;
- Golf course;
- Home industry;
- Home profession; and
- Transit facilities.

As a non-profit religious organization, Moody relies heavily on donations and maintaining the value of its assets in order to fund its ministry. The proposed RSF zoning the City plans to impose through the annexation will negatively impact the value of Moody's property, and have a corresponding detrimental impact on Moody's ministry.

It is important to also note that the Spokane Transit Authority ("STA") recently contacted Moody to indicate that it is exploring potential acquisition of the Moody property as a terminal for "park and ride" bus service. While Moody understands that STA is only in the preliminary planning phases for this project and no offer has been made to Moody regarding the acquisition of its property, we wish to make you aware that STA would be prevented from proceeding with this project under the proposed RSF zoning classification.

Upon review the City's proposed annexation as a whole, it is readily apparent that the ministry's parcels are the only property in the annexation area that will be zoned RSF. The other properties along 55th Avenue between Regal Street and Freya Street (as well as the parcel at the east corner of 55th Avenue and Freya Street) are zoned primarily Community Business ("CB") and the parcel immediately adjacent to Moody's land is zoned Residential Multi-Family ("RMF"). In other words, its RSF property will be sandwiched between RMF and CB on one side, and CB on the other side. It will be an island of RSF zoning stuck in a sea of CB and RMF properties. Moody submits that as part of the annexation, all three Moody parcels should receive similar zoning (i.e. either RMF or CB) consistent with the other properties impacted by

the annexation. Alternatively, Moody requests that the City exclude the Moody parcels from the annexation so that it can keep the current County zoning classification.

The current zoning of LDR will be restricted by a change to RSF. However, the next higher land use zone, RMF, will allow Moody all the uses it is currently allowed under the LDR zoning. For example, duplexes, community residential facilities, outdoor recreation (i.e. golf courses), and limited office (currently allowed under the current LDR zone) would all be allowed under the RMF zone, but not allowed under the RSF zone. Per Moody's real estate broker, zoning the land RMF upon annexation will maintain the current value of Moody's property.

This is consistent with the County's current comprehensive plan. The County's plan provides for Low Density Residential uses of the Moody property – its current zoning. Zoning the property as RMF will enable Moody to benefit from all the uses allowed under the County's comprehensive plan, whereas the proposed RSF designation will not.

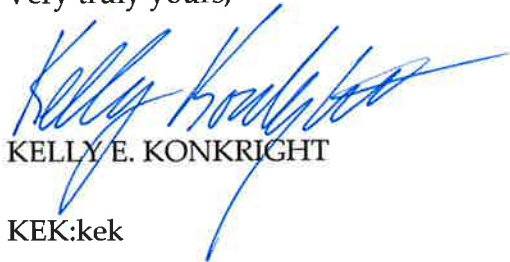
Similarly, zoning the property as RMF is consistent with the City's Comprehensive Plan ("Comp Plan") policies. There are no provisions in the Comp Plan which prevent the City from zoning Moody's property as either RMF or CB. Indeed, DP 1.4 of the Comp Plan states the "development needs to take into account the context of the area and should result in an improvement to the surrounding neighborhood." This policy supports comparable uses of property within the annexed zone. Having an RSF zone between lands zoned as CB on both sides of the Moody parcels is out of context with the CB zones.

Finally, this is consistent with the Revised Code of Washington. Pursuant to RCW 35.14.177, Spokane City can develop a comprehensive land use plan for areas outside the City limits, but inside its Urban Growth Area, to be effective upon annexation. In this case, it does not appear the City has gone through this procedure for the Moody property. Enclosed as **Attachment A** is that portion of the City's Land Use Plan map which depicts the proposed annexation area (i.e. 55th Avenue between Regal Street and Freya Street). As can be seen, while the most western section of the annexed area has a pre-planned zoning designation, the remainder of the property inside the annexed area does not. There is no barrier to the City zoning the Moody property as either RMF or CB.

For the foregoing reasons, Moody Bible Institute respectfully requests the City of Spokane Planning Commission and City Council to allow for RMF or CB zoning for its land within the proposed area to be annexed into the City limits. Such zoning will enable Moody to maintain the value of an important asset, and will enable it to make all the uses currently available to it under the County's current zoning. Alternatively, Moody requests the City to exclude the Moody parcels from the annexation.

Ms. Jo Anne Wright
November 16, 2015
Page 4

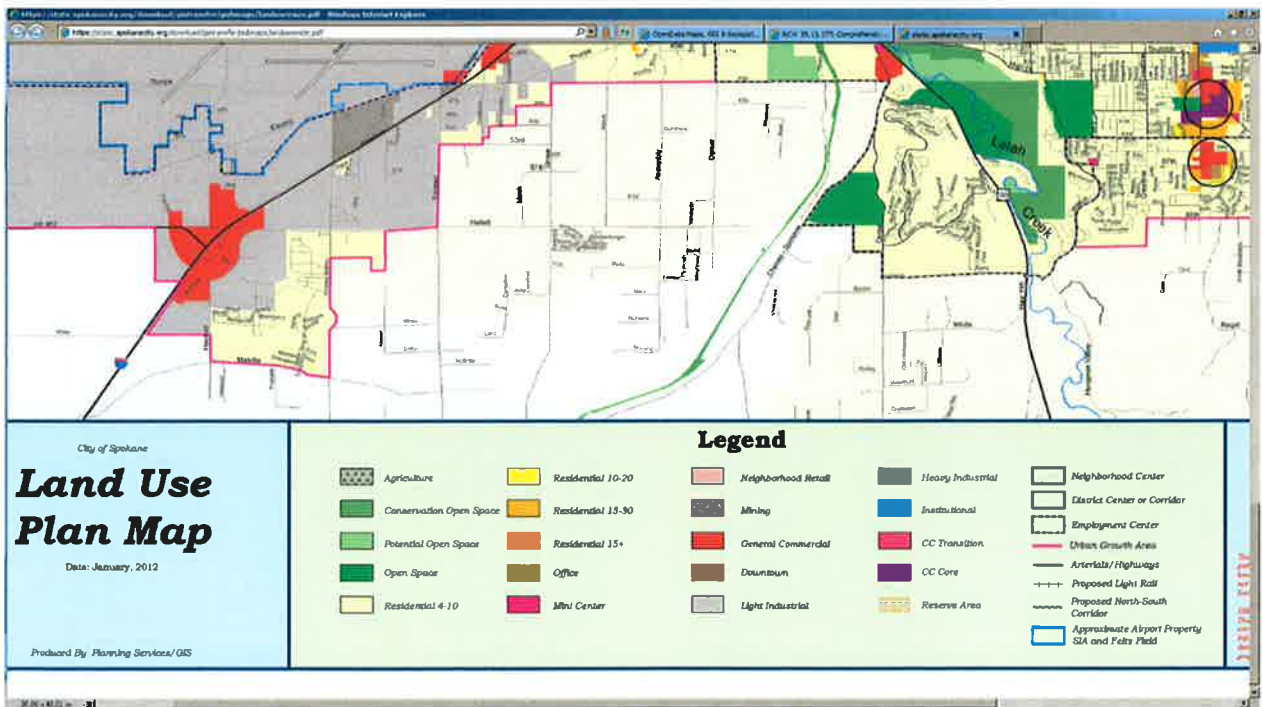
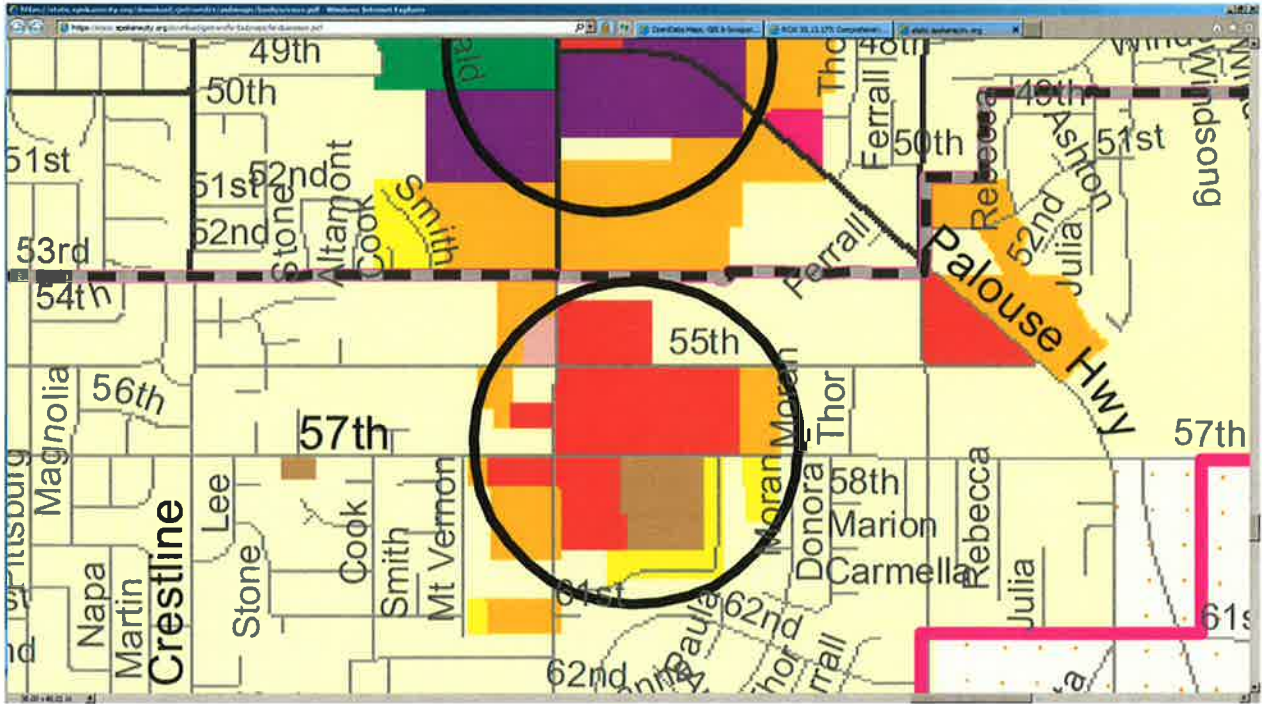
Very truly yours,



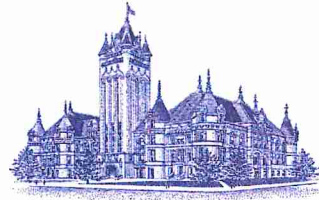
KELLY E. KONKRIGHT

KEK:kek

Attachment A



Memo



SPOKANE COUNTY
PUBLIC WORKS DEPARTMENT
Division of Engineering and Roads
Transportation Engineering
1026 West Broadway Avenue
Spokane, WA 99260-0170
(509) 477-3600 Fax (509) 477-7655
sengelhard@spokanecounty.org
gbaldwin@spokanecounty.org

Planner: Jo Ann Wright, Planning and Development
From: Scott Engelhard, Spokane County Engineering *Scott E*
File #: 2015 SHV.
Date: November 18, 2015
RE: Comprehensive Plan Land Use Map and Zoning Map Changes

Jo Ann, thank you for chatting with me briefly on the phone this morning regarding the hearing status of the above referenced application.

Spokane County Engineering has no specific comments regarding the Planning Commission consideration of Comprehensive Plan and Zoning Map changes should the proposed area be annexed into the City of Spokane.

Spokane County Engineering would like to comment for the record that should the City of Spokane proceed with the annexation application, that the adjacent streets and roads surrounding the proposed area also be included as part of the final annexation. Specifically, the adjacent streets and roads surrounding the proposal are the Palouse Highway, 55th Avenue and Regal Street.

It is my understanding that there will be additional opportunity to comment on the annexation application as the process continues.

end

Spokane Housing Ventures Annexation

Comments from the Southgate Neighborhood Council

The Area



Land Use

One area of concern we have is the differentiation of the Land Use and Zoning designations in the alternative plan. The large CC parcels already in Southgate are designated CC-Core for Land Use and CC2-DC for zoning. We are wondering why the city-proposed alternative splits the Land Use and Zoning designations into General Commercial and CC2-DC. We would like to see them match the other CC zones in our neighborhood to maintain uniformity in their development. During discussions that led to the creation of the Southgate District Center back in 2005/06, it was explained to the Southgate Neighborhood Council that that city would not be creating any more General Commercial areas in Spokane and that dense, commercial development would happen only within the Center and Corridor designation. Why has the policy changed? When did it change?

Zoning

In an email on May 18, 2015, Acting Planning Director Louis Meuler stated that the department's intention was to use Spokane Comprehensive Plan policy LU 10.3 as guidance when considering the zoning designation for these properties.

LU 10.3 – Existing Plans

Recognize the interests of the residents of the annexing area and, in the absence of specific policies and standards adopted by the city, honor the intent of adopted county plans and ordinances for areas proposed to be annexed.

Southgate finds it appropriate to follow this policy as the city considers how to integrate these properties into the Southgate neighborhood. The mix of developing mixed use, established community commercial, and open low-density designated parcels provides a good blend of new land to our neighborhood. Given that the majority of the proposed annexed area is currently in the County's Mixed Use zoning, Southgate believes that the city should seek to maintain that designation as this land becomes part of our neighborhood.

According to County Zoning Code Chapter 14.608.100, the intent of Mixed Use zoning is to, "implement the Mixed-use Area, Community Center and Urban Activity Center categories of the Comprehensive Plan. These mixed-use categories encourage development that fosters pedestrian activity, supports transit, and provides for a mix of diverse land uses. **The Mixed-use zone supports many activities of daily life that can occur within easy walking distance, giving independence to those who do not drive.** Mixed-use areas support higher intensity

development, but compatibility of uses is ensured through special design standards. Mixed-use areas often provide a central focus point with transportation linkages to the broader community.”

When you compare this intent with the various zoning classifications in the Spokane Municipal Code (SMC) you see that it aligns most directly with our Center and Corridor Zoning as outlined in SMC 17C.122.010, “The intent of center and corridor regulations is to implement the goals and policies of the comprehensive plan for centers and corridors. These areas are **intended to bring employment, shopping, and residential activities into shared locations** and encourage, through new development and rehabilitation, new areas for economic activity. New development and redevelopment is encouraged in these areas that promotes a relatively cohesive development pattern with a mix of uses, higher density housing, buildings oriented to the street, screened parking areas behind buildings, **alternative modes of transportation with a safe pedestrian environment**, quality design, smaller blocks and relatively narrow streets with on-street parking.”

It is Southgate’s view that designating the Land Use and Zoning Center and Corridor is the best way to meet the intent of the Comp Plan policy cited by Mr. Meuler.

The Vision

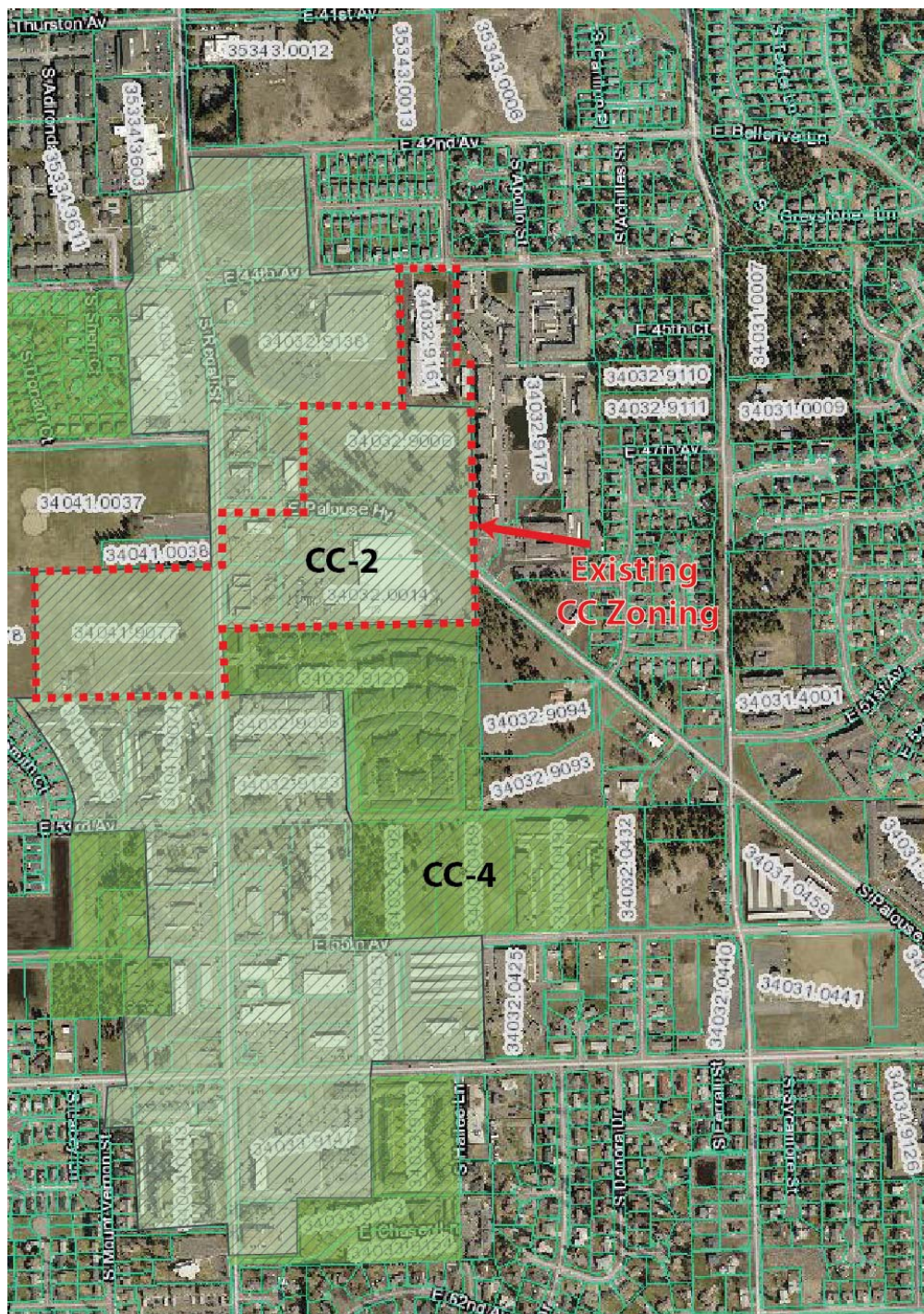
In early September, the neighborhood met with city staff to discuss the annexation and proposed the following zoning for the parcels (see image below). The city can annex the Mixed Use properties and designate them as a combination of CC-2 and CC-4 to meet the intent of the County zoning and the reality of the projects in development. The CC-2 pedestrian enhanced/auto-accommodating zoning will encourage the development of pedestrian-oriented commercial projects in the 8-acres adjacent to Regal Street and the CC-4 zoning for the apartment parcels will accommodate those projects as well. This vision has been modified and incorporated into the City’s “alternative” option.



The total area of these CC designated parcels (27 acres) are larger than the CC zones found at 29th and Grand Ave., the Perry District, and 14th and Grand Ave. This area has the potential to align with our Comprehensive Plan’s vision for a high-density, mixed-use area. To zone it as purely commercial and residential is to violate LU 10.3 and fall short of the standards we have set for ourselves as a community.

A Bigger Vision

Beyond the current annexation question, Southgate would suggest the city expand its vision to look at the Southgate/Moran Prairie area as a whole. There are already three designated District Centers along Regal Street within 2 miles of each other: Lincoln Heights, Southgate, and 57th and Regal Street. The annexation of the properties at the southern edge of our neighborhood point to a need for broader planning for the future annexation of the land already in the Urban Growth Area which extends clear to 65th Ave. to the south and Glenrose Road to the east. In this immediate case, the city should look to see how these three Centers are connected or can be connected with a comprehensive and holistic plan that enacts the vision of our city as state in the Comprehensive Plan.



Two Alternatives

The city planning staff is proposing two alternatives to the land use and zoning of the proposed annexed area. One would create a Community Business zone along Regal Street, the other would reflect a version of the thoughts laid out by Southgate Neighborhood Council above which includes creating Center and Corridor zoning along Regal Street. The Southgate Neighborhood Council would recommend the Plan Commission and City Council adopt the “alternative” plan being proposed by the City. The Center and Corridor zoning is more in line with the intent of the County’s Mixed Use zoning (as outlined above). It could even recommend revising the Land Use and Zoning to match the mixed CC-2/CC-4 zoning the neighborhood proposed back in September.

The Center and Corridor Land Use and Zoning is also better aligned with the city-adopted Southgate Neighborhood Connectivity Plan and would provide a better neighborhood commercial development for the large number of high-density residential developments nearby (over a dozen within a quarter mile). Pedestrian-oriented land use and zoning could help create the type of vibrant, walkable neighborhood that is the goal of the Spokane Comprehensive Plan and the stated goal of such lauded developments as Perry Street, Kendall Yards, and the East Sprague Redevelopment Project. In either case, the neighborhood urges the city to include ADA/Pedestrian access along 53rd and 55th clear to Regal Street. As the design stands right now, there is limited access along those streets for residents of the apartments along 55th to the transit corridor on Regal Street.

Creating desirable, livable neighborhoods is an intentional exercise, it cannot be achieved by maintaining or accepting the status quo. Pedestrian-oriented development at this location can be built up over time to connect with the growing Southgate District Center and the Comp Plan-designated Center at 57th and Regal Street. We thank you for your time and consideration and look forward to continued dialogue and input with the city as we work to implement our neighborhood plans.

Thank you,
Ted Teske, Chair, Southgate Neighborhood Council
Kerry Brooks, Chair, SNC Land Use Committee

December 1, 2015

Mayor David Condon
Spokane City Hall
808 W. Spokane Falls Blvd.,
Spokane, WA 99201

Via Hand Delivery

Ms. Nancy Isserlis
City Attorney
Spokane City Hall
808 W. Spokane Falls Blvd.,
Spokane, WA 99201

Via Hand Delivery

Ms. Jo Anne Wright
City of Spokane Planning & Development
808 W. Spokane Falls Blvd.,
Spokane, WA 99201

Via Hand Delivery

Re: Cyrus Vaughn and Vaughn's 57th Avenue, LLC v. City of Spokane

ER 408 COMMUNICATION

Dear Mayor Condon, Ms. Isserlis, and Ms. Wright:

We represent Cyrus Vaughn and his company, Vaughn's 57th Avenue, LLC, with regard to the City's threatened regulatory taking of his company's commercial retail property located at Regal and 57th Avenue. The City of Spokane has recently announced plans to hold a hearing to change land use zoning designations relating to the proposed annexation of land parcels in Spokane County to the City of Spokane. This proposed annexation includes property of Spokane Housing Ventures and property owned by Vaughn's 57th Avenue, LLC, bounded by the Palouse Highway and Regal Street to the east and west, and 53rd Avenue and 55th Avenue to the north and south.

December 1, 2015

Page 2

As you are aware, Mr. Vaughn's company owns 8 acres of commercial property within the proposed annexation area. His company's land currently has a Spokane County land use designation of Mixed Use. This of course allows Mr. Vaughn and his company to develop their property free of significant restrictions, including free of restrictions on where drive-through facilities can be located. This zoning designation and capability is critical to attracting tenants that require easy access and high-visibility from the street. Such capabilities and facilities are necessary to attract highly-desirable and profitable tenants such as fast-food restaurants and cafes, as well as other high-rent, major retailers eager to capitalize on the foot and vehicle traffic generated by such establishments.

The current land use and zoning designation allowing Mr. Vaughn and Vaughn's 57th Avenue, LLC to develop such drive-through facilities was thus critical and foremost to Mr. Vaughn and his company's original decision to acquire this property. In direct reliance on this capability, Vaughn's 57th Avenue, LLC proceeded to purchase the property located at 5311 South Regal Street on October 29, 2013 for \$685,000. Shortly thereafter on November 1, 2013, Mr. Vaughn's company also purchased parcel numbers 34032.0412, 34032.0446, 34032.0447, and 34032.0481 located along 57th Avenue for the amount of \$2,8253,000. The total purchase price for the aggregated parcels of property came to \$3,510,000. Mr. Vaughn and his company thereafter proceeded to invest an additional \$2,125,559.88 in developing this property for its intended retail use, again in direct reliance on the ability to develop the property in a manner consistent with the needs of the intended retail tenants requiring property that could accommodate drive-through facilities between the street and buildings.

Upon learning in April of this year that the City of Spokane was contemplating annexation including the property owned by Mr. Vaughn's company, Mr. Vaughn immediately had his land use attorney contact the City of Spokane to inquire into whether and how any potential future annexation of the property might affect the property's land use and zoning designation with respect to its intended retail uses. He was assured by City officials that if annexation were to be approved, his company's property would be zoned for General Commercial or Community Business use, both of which he was advised would afford similar capabilities. He was also told neither designation would impact or restrict his ability to locate and develop any planned drive-through facilities.

Mr. Vaughn has invested nearly \$6,000,000 in acquiring and developing this property in reliance on the uses permitted under the property's current County zoning, including the ability to locate drive-throughs between the buildings and street. Mr. Vaughn and his company have further relied upon the City's representations and

December 1, 2015

Page 3

promises that any zoning change caused by a future annexation would have no significant effect on their development plans with respect to this capability. Now, the City of Spokane has recently advised Mr. Vaughn that the proposed Spokane Housing Ventures annexation may in fact result in a Centers and Corridors Type 2 ("CC-2") City zoning designation change. This is directly contrary to how he was told the property's current County designation of Mixed Use would be addressed. Unlike the current designation or the General Commercial or Community Business designations which the City had assured Mr. Vaughn would result from any annexation involving his company's property, a CC-2 designation drastically alters development plans prohibiting the location of drive-throughs between buildings and the street.

This newly-proposed restriction is entirely unacceptable to our clients and to the prospective tenants they seek to attract, as it deprives them of the uses for which they originally purchased and invested in developing this property. Indeed, already, the mere threat that this designation may be applied to the land owned by Vaughn's 57th Avenue, LLC has resulted in the loss of two prospective tenants unwilling to run the risk of even considering leasing property that may be subject to drive-through restrictions as proposed by a CC-2 designation. Mr. Vaughn has been further advised that absent the ability to attract such tenants and establishments, other highly desirable and lucrative tenants will likewise look to lease elsewhere. It is expected the direct result of a land use change to a CC-2 zoning designation will be to diminish the value of Mr. Vaughn and his company's investment and improvements by approximately 50%.

Should the City of Spokane use this alternative proposed zoning designation of CC-2 or otherwise zone or regulate Vaughn's 57th Avenue, LLC's land so as to restrict uses, and especially the location of drive-through facilities, this constitutes an unconstitutional taking of Mr. Vaughn and his company's property. This threatened regulatory taking is not only ill-advised, but there is also simply no need for this restrictive designation with regard to the proposed annexation area. There is no factual or legal justification for depriving Mr. Vaughn and his company of the property they purchased and the value of the investments they have made in direct reliance on the current use permitted, which the City subsequently assured them would not be affected or hindered by any proposed annexation.

Accordingly, enclosed you will find a Claim for Damages identifying Mr. Vaughn and Vaughn's 57th Avenue, LLC's demand for just compensation in the amount of not less than \$3,500,000 for the taking and damaging of their property implicated by the City's threatened annexation and alternative zoning designations. This claim obviously becomes moot and will be withdrawn if the City simply confirms in writing that

December 1, 2015

Page 4

Vaughn's 57th Avenue, LLC's property will remain zoned consistent with its present designation, and the City's prior representations that in the event of annexation, development will still be allowed in accordance with the same uses and capabilities permitted under the current Mixed Use County designation. If Mr. Vaughn does not receive these assurances by 12:00 p.m. on Monday, December 7th, 2015, he will be forced to proceed accordingly.

Very truly yours,


DUNN & BLACK, P.S.

ALEXANDRIA T. JOHN
ROBERT A. DUNN

Enclosure

cc: Cyrus Vaughn

CLAIM FOR DAMAGES
CITY OF SPOKANE, WASHINGTON

PLEASE PRINT
IN BLACK INK

Space for Clerk's Stamp

1. Claimant's Name: Cyrus Vaughn III & Vaughn's 57th Avenue, LLC

Residence: 520 W. Main Ave.

Spokane, Washington 99201

(List full address: Street, City, State, Zip Code)

Phone #: Home (509) 998-3508 Work (509) 747-3048 Birthdate: _____

2. Residence of claimant for six months prior to the time the claim of damages accrued (if different): _____

3. Name, address and telephone of owner of any damaged property if not given above: _____
TOTAL CLAIM: \$ Not less than \$3,500,000.00

4. CLAIM INCIDENT DATE: 11/25/2015 TIME: 10:00 a.m. PLACE: Regal & 57th Ave.

DESCRIPTION OF INCIDENT: (Give full account; describe how the City was at fault. List defects causing loss and City acts or omissions) See attached.

☒ Attachments (Attach additional sheets if necessary.)

5. Give an itemization of your claim, listing specific losses actually sustained or expected: Damages of not less than \$3,500,000 for the taking of Mr. Vaughn and Vaughn's 57th Avenue, LLC's property.

☐ Attachments (Attach bills, statements, estimates or other proof of your specific items of loss.)

6. Were any other persons involved in the incident? Give details with name, address and telephone: See attached.

7. Name, address and telephone of witnesses or persons with further information: See attached.

8. Is claimant willing to settle or compromise? If so, state amount acceptable as full settlement: \$ 3,500,000.00

NOTE: Please see Spokane Municipal Code 4.02.030 for further information on claim requirements.

MEDICAL INFORMATION DISCLAIMER: Per chapter 42.56 RCW (Public Records Act), a filed Claim for Damages and its attachments are subject to public disclosure. If you have any attachments to this claim containing medical information, please enclose those attachments in a sealed envelope marked with your name and the phrase "Medical Contents."

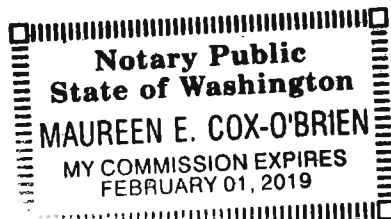
STATE OF WASHINGTON)
County of Spokane :

I, Alexandria J. John (print name), being first duly sworn, on oath, depose and say: That I have read the foregoing claim, know the matter therein contained, and the same is true to the best of my knowledge.

SUBSCRIBED AND SWORN to before me this 25 day of November, 2015. Claimant attorney for Cyrus Vaughn and Vaughn's 57th Avenue, LLC

FILE COMPLETED FORM WITH:

Spokane City Clerk's Office
Fifth Floor, Municipal Bldg.
808 W. Spokane Falls Blvd.
Spokane WA 99201-3342
509-625-6350



Notary Public in and for the State of Washington,
Residing at Spokane Valley
My commission expires 2-1-19

December 1, 2015

Mayor David Condon
Spokane City Hall
808 W. Spokane Falls Blvd.,
Spokane, WA 99201

Via Hand Delivery

Ms. Nancy Isserlis
City Attorney
Spokane City Hall
808 W. Spokane Falls Blvd.,
Spokane, WA 99201

Via Hand Delivery

Ms. Jo Anne Wright
City of Spokane Planning & Development
808 W. Spokane Falls Blvd.,
Spokane, WA 99201

Via Hand Delivery

Re: Cyrus Vaughn and Vaughn's 57th Avenue, LLC v. City of Spokane

ER 408 COMMUNICATION

Dear Mayor Condon, Ms. Isserlis, and Ms. Wright:

We represent Cyrus Vaughn and his company, Vaughn's 57th Avenue, LLC, with regard to the City's threatened regulatory taking of his company's commercial retail property located at Regal and 57th Avenue. The City of Spokane has recently announced plans to hold a hearing to change land use zoning designations relating to the proposed annexation of land parcels in Spokane County to the City of Spokane. This proposed annexation includes property of Spokane Housing Ventures and property owned by Vaughn's 57th Avenue, LLC, bounded by the Palouse Highway and Regal Street to the east and west, and 53rd Avenue and 55th Avenue to the north and south.

December 1, 2015

Page 2

As you are aware, Mr. Vaughn's company owns 8 acres of commercial property within the proposed annexation area. His company's land currently has a Spokane County land use designation of Mixed Use. This of course allows Mr. Vaughn and his company to develop their property free of significant restrictions, including free of restrictions on where drive-through facilities can be located. This zoning designation and capability is critical to attracting tenants that require easy access and high-visibility from the street. Such capabilities and facilities are necessary to attract highly-desirable and profitable tenants such as fast-food restaurants and cafes, as well as other high-rent, major retailers eager to capitalize on the foot and vehicle traffic generated by such establishments.

The current land use and zoning designation allowing Mr. Vaughn and Vaughn's 57th Avenue, LLC to develop such drive-through facilities was thus critical and foremost to Mr. Vaughn and his company's original decision to acquire this property. In direct reliance on this capability, Vaughn's 57th Avenue, LLC proceeded to purchase the property located at 5311 South Regal Street on October 29, 2013 for \$685,000. Shortly thereafter on November 1, 2013, Mr. Vaughn's company also purchased parcel numbers 34032.0412, 34032.0446, 34032.0447, and 34032.0481 located along 57th Avenue for the amount of \$2,8253,000. The total purchase price for the aggregated parcels of property came to \$3,510,000. Mr. Vaughn and his company thereafter proceeded to invest an additional \$2,125,559.88 in developing this property for its intended retail use, again in direct reliance on the ability to develop the property in a manner consistent with the needs of the intended retail tenants requiring property that could accommodate drive-through facilities between the street and buildings.

Upon learning in April of this year that the City of Spokane was contemplating annexation including the property owned by Mr. Vaughn's company, Mr. Vaughn immediately had his land use attorney contact the City of Spokane to inquire into whether and how any potential future annexation of the property might affect the property's land use and zoning designation with respect to its intended retail uses. He was assured by City officials that if annexation were to be approved, his company's property would be zoned for General Commercial or Community Business use, both of which he was advised would afford similar capabilities. He was also told neither designation would impact or restrict his ability to locate and develop any planned drive-through facilities.

Mr. Vaughn has invested nearly \$6,000,000 in acquiring and developing this property in reliance on the uses permitted under the property's current County zoning, including the ability to locate drive-throughs between the buildings and street. Mr. Vaughn and his company have further relied upon the City's representations and

December 1, 2015

Page 3

promises that any zoning change caused by a future annexation would have no significant effect on their development plans with respect to this capability. Now, the City of Spokane has recently advised Mr. Vaughn that the proposed Spokane Housing Ventures annexation may in fact result in a Centers and Corridors Type 2 ("CC-2") City zoning designation change. This is directly contrary to how he was told the property's current County designation of Mixed Use would be addressed. Unlike the current designation or the General Commercial or Community Business designations which the City had assured Mr. Vaughn would result from any annexation involving his company's property, a CC-2 designation drastically alters development plans prohibiting the location of drive-throughs between buildings and the street.

This newly-proposed restriction is entirely unacceptable to our clients and to the prospective tenants they seek to attract, as it deprives them of the uses for which they originally purchased and invested in developing this property. Indeed, already, the mere threat that this designation may be applied to the land owned by Vaughn's 57th Avenue, LLC has resulted in the loss of two prospective tenants unwilling to run the risk of even considering leasing property that may be subject to drive-through restrictions as proposed by a CC-2 designation. Mr. Vaughn has been further advised that absent the ability to attract such tenants and establishments, other highly desirable and lucrative tenants will likewise look to lease elsewhere. It is expected the direct result of a land use change to a CC-2 zoning designation will be to diminish the value of Mr. Vaughn and his company's investment and improvements by approximately 50%.

Should the City of Spokane use this alternative proposed zoning designation of CC-2 or otherwise zone or regulate Vaughn's 57th Avenue, LLC's land so as to restrict uses, and especially the location of drive-through facilities, this constitutes an unconstitutional taking of Mr. Vaughn and his company's property. This threatened regulatory taking is not only ill-advised, but there is also simply no need for this restrictive designation with regard to the proposed annexation area. There is no factual or legal justification for depriving Mr. Vaughn and his company of the property they purchased and the value of the investments they have made in direct reliance on the current use permitted, which the City subsequently assured them would not be affected or hindered by any proposed annexation.

Accordingly, enclosed you will find a Claim for Damages identifying Mr. Vaughn and Vaughn's 57th Avenue, LLC's demand for just compensation in the amount of not less than \$3,500,000 for the taking and damaging of their property implicated by the City's threatened annexation and alternative zoning designations. This claim obviously becomes moot and will be withdrawn if the City simply confirms in writing that

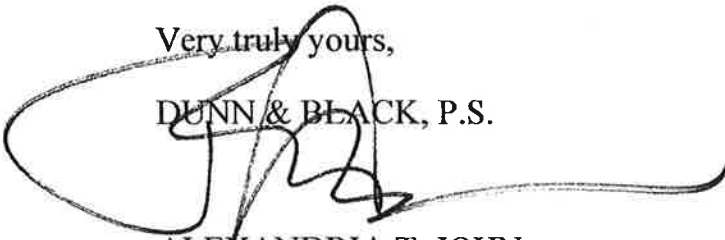
December 1, 2015

Page 4

Vaughn's 57th Avenue, LLC's property will remain zoned consistent with its present designation, and the City's prior representations that in the event of annexation, development will still be allowed in accordance with the same uses and capabilities permitted under the current Mixed Use County designation. If Mr. Vaughn does not receive these assurances by 12:00 p.m. on Monday, December 7th, 2015, he will be forced to proceed accordingly.

Very truly yours,

DUNN & BLACK, P.S.



ALEXANDRIA T. JOHN
ROBERT A. DUNN

Enclosure

cc: Cyrus Vaughn

Spokane Housing Venture Annexation Crossover Land Use & Zoning Categories

County Land Use is Community Commercial		City Land Use Crossover Designation is General Commercial	
County Zoning is Community Commercial		City Zoning Crossover Designation is Community Business	
Residential Uses		Permitted in County Community Commercial Zone	Permitted in City Community Business Zone
Dwelling, multi-family		L	L/CU
Dwelling, single-family		P	P
Dwelling, two-family duplex		P	L/CU
Commercial Uses		Permitted in County Community Commercial Zone	Permitted in City Community Business Zone
Adult entertainment/retail establishment		L	L
Billboard/videoboard		N	P
Drive through business		L	P
General retail sales and services		L	P
High impact use		N	N
Kennel, public/private		L	P
Manufacturing and production		CU	L/CU
Manufactured home/recreational sales		N	L/CU
Motor vehicle rental		CU	P
Motor vehicle sales		N	P
Parking lot/structure		P	P
Parks and Open Spaces		P	P
Research and educational facility		L	P
Restaurant including alcohol service		P	P
Self service storage facility (mini storage)		P	L[5]
Tavern/pub		P	L/CU
Theater, motion picture or performing arts		P	P
Top soil removal		CU	CU
Warehouse / Freight Movement		N	L/CU
Utilities/Facilities Uses		Permitted in County Community Commercial Zone	Permitted in City Community Business Zone
Fire station		P	P
Incinerator		N	N
Landfill		N	N
Law enforcement facility		L	P
Power plant		N	N
Recycle collection center		P	N
Sewage treatment plant		N	N
Solid waste transfer site		N	N
Stormwater treatment/disposal		P	P
Tower		L	L/CU
Tower, private		L	L/CU
Wireless communication antenna array		L	L/CU
Wireless communication support tower		P	L/CU

Institutional Uses	Permitted in County Community Commercial Zone	Permitted in City Community Business Zone
Child day-care center	P	P
Church	P	P
Community hall, club, or lodge, facility	P	P
Cultural center/museum	P	P
Detention facility (EPF)	N	CU
Hospital and medical services	N	P
Library	P	P
Post Office	P	P
High school	P	P
College or university	P	P
County Development Standards	City Development Standards	
Max. Building Coverage: 55% Max. Building Height: 50 ft. Max. Building Height 100ft. of LDR zone: 35 ft. Setbacks: Front/flanking yard - 10 ft. Side yard abutting commercial or industrial zone/use - 10 ft. Side yard abutting residential or rural - 15 ft. Rear yard - 15 ft. Min. Frontage- 50 ft. on a minor arterial or higher Landscaping required: Yes Parking required: Yes. Varies space from 1 space per 100 gross sq.ft. upto 1 space pr 2,000 gross sq. ft. depending on use. Residential parking spaces vary based on rooms and or dwelling units.	FAR: 1.5 Max. Max. Building Height: 55 ft. Setbacks: Front lot line: 0 ft.. From lot line abutting O, OR, NR, NMU, CB, GC, DT, CC, LI or HI lots: 0 ft. From abutting residential lots: 10 ft. Min. Street Lot Line: 0 ft. Front lot line: 0 ft. Landscaping required: Yes Parking required: Yes. Parking areas are not allowed within the first 20 ft. from a street lot line for the first 60 ft from the boundary of the residential zoning district.	

This table provides a general summary of development standards and permitted uses. Please see the Chapter 17C. 120 of Spokane Municipal Code available at www.spokanecity.org and Chapter 14.608 of the Spokane County Zoning Code available at www.spokanecounty.org for the full Development Standards.

Notes:

- [1] Retail uses having more than forty thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.
- [2] Eating and drinking establishments larger than five thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.
- [3] Limited industrial uses having more than twenty thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.
- [4] Residential uses are required to be mixed on the same parcel as proposed office and retail uses. Nonresidential uses are limited to three thousand square ft. per parcel. In neighborhood centers, nonresidential uses are only allowed on parcels with frontage on an arterial street. Nonresidential uses in the CC4 zone are not allowed within sixty ft. of a single-family and two-family residential zone or further than three hundred ft. (neighborhood center only) from a CC core comprehensive plan designation.
- [5] 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.

Use is: **P**-Permitted, **N**-Not Permitted, **L**-Limited Use, **CU**- Conditional Use Review Required



Agenda Sheet for City Council Meeting of:
02/01/2016

Date Rec'd	1/19/2016
Clerk's File #	ORD C35358
Renews #	

Submitting Dept	PLANNING & DEVELOPMENT	Cross Ref #	
Contact Name/Phone	ELDON BROWN 625-6305	Project #	
Contact E-Mail	EBROWN@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Hearings	Requisition #	
Agenda Item Name	0650 - STREET VACATION - BOONE, GARDNER, ASH		

Agenda Wording

Vacation of the alley between Boone Avenue and Gardner Avenue from the east line of Ash Street to the west line of Maple Street as requested by Sarff Investments, LLC (West Central Neighborhood Council)

Summary (Background)

At its legislative session held on December 14, 2015, the City Council set a hearing on the above vacation for February 1, 2016. Staff has solicited responses from all concerned parties.

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	MEULER, LOUIS	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	PCED 10/19/15
Finance	KECK, KATHLEEN	Distribution List	
Legal	DALTON, PAT	edjohnson@spokanecity.org	
For the Mayor	SANDERS, THERESA	ebrown@spokanecity.org	
Additional Approvals		sbishop@spokanecity.org	
Purchasing			

City of Spokane
Department of Engineering Services
808 West Spokane Falls Blvd.
Spokane, WA 99201-3343
(509) 625-6700

ORDINANCE NO. C35358

An ordinance vacating the alley between Boone Avenue and Gardner Avenue from the east line of Ash Street to the west line of Maple Street,

WHEREAS a petition for the vacation of the alley between Boone Avenue and Gardner Avenue, from the east line of Ash Street to the west line of Maple Street has been filed with the City Clerk representing 100% of the abutting property owners, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

WHEREAS, the City Council has found that the public use, benefit and welfare will best be served by the vacation of said public way; -- NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That the alley between Boone Avenue and Gardner Avenue from the east line of Ash Street to the west line of Maple Street, in the northeast quarter of Section 13, Township 25 North, Range 42 East, W.M., in the City of Spokane, is hereby vacated. Parcel number not assigned.

Section 2. An easement is reserved and retained over and through the entire vacated area for the utility services of Avista Utilities, CenturyLink, Comcast and the City of Spokane to protect existing and future utilities.

Section 3. That this ordinance shall not become effective until the owners of property abutting upon the area to be vacated shall have compensated the City of Spokane in an amount equal to the full assessed value of the area herein vacated.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to Form:

Assistant City Attorney

Mayor

Date: _____

Effective Date: _____



**CITY OF SPOKANE
PLANNING & DEVELOPMENT**

808 West Spokane Falls Blvd, Spokane WA 99201-3343
(509) 625-6300 FAX (509) 625-6822

**STREET VACATION REPORT
December 17, 2015**

LOCATION: Boone-Gardner-Ash-alley

PROPONENT: Paul Matthews Architects

PURPOSE: Site Development

HEARING: January 18, 2016

REPORTS:

AVISTA UTILITIES – Avista has reviewed the vacation and would request an easement be reserved for our electric and gas facilities in the area.

COMCAST – Comcast has reviewed the vacation request. Comcast can't approve this vacation, we have a Coax and Fiber run going through this Alley. If the owner would like of us to move, it would be at their cost.

CENTURYLINK – The alley has a 200 pair cable that feeds the south side of Boone and the north side of Gardner. I can see no way we would want to vacate this alley.

ASSET MANAGEMENT - CAPITAL PROGRAMS – Existing sewer pipe will need an easement. No planned capital facilities in the vicinity.

FIRE DEPARTMENT - No Comments

NEIGHBORHOOD SERVICES - No Comments

PARKS DEPARTMENT - No Comments

PLANNING & DEVELOPMENT – DEVELOPER SERVICES – Existing 8" Sewer in the ROW of the proposed vacation. Any vacation we would require the entire width of the alley to be a no build easement for sewer.

PLANNING & DEVELOPMENT – TRAFFIC DESIGN – No Comments

PLANNING & DEVELOPMENT – PLANNING – Maintain access to neighbor's garage.

POLICE DEPARTMENT - No Comments

SOLID WASTE MANAGEMENT - No Comments

STREET DEPARTMENT - No Comments

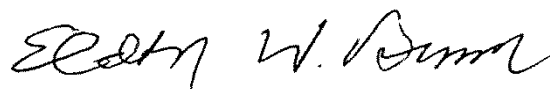
WASTEWATER MANAGEMENT – There is a sewer main in the alley. We will require a no build easement be maintained over the sewer main. The easement should be at least 30' across centered on the main. Additionally all onsite runoff must be maintained and treated onsite.

WATER DEPARTMENT - No Comments

BICYCLE ADVISORY BOARD - No Comments

RECOMMENDATION: That the petition be granted and a vacating ordinance be prepared subject to the following conditions:

1. Unless the utilities are moved by the proponent at their expense, an easement as requested by Century Link, Avista Utilities, Comcast be reserved.
2. Proponent must work with the City of Spokane Wastewater Department to adequately protect the sewer main to the satisfaction of the Wastewater Department.
3. An easement be reserved over and through the entire vacated area for the City of Spokane.
4. Adequate access for emergency and solid waste vehicles shall be maintained to existing and future buildings.
5. The proponent shall pay to the City of Spokane the assessed valuation for the vacated land as defined by the latest information from the County Assessor's Office. This is calculated to be \$18,806.23 and is to be deposited to Budget Account #3200 49199 99999 39510.
6. That the final reading of the vacation be held in abeyance until all of the above conditions are met and that the above conditions are met by **December 01, 2016**.



Eldon Brown, P.E.
Principal Engineer – Developer Services

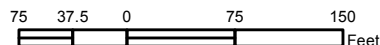
P1504671VACA - Site Map



Right of Way Description:

The alley between Boone Avenue and Gardner Avenue
from the East line of Ash Street to the West line of Maple Street

Disclaimer: This is not a legal document: The information shown on this map is compiled from various sources and is subject to revision. This map should not be used to determine the location of facilities in relationship to property lines, sections lines, streets, etc.
Not suitable for design purposes.



AREA

COSGIS
City of Spokane GIS



DISTRIBUTION LIST
VACATION OF BOONE AVENUE AND GARDNER AVENUE FROM THE EAST LINE OF
ASH STREET TO THE WEST LINE OF MAPLE STREET

POLICE DEPARTMENT

ATTN: SGT JOHN GATELY

FIRE DEPARTMENT

ATTN: LISA JONES
MIKE MILLER

CURRENT PLANNING

ATTN: TAMI PALMQUIST
DAVE COMPTON

WATER DEPARTMENT

ATTN: DAN KEGLEY
JAMES SAKAMOTO
ROGER BURCHELL
CHRIS PETERSCHMIDT
HARRY MCLEAN

STREETS

ATTN: MARK SERBOUSEK
DAUN DOUGLASS

TRANSPORTATION OPERATIONS

ATTN: BOB TURNER

PLANNING & DEVELOPMENT

ATTN: ERIK JOHNSON
ELDON BROWN
JOHN SAYWERS

CONSTRUCTION MANAGEMENT

ATTN: KEN BROWN

INTEGRATED CAPITAL MANAGEMENT

ATTN: KATHERINE MILLER

WASTEWATER MANAGEMENT

ATTN: BILL PEACOCK

PARKS & RECREATION DEPARTMENT

ATTN: LEROY EADIE

NEIGHBORHOOD SERVICES

ATTN: JACKIE CARO
JONATHAN MALLAHAN
ROD MINARIK
HEATHER TRAUTMAN

BICYCLE ADVISORY BOARD

ATTN: LOUIS MEULER

SOLID WASTE MANAGEMENT

ATTN: Scott Windsor

CITY CLERK'S OFFICE

ATTN: JACQUELINE FAUGHT

PUBLIC WORKS

ATTN: RICK ROMERO
MARCIA DAVIS

AVISTA UTILITIES

ATTN: DAVE CHAMBERS
RANDY MYHRE

COMCAST DESIGN & CONSTRUCTION

ATTN: BRYAN RICHARDSON

CENTURY LINK

ATTN: KAREN STODDARD

DARREL K & LUCILLE M BRUMFIELD
11308 108TH ST
ANDERSON ISLAND WA 98303

KAY E HANSEN
1727 W GARDNER AVE
SPOKANE WA 99201-1832

KEITH WALKER
1719 W GARDNER AVE
SPOKANE WA 99201

DISTRIBUTION LIST
VACATION OF BOONE AVENUE AND GARDNER AVENUE FROM THE EAST LINE OF
ASH STREET TO THE WEST LINE OF MAPLE STREET

GARDNER STREET PROPERTIES LLC
1623 W GARDNER AVE
SPOKANE WA 99201-1830

BEVERLY F TUNE
1507 W BOONE AVE
SPOKANE WA 99201

JAMES L & HARVI COONEY
910 W GARLAND AVE
SPOKANE WA 99205-2819

LU-CHEN LIVING TRUST
5714 S GLENDORA DR
SPOKANE WA 99223-1567

PAUL E MUIR
1732 W GARDNER AVE
SPOKANE WA 99201-

NEW LIFE BUILDERS
2633 E 33RD AVE
SPOKANE WA 99223-4602

EDWARD G MASCARDO
2410 E DIAMOND AVE
SPOKANE WA 99217

SHERWOOD PARTNERS LLC
PO BOX 899
SEAHURST WA 98062-0899

SARFF INVESTMENTS LLC
1614 W GARDNER AVE
SPOKANE WA 99201

RYAN P & TAMI A PEPLINSKI
PO BOX 461
MEAD WA 99021

SARFF INVESTMENTS LLC
13505 E BROADWAY
SPOKANE VALLEY, WA 99216

MICHAEL E FISKE
CHRISTINE RAMM
11703 E SPRAGUE STE B-2
SPOKANE VALLEY WA 99206

MARY JANE JAQUES
3504 S INLAND EMPIRE WAY
SPOKANE WA 99224-9601

JEROME & VIRGINIA M AMICARELLA
6020 E LINCOLN LN
SPOKANE WA 99217

LOREN W PICKLE
1518 W GARDNER AVE # 1
SPOKANE WA 99201

MARTIN & DIANE O LINANE SR
3311 W CLEVELAND AVE
SPOKANE WA 99205-3963

PATRICK G & META S MARSHALL
4621 N ADAMS ST
SPOKANE WA 99201

RICHARD FICKE
7515 N LIDGERWOOD ST
SPOKANE WA 99208

JOHN MCDANIEL ET AL
6108 S EAGLE CREST DR
SPOKANE WA 99206

MCDONELL REVOCABLE TRUST
PO BOX 275
CHENEY WA 99004-

DISTRIBUTION LIST
VACATION OF BOONE AVENUE AND GARDNER AVENUE FROM THE EAST LINE OF
ASH STREET TO THE WEST LINE OF MAPLE STREET

VON RANSON, PETER & P W
6585 LOIS WAY
NINE MILE FALLS, WA 99026-9538

LOUIE, ANDY W & CHERYL S
162 E FAIRVIEW AVE
SPOKANE, WA 99207

EASTERN WASHINGTON OFFICE II LLC
8625 EVERGREEN WAY STE 200
EVERETT, WA 98208

ROBLES, DANIEL & JESSICA/ROBLES, NED
41345 LA SIERRA RD
TEMECULA, CA 92591

NATALE, ANTHONY/MONTERO, MARICRIS C
5438 ALBRIGHT ST
OCEANSIDE, CA 92057

DIAMANTI, WADE R & JENNIFER
10319 MIDVALE AVE N UNIT A
SEATTLE, WA 98133

LOUIE, ANDY & CHERYL S
162 E FAIRVIEW
SPOKANE, WA 99207