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, JUNE 12, 2017

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 BREEAN BEGGS
COUNCIL MEMBER LORI KINNEAR
COUNCIL MEMBER KAREN STRATTON
COUNCIL MEMBER MIKE FAGAN
COUNCIL MEMBER CANDACE MUMM
COUNCIL MEMBER AMBER WALDREF

3:30 P.M.
CITY HALL
808 W. SPOKANE FALLS BLVD.

6:00 P.M.
WEST CENTRAL COMMUNITY CENTER
1603 NORTH BELT STREET

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 Council Briefing Center 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.) through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or jjackson@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources 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 Briefing Center 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. Recommendation to list on the Spokane Register of Historical Places the Spokane-Continental Bakery Building, 821 W Mallon Avenue. Megan Duvall	Approve & Authorize Management Agreement	OPR 2017-0396
2. Landscaping Agreement with Washington State Department of Transportation granting the City a permanent easement for the site of the Liberty Park CSO 33-1 tank—$165,000. (East Central Neighborhood) Dan Buller	Approve	OPR 2017-0397 ENG 2013213
3. Report of the Mayor of pending:	Approve & Authorize	
a. Claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2017, total $_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total $_____.	Payments	CPR 2017-0002
b. Payroll claims of previously approved obligations through _____, 2017: $_____.		CPR 2017-0003

4.	**City Council Meeting Minutes: _____, 2017.**	**Approve All**	**CPR 2017-0013**

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.

TOWN HALL / LEGISLATIVE SESSION

(6:00 P.M.)
(Council Reconvenes at West Central Community Center)

WORDS OF INSPIRATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

ANNOUNCEMENTS
(Announcements regarding Changes to the City Council Agenda)

BOARDS AND COMMISSIONS APPOINTMENTS

(Includes Announcements of Boards and Commissions Vacancies)

APPOINTMENTS	RECOMMENDATION	
Spokane Human Rights Commission: Two Appointments	**Confirm**	**CPR 1991-0068**
Spokane Arts Commission: Five Reappointments	**Confirm**	**CPR 1981-0043**

ADMINISTRATIVE 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)

TOWN HALL 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 at the meeting.

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

NEIGHBORHOOD REPORTS

LEGISLATIVE AGENDA

NO SPECIAL BUDGET ORDINANCES

NO EMERGENCY ORDINANCES

NO RESOLUTIONS

FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

ORD C35503 **Establishing the elements of the crime of assault in the fourth degree; amending section 10.11.010 of the Spokane Municipal Code.**
Council Member Kinnear

ORD C35504 **Requiring the filing of a special allegation of sexual motivation in the prosecution of certain offenses; enacting a new section 10.11.015 of the Spokane Municipal Code.**
Council Member Kinnear

ORD C35505 **Relating to the rates of the water and hydroelectric department for services, amending SMC sections 13.04.2005, and 13.04.2015 of the Spokane Municipal Code; and setting an effective date. [This ordinance ratifies and clarifies the water utility rates for Planned Unit Developments (PUDs) to reflect legislative intent and consistency with historical ordinances.]**
Corin Morse

ORD C35506 Relating to the impoundment of abandoned or unauthorized vehicles; adopting a new section 16A.61.577 of the Spokane Municipal Code.
Heather Trautman

FIRST READING ORDINANCES

(No Public Testimony Will Be Taken)

ORD C35508 Relating to wetlands protection; amending SMC sections 17E.070.010, 17E.070.020, 17E.070.030, 17E.070.040, 17E.070.050, 17E.070.060, 17E.070.080, 17E.070.090, 17E.070.100, 17E.070.110, 17E.070.120, 17E.070.130, 17E.070.140, 17E.070.150, 17E.070.180 of the Spokane Municipal Code and setting an effective date.
Jo Anne Wright

ORD C35509 Adopting the 2017 Comprehensive Plan update and amending the City of Spokane Comprehensive Plan, including amendments to Chapter 1, Introduction; Chapter 2, Comprehensive Plan Background; Chapter 3, Land Use; Chapter 4, Transportation; Chapter 5, Capital Facilities and Utilities; Chapter 6, Housing; Chapter 7, Economic Development; Chapter 8, Urban Design and Historic Preservation; Chapter 9, Natural Environment; Chapter 10, Social Health; Chapter 11, Neighborhoods; Chapter 12, Parks, Recreation, and Open Space; and Chapter 13, Leadership, Governance, and Citizenship.
Jo Anne Wright

FURTHER ACTION DEFERRED

NO SPECIAL CONSIDERATIONS

NO HEARINGS

Motion to Approve Advance Agenda for June 12, 2017

(per Council Rule 2.1.2)

TOWN HALL 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 at the meeting.

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

ADJOURNMENT

The June 12, 2017, Regular Legislative Session of the City Council is adjourned to June 19, 2017.

NOTE: The June 12, 2017, 3:30 p.m. Briefing will be held in the City Council Briefing Center. The June 12, 2017, 6:00 p.m. Legislative Session will be a Town Hall Session held at the West Central Community Center, 1603 North Belt Street.

NOTES

Agenda Sheet for City Council Meeting of: 06/12/2017		Date Rec'd	5/25/2017
		Clerk's File #	OPR 2017-0396
		Renews #	
Submitting Dept	HISTORIC PRESERVATION	Cross Ref #	
Contact Name/Phone	MEGAN DUVALL 625-6543	Project #	
Contact E-Mail	MDUVALL@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	
Agenda Item Name	0470 - SPOKANE-CONTINENTAL BAKERY BUILDING		

Agenda Wording

Recommendation to list the Spokane-Continental Bakery Building, 821 W Mallon Avenue, on the Spokane Register of Historic Places.

Summary (Background)

SMC #17D.040.120 provides that the City/County Historic Landmark Commission can recommend to the City Council that certain properties be placed on the Spokane Register of Historic Places. The Spokane-Continental Bakery Building has been found to meet the criteria set forth for such designation, and a management agreement has been signed by the owners.

Fiscal Impact		Budget Account
Neutral	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	DUVALL, MEGAN	Study Session	
Division Director	MALLAHAN, JONATHAN	Other	
Finance	HUGHES, MICHELLE	Distribution List	
Legal	WHALEY, HUNT	mduvall@spokanecity.org	
For the Mayor	DUNIVANT, TIMOTHY	sbishop@spokanecity.org	
Additional Approvals			
Purchasing			

Findings of Fact and Decision for Council Review
Nomination to the Spokane Register of Historic Places
Spokane-Continental Bakery Building - 821 W. Mallon Avenue

FINDINGS OF FACT

1. SMC 17D.040.090: "Generally a building, structure, object, site, or district which is more than fifty years old may be designated an historic landmark or historic district if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, county, state, or nation."

- Completed in 1909, 1917, 1920, 1947, and 1956; the Spokane-Continental Bakery Building meets the age criteria for listing on the Spokane Register of Historic Places.

2. SMC 17D.040.090: The property must qualify under one or more categories for the Spokane Register (A, B, C, D).

- Historically significant under Category A in the areas of "industry/commerce" and under Category C in the area of "architecture," the Spokane-Continental Bakery Building is eligible for listing on the Spokane Register of Historic Places.
- The building's period of significance is from 1909 to 1956, identified by the start and end dates of construction to the bakery warehouse.
- Built to meet the bakery demands of Spokane and implement the mass-production of bread and baked goods, the Spokane-Continental Bakery Building is historically significant for its association with broad city-wide trends that saw the growth of bakery warehouses throughout Spokane during the first half of the 20th-century.
- In addition, the bakery warehouse is architecturally significant as a fine representative of the industrial/commercial building type in Spokane. It was designed by Albert Held, one of Spokane's most prolific and prominent master historic architects.
- The bakery building's exterior and interior are plain with little articulation or embellishment, and reveal common-bond brick masonry, an open and spacious interior with a combination of concrete-brick-wood plank floors, exposed brick masonry perimeter walls, high ceilings of 12 feet or more, and exposed structural posts and beams made of wood, concrete, and steel.

3. SMC17D.040.090: "The property must also possess integrity of location, design, materials, workmanship, and association." *From NPS Bulletin 15: "Integrity is the ability of a property to convey its significance…it is not necessary for a property to retain all its historic physical features…the property must retain, however, the essential physical features that enable it to convey its historic identity."*

- Even with various exterior window and warehouse delivery door modifications during the past century, the Spokane-Continental Bakery Building retains good to excellent integrity in original location, materials, design, workmanship and association.

4. Once listed, this property will be eligible to apply for incentives, including:

Special Valuation (property tax abatement), Spokane Register historical marker, and special code considerations.

RECOMMENDATION

The Spokane Historic Landmarks Commission evaluated the Spokane-Continental Bakery Building according to the appropriate criteria (A and C) at a public hearing on 5/17/17 and recommends that the property be listed on the Spokane Register of Historic Places.

Preservation Officer Review: Megan Duvall
Nominations Committee: Shockley, West, Mandyke, Sharley
Landmarks Commission Review: Pending

Report: 5/12/17
Site Visit: 5/10/17
Hearing: 5/17/17

After Recording Return to:
Office of the City Clerk
5th Floor Municipal Bldg.
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3333

NOTICE OF MANAGEMENT AGREEMENT

NOTICE IS HEREBY GIVEN that the property legally described as:

DP JENKINS ADD: LOTS 3 - 10 BLK 2 INCLUDING W 180 FT OF VAC ALLEY

Parcel Number 35182.4303, *is governed by a Management Agreement between the City of Spokane and the Owner(s),* Wonder Spokane, LLC, *of the subject property.*

The Management Agreement is intended to constitute a covenant that runs with the land and is entered into pursuant to Spokane Municipal Code Chapter 6.05. The Management Agreement requires the Owner of the property to abide by the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (36 CFR Part 67) and other standards promulgated by the Historic Landmarks Commission.

Said Management Agreement was approved by the Spokane City Council on _____. I certify that the original Management Agreement is on file in the Office of the City Clerk under File No._____.

I certify that the above is true and correct.

Spokane City Clerk

Dated: _____

Historic Preservation Officer

Dated:_____

City Clerk No._____

MANAGEMENT AGREEMENT

The Management Agreement is entered into this **17th** day of **May 2017**, by and between the City of Spokane (hereinafter "City"), acting through its Historic Landmarks Commission ("Commission"), and **Wonder Spokane, LLC** (hereinafter "Owner(s)"), the owner of the property located at **821 W Mallon Avenue** commonly known as the **Spokane-Continental Bakery Building** in the City of Spokane.

WHEREAS, the City of Spokane has enacted Chapter 6.05 of the Spokane Municipal Code (SMC) and Spokane has enacted Chapter 1.48 of the Spokane County Code (SCC), both regarding the establishment of the Historic Landmarks Commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the city and county is a public necessity and.

WHEREAS, both Ch. 17D.040 SMC and Ch. 1.48 SCC provide that the City/County Historic Landmarks Commission (hereinafter "Commission') is responsible for the stewardship of historic and architecturally significant properties in the City of Spokane and Spokane County; and

WHEREAS, the City has authority to contract with property owners to assure that any owner who directly benefits by action taken pursuant to City ordinance will bind her/his benefited property to mutually agreeable management standards assuring the property will retain those characteristics which make it architecturally or historically significant;

NOW THEREFORE, -- the City and the Owner(s), for mutual consideration hereby agree to the following covenants and conditions:

1. CONSIDERATION. The City agrees to designate the Owner's property an Historic Landmark on the Spokane Register of Historic Places, with all the rights, duties, and privileges attendant thereto. In return, the Owner(s) agrees to abide by the below referenced Management Standards for his/her property.

2. COVENANT. This Agreement shall be filed as a public record. The parties intend this Agreement to constitute a covenant that runs with the land, and that the land is bound by this Agreement. Owner intends his/her successors and assigns to be bound by this instrument. This covenant benefits and burdens the property of both parties.

3. ALTERATION OR EXTINGUISHMENT. The covenant and servitude and all attendant rights and obligations created by this Agreement may be altered or extinguished by mutual agreement of the parties or their successors or assigns. In the event Owner(s) fails to comply with the Management Standards or any City ordinances governing historic landmarks, the Commission may revoke, after notice and an opportunity for a hearing, this Agreement.

4. PROMISE OF OWNERS. The Owner(s) agrees to and promises to fulfill the following Management Standards for his/her property which is the subject of the Agreement. Owner intends to bind his/her land and all successors and assigns. The Management Standards are: "THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS (36 CFR Part 67)." Compliance with the Management Standards shall be monitored by the Historic Landmarks Commission.

5. HISTORIC LANDMARKS COMMISSION. The Owner(s) must first obtain from the Commission a "Certificate of Appropriateness" for any action which would affect any of the following:

(A) demolition;

(B) relocation;

(C) change in use;

(D) any work that affects the exterior appearance of the historic landmark; or

(E) any work affecting items described in Exhibit A.

6. In the case of an application for a "Certificate of Appropriateness" for the demolition of a landmark, the Owner(s) agrees to meet with the Commission to seek alternatives to demolition. These negotiations may last no longer than forty-five (45) days. If no alternative is found within that time, the Commission may take up to forty-five (45) additional days to attempt to develop alternatives, and/or to arrange for the salvage of architectural artifacts and structural recording. Additional and supplemental provisions are found in City ordinances governing historic landmarks.

This Agreement is entered into the year and date first above written.

WONDER SPOKANE, LLC
Owner

~~Owner~~ President

CITY OF SPOKANE

By: _____

Title: Historic Preservation Officer

ATTEST:

_____
City Clerk

Approved as to form:

_____
Assistant City Attorney

STATE OF Washington)
) ss
County of Spokane)

On this 17 day of May, 2017, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared PETER R. MOUNSEY FOR WONDER SPOKANE, LLC, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that he (he/she/they) signed the same as his (his/her/their) free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 17 day of May, 2017.

ADRIA MCGEE
Commission Expires
NOTARY
PUBLIC
02-15-2021
STATE OF WASHINGTON

Adria McGee

Notary Public in and for the State of Washing, residing at Spokane

My commission expires 2/15/2021

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this _____ day of _____, 2017, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared DAVID A. CONDON, MAYOR and TERRI L. PFISTER, to me known to be the Mayor and the City Clerk, respectively, of the CITY OF SPOKANE, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2017.

_____

Notary Public in and for the State of Washington, residing at Spokane

My commission expires_____

Attachment A

Secretary of The Interior's Standards

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Spokane Register of Historic Places Nomination

Spokane City/County Historic Preservation Office, City Hall, 3rd Floor
808 W. Spokane Falls Boulevard, Spokane, WA 99201

1. HISTORIC NAME

Historic Name	**SPOKANE-CONTINENTAL BAKERY BUILDING**
Common Name	Wonder Building, Hostess Building

2. LOCATION

Street & Number	821 W. Mallon Avenue
City, State, Zip Code	Spokane, WA 99201
Parcel Number	35182.4303

3. CLASSIFICATION

Category	**Ownership**	**Status**	**Present Use**	
X building	__public	__occupied	__agricultural	__museum
__site	X private	X work in progress	X commercial	__park
__structure	__both		__educational	__religious
__object	**Public Acquisition**	**Accessible**	__entertainment	__residential
	__in process	X yes, restricted	__government	__scientific
Site	__being considered	__yes, unrestricted	X industrial	__transportation
X original		__no	__military	__other
__ moved				

4. OWNER OF PROPERTY

Name	Wonder Spokane, LLC
Street & Number	250 Steele Street, Suite 375
City, State, Zip Code	Denver, CO
Telephone Number/E-mail	Pete Mounsey, pete@wonderbuilding.com, 306-718-1617 Nick Mounsey, nicholasmounsey@comcast.net Anne Mounsey, gapmounsey@familymounsey.com

5. LOCATION OF LEGAL DESCRIPTION

Courthouse, Registry of Deeds	Spokane County Courthouse
Street Number	1116 West Broadway
City, State, Zip Code	Spokane, WA 99201
County	Spokane

6. REPRESENTATION OF EXISTING SURVEYS

Title	City of Spokane Historic Landmarks Survey
Date	Federal____ State____ County____ Local _____
Location of Survey Records	Spokane Historic Preservation Office

7. DESCRIPTION

(continuation sheets attached)

Architectural Classification

Condition	**Check One**
X excellent	__unaltered
___good	X altered
___fair	
__deteriorated	**Check One**
__ruins	X original site
__unexposed	___moved & date

8. SPOKANE REGISTER CATEGORIES & STATEMENT OF SIGNIFICANCE

(continuation sheets attached)

Applicable Spokane Register of Historic Places Categories: Mark "x" on one or more for the categories that qualify the property for the Spokane Register listing:

X A Property is associated with events that have made a significant contribution to the broad patterns of Spokane history.

__B Property is associated with the lives of persons significant in our past.

X C Property embodies the distinctive characteristics of a type, period, or method or construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

__D Property has yielded, or is likely to yield, information important in prehistory history.

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Bibliography is found on one or more continuation sheets.

10. DIGITAL PHOTOS, MAPS, SITE PLANS, ARTICLES, ETC.

Items are found on one or more continuation sheets.

11. GEOGRAPHICAL DATA

Acreage of Property	Less than one acre.
Verbal Boundary Description	D.P. Jenkins Addition, Lots 3-10, Block 2, including 180 feet of vacated alley.
Verbal Boundary Justification	Nominated property includes entire parcel and urban legal description.

12. FORM PREPARED BY

Name and Title	Linda Yeomans, Consultant
Organization	Historic Preservation Planning & Design
Street, City, State, Zip Code	501 West 27th Avenue, Spokane, WA 99203
Telephone Number	509-456-3828
Email Address	lindayeomans@comcast.net
Date Final Nomination Heard	May 17, 2017

13. SIGNATURE(S) OF OWNER(S)

14. FOR OFFICIAL USE ONLY

Date nomination application filed: 4/25/17

Date of Landmarks Commission Hearing: 5/17/17

Landmarks Commission decision: approved

Date of City Council/Board of County Commissioners' hearing: _____

City Council/Board of County Commissioners' decision: _____

I hereby certify that this property has been listed in the Spokane Register of Historic Places based upon the action of either the City Council or the Board of County Commissioners as set forth above.

5/18/17

Megan Duvall **Date**
City/County Historic Preservation Officer
City/County Historic Preservation Office
Third Floor—City Hall
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Attest: Approved as to form:

City Clerk Assistant City Attorney

Spokane-Continental Bakery Building in 1930,
looking at the property's southeast corner, sited on Broadway Avenue & Post Street

Spokane-Continental Bakery Building in 2017

SECTION 7: DESCRIPTION OF PROPERTY

Summary Statement

The Spokane-Continental Bakery Building is a well-preserved example of the industrial/commercial warehouse building type constructed during the first half of the 20th-century. Construction of the building began in 1909, and grew as various additions and modifications were undertaken in 1917, 1920, 1947, and 1956.[1] The large 49,000-square-foot[2] bakery warehouse is a multi-level, reinforced red brick masonry construction structure that extends through the entire blockfront along Broadway Avenue between Lincoln and Post Streets. Located a few hundred yards north of the Spokane River in an industrial/commercial section of Spokane, Washington, the warehouse building features a symmetrical pattern of tall windows that offer narrow between-building-views of the Spokane River. Common to most early 20th-century industrial/commercial warehouses, the bakery building's exterior and interior are plain with little articulation or embellishment, and reveal common-bond brick masonry, an open and spacious interior with a combination of concrete-brick-wood plank floors, exposed brick masonry perimeter walls, high ceilings of 12 feet or more, and exposed structural posts and beams made of wood, concrete, and steel. Even with various exterior window and warehouse delivery door modifications during the past century, the Spokane-Continental Bakery Building retains good to excellent integrity in original location, design, materials, workmanship, and association.

CURRENT APPEARANCE & CONDITION

Site

The property is sited on Lots 3 through 10, which occupy 80% of the Spokane city 10-lot-block legally identified by Spokane County as Block 2 in the D. P. Jenkins Addition in West Central Spokane. The property is bounded by West Broadway Avenue to the south, West Mallon Avenue to the north, and by North Post and North Lincoln Streets to the east and west respectively. The property is surrounded by a directionally correct grid work of paved city streets, and a mixed concentration of contemporary and historic commercial buildings and industrial warehouses constructed between the late 1890s and the early 2000s. The Spokane-Continental Bakery Building is built on nearly level grade and occupies all of Lots 6, 7, 8, 9, and 10 in the south half of Block 2, and part of Lot 5 in the north half of Block 2. Built without set-backs, the bakery warehouse fronts paved public streets and abuts public sidewalks that surround the property. With a rectangular footprint in an east/west axis, the brick bakery warehouse fronts Broadway Avenue and measures 300 feet wide and 120 feet deep. In 1956, an industrial garage/loading dock wing was attached at a sharp right angle to the rear northwest corner of the brick bakery warehouse. Unlike the construction materials used in the reinforced brick masonry construction bakery warehouse, the garage wing is made of concrete/pumice block construction, and has a long, narrow footprint on a north/south axis. The garage/loading dock wing is one story, and is 28 feet wide and 136 feet long as it extends in a northerly direction from the brick bakery warehouse through the length of Lot 5 to Mallon Avenue. Two paved parking lots located in the ell formed behind the brick bakery warehouse and

[1] Spokane County Tax Assessor.
[2] Ibid.

the attached right-angled garage/loading dock wing were constructed on Lots 3 and 4 in the center north half of Block 2.

Spokane-Continental Bakery Building

The Spokane-Continental Bakery Building is an L-shaped compilation of four adjoining buildings constructed in five phases in 1909, 1917, 1920, 1947, and 1956. The warehouse reveals multiple stories and flat roof levels covered and protected with layers of built-up tar. Various brick chimneys, elevator towers, HVAC chillers, fans, vents, and other appurtenances are anchored to areas of the roof. Brick parapets surround the flat roof surfaces of the brick buildings. Applicable basement foundations[3] are constructed with a combination of basalt rock and concrete. Fenestration patterns are mostly symmetrical and include a variety of original and contemporary fixed, sliding, and double-hung windows; glass-block windows; and overhead warehouse, garage, and loading dock doors.

1909 Building

In 1909, the first of four contiguous Spokane-Continental Bakery warehouse buildings was built on the southeast corner of the property at Broadway Avenue and Post Street.[4] The original size of the 1909 building was 120 feet square with a slightly raised basement, two stories, and a 30-foot-high flat roof. The property's two primary facades front south along Broadway Avenue and east along Post Street. The south façade features a brick parapet with a brick corbelled cornice and dentil course. The south façade's first and second stories feature symmetrically patterned fenestration with tall 1960s-1970s aluminum frame sliding windows. Basement windows are symmetrically arranged under the first floor windows. Original multi-paned wood-sash windows survive in some basement window openings while the remaining openings are infilled with large wood/metal louvers. A single plain wood pedestrian door is located at the east end of the south façade.

The east façade reveals a continuation of the south façade's brick parapet, corbelled brick cornice, brick dentil course, and a symmetrical pattern of tall windows on the first and second stories. As pictured in a 1925 and a 1930 photograph, two of the original 15/15 multi-paned double-hung wood sash windows were replaced with 2/2 multi-paned double-hung wood sash windows. In the 1960s-1970s, the aforementioned 2/2 windows were replaced with aluminum-frame fixed windows with 2/2 multi-paned glazing. The remaining windows on the east façade were replaced with the same 2/2 1960s-1970s windows. A large door opening in the south half of the building's east façade holds a small contemporary glass-and-metal pedestrian door with flanking glass sidelights and a small window set in brick infill above the door (the door and windows in this opening replaced a tall window before 1930). A plain contemporary pedestrian door is located north of the aforementioned door and is surrounded by brick infill (the entrance replaced one of the original 1909 tall windows before 1930). Two concrete staircases with respective small porch stoops lead up to each of the two doors.

[3] The 1956 garage/delivery dock wing does not have a basement.
[4] *Spokesman-Review,* 1 May 1909.

Located at the northeast corner of the building, the exterior planar wall surface of the north 39 feet of the building's east façade is inset 12 inches and marks the division between the bakery warehouse and north garage portion of the building. The garage area at the northeast corner of the building was designed with indoor stables and a delivery dock for horses, wagons, trucks and vehicles. The exterior wall of the garage portion at the east façade features plain brick cladding with a continuation of the building's brick parapet, corbelled brick cornice, brick dentil course, and four symmetrically placed original tall window openings on the second floor. Three of the window openings at the second floor are covered with brick infill, and one window opening is covered with glass block infill. The first floor of the garage portion at the northeast corner does not have windows but instead reveals an original large industrial warehouse delivery entrance, which is currently enclosed with brick infill and a small contemporary window.[5] Except for the north 39 feet of the east façade which is plain with no rustication, the south and east faces of the building feature rusticated common bond red brick masonry cladding from grade to the second floor. The second floor, however, is plain with no rustication.

The north rear face of the 1909 industrial warehouse is plain with a plain brick parapet, and reveals original symmetrically placed window openings on the first story. The window openings have brick window sills and brick flat arches with radiating voussoirs. The window openings contain a combination of original wood-sash multi-paned windows and windows enclosed with wood board infill. Two windows at the first story are missing due to the installation of warehouse delivery/loading dock door openings, which were later filled with brick and glass blocks in 1953, Spokane building permit B17398. The second story contains symmetrically placed small window openings with brick window sills and brick flat arches with radiating voussoirs. Arranged in groups of three, all window openings have contemporary 1980s aluminum-frame fixed-pane windows.

The interior of the two-story 1909 bakery building is large, spacious, and open with a few interior walls. Perimeter walls and interior walls reveal a combination of exposed brick masonry, wood frame, and finished lathe and plaster. Portions of a few walls are covered with ceramic tile. Floors are a combination of poured concrete, brick, and wood plank. Exposed structural members include a combination of wood and metal posts along with wood ceiling beams and metal I-beams. Ceiling heights are 12 feet and higher. The west face (common wall) of the brick building is shared by an attached addition built in 1917. A basement is located under the bakery portion of the building and has basalt rubblemix foundation walls, a concrete floor, and exposed wood and steel posts and beams. Doors on the basement's south wall open to rock and concrete-lined delivery rooms located under the public sidewalk between the building and the street at Broadway Avenue. A metal-lined delivery chute is also located under the sidewalk and opens inside the basement. The garage portion of the warehouse (north 39 feet) is supported by steel girders and does not have a basement.

[5] A 1930 photograph reveals the original pair of wood garage doors.

1917 Building Addition

In 1917, an addition was built on the west wall of the 1909 building.[6] The addition measures 60 feet wide and has a depth of 120 feet to match the depth of the 1909 building. The addition was built with a basement, first floor, and with sufficient strength to accept additional floors above the first floor. In 1920, two additional floors were built above the building's first floor, and are 46 feet high with a shaped brick parapet. Like the 1909 building, the 1917 building addition is brick masonry construction, and was finished with bricks that match the color, size, tuck-point profile, first-floor rustication, and common bond pattern of the 1909 building. As a continuation of the windows installed on the south and east façades of the 1909 building, the 1917 building has the same symmetrically placed window openings on its first, second, and third floors at the south façade. The original windows (wood-sash multi-paned) were replaced with a combination of contemporary 1960s-1970s aluminum-frame sliding windows, glass block windows, and window openings enclosed with wood board infill. A small, plain brick, flat-roof, one-room, fourth-floor addition was built on the rear northwest corner of the third floor after 1920. The east and west elevations of the building share common walls and interior entryways with the adjoining 1909 building to the east and an adjoining 1920 building to the west. The north rear face of the 1917 building addition is plain with an asymmetrical assortment of boarded infill windows and two double overhead garage warehouse doors. A square brick chimney is located on the northwest corner of the building. The interior of the building is open and spacious on all three floors and has exposed concrete-brick-wood plank floors, exposed brick masonry perimeter walls, a combination of brick or plaster interior walls, and exposed wood and metal posts and beams. The building's basement is open and spacious with thick concrete posts and wood beams, concrete perimeter walls, and a concrete floor.

1920 Building Addition

In 1920, the bakery warehouse was enlarged with a one-story brick masonry construction addition that measured 120 feet square like the 1909 building.[7] The 1920 addition was built with a flat roof at the same 30-foot height as the 1909 building. In contrast, the interior of the 1920 addition was constructed with one large, open room with a 24-foot-high ceiling instead of two floors with 12-foot-high ceilings. Clerestory windows illuminated the large interior of the 1920 warehouse addition, and were installed at the level of the second floor as a continuation of the second-story windows visible at the south façade of the adjoining 1917 and 1909 buildings. As a strong design statement, the broad band of windows created a 300-foot-wide contiguous window row on the south façade of the Spokane-Continental Bakery Building as it fronted Broadway Avenue between Lincoln and Post Streets. In addition to windows installed at the second-story level, the south and west exteriors of the 1920 addition matched the south and east exterior design of the 1909 building, and featured a continuation of the brick parapet, corbelled brick cornice, dentil course, and tall symmetrically placed windows. While the 1909 and 1917 buildings were constructed with a continuous row of windows at the first floor, the first floor of the 1920 addition had only three windows at the south façade. The

[6] *Spokesman-Review,* 22 April 1917.
[7] *Spokesman-Review*, 25 May 1920.

space between the windows was originally designed with a wide planar wall surface with no windows, which allowed for the interior installation of a massive bread machine.[8]

In 1947, a fire destroyed the roof and most of the 1920 addition. The building was then repaired and rebuilt *without* the original roof height, parapet, cornice, and second-floor-level clerestory windows. Instead, the building was reconstructed as a lower one-story structure with a flat roof, plain parapet, and a 12-foot-high ceiling. Today, four contemporary aluminum-frame sliding windows on the south façade of the building are infilled with glass blocks and wood boards. A plain wood pedestrian door is located in the west half of the addition. The 1920 addition shares its east wall as a common interior wall with the adjoining 1917 addition, while the west face of the 1920 addition fronts Lincoln Street and abuts a public sidewalk. The exterior west face reveals a plain brick parapet, rusticated brickwork that matches the rustication at the first floors of the 1909 and 1917 buildings, and ten multi-paned metal-frame windows and two large glass block windows installed in 1947. The industrial rear north elevation of the 1920 addition reveals a plain brick parapet, a plain common-bond brick exterior wall, a plain pedestrian door, and a glass block window. The addition's interior is open and spacious with exposed brick masonry walls, a concrete-brick-wood plank floor, and wood and steel posts and beams. The basement is built with concrete walls, a concrete floor, and exposed wood and metal posts and beams. The basement is divided into three sections: north, center, and south. The north section is divided into seven rooms. The center section of the basement is open with exposed posts and beams. The south section holds a brick structure with four alcoves.[9] A narrow concrete tunnel leads to a concrete-enclosed room located under the public sidewalk between the building and the street at Broadway Avenue.

1956 Garage/Delivery Dock Wing

In 1956, a contemporary vernacular industrial, single-story garage/loading dock wing was built onto the northwest corner of the brick masonry bakery warehouse.[10] The wing is made of concrete and pumice block construction with a flat roof, no embellishment, and no basement. The vernacular wing is long and narrow at 28 feet wide and 136 feet deep from the bakery warehouse north to Mallon Avenue. The west face of the wing abuts a paved public sidewalk along North Lincoln Street, and is finished with brick veneer punctuated by four symmetrically placed glass block windows. The east elevation of the vernacular industrial garage/loading dock wing reveals exposed painted concrete/pumice block construction and a row of seven loading docks. A flat-roof wood canopy is built over the loading docks. The garage/loading dock wing is in fair condition.

ORIGINAL APPEARANCE and SUBSEQUENT MODIFICATIONS

Modifications to the Spokane-Continental Bakery Building are moderate except for fire damage repair in 1947. At that time, the roof of the 1920 addition at the building's west

[8] *Spokesman-Review,* 25 May 1920.
[9] The brick structure with its four alcoves was perhaps used as some sort of baking or warming oven for bakery purposes.
[10] Spokane County Tax Assessor.

end was destroyed by fire. The repaired roof was rebuilt with a lower and plain design, which did not reproduce the 1920 addition's original 30-foot-high roof, parapet embellishment, and clerestory windows. Other modifications to the Spokane-Continental Bakery Building include:

1914-1930 A wide warehouse entrance at the east end of the south façade of the 1909 building was infilled with brick according to a 1914 photograph that pictured double (Jack-and-Jill) concrete steps and a small entry door compared to a 1930 photograph that pictured the concrete steps and door missing and the entrance infilled with brick.

1914-1930 Two original multi-paned windows on the first floor of the east façade were replaced by pedestrian doors, concrete steps, and stoops between 1914 and 1930.

1947 After a 1947 fire, the design of the south façade and west face of the single-story 1920 addition was changed when it was repaired and rebuilt with a lower roof, plain parapet, and a lower interior 12-foot-high ceiling. On the west face of the building, a row of windows were built as a combination of multi-paned metal windows and two glass block windows arranged in a symmetrical pattern.

1950s The wooden double delivery warehouse doors pictured in a 1930 photograph of the 1909 building's east façade were removed, and the warehouse delivery entrance was infilled with brick.

1953 Two warehouse entrances on the north rear of the 1909 building were infilled with brick and glass blocks (Spokane building permits B-17398).

1956 With a flat roof and no basement, a single-story vernacular industrial garage/delivery dock wing constructed of pumice stone was added at a right angle to the rear northwest corner of the brick bakery building (Spokane County Tax Assessor records, Spokane County Courthouse).

1960s-1970s First and second-floor windows on the east façade of the 1909 building were replaced with a combination of aluminum-frame 2/2 fixed sash windows, glass block windows, and brick infill windows.

1960s-1970s Windows at the south façade of the bakery warehouse were replaced with a combination of aluminum-frame sliding glass windows, glass block infill, and wood board infill.

1960s-1970s Various windows on the first and second floors at the north rear of the entire warehouse building were replaced with a combination of aluminum-frame fixed sash windows, glass block windows, and wood board infill.

1979 A covered loading dock was attached to the rear northeast corner of the warehouse building (Spokane building permit B-27455).

1983 After the roof was removed, the brick building was re-roofed with a new covering of built-up tar (Spokane building permit B-0149).

2000-2014 Interior mechanical, electrical, plumbing, HVAC debris was removed.

SECTION 8: STATEMENT OF SIGNIFICANCE

Areas of Significance	***Architecture, Commerce/Industry***
Period of Significance	***1909-1956***
Built Dates	***1909, 1917, 1920, 1947, 1956***
Architect	***Albert Held, Architect***
Builders	***Alloway & George, Contractors***

Summary Paragraph

Historically significant under Category A in the areas of "industry/commerce" and under Category C in the area of "architecture," the Spokane-Continental Bakery Building is eligible for listing on the Spokane Register of Historic Places. The building's period of significance is from 1909 to 1956, identified by the start and end dates of construction to the bakery warehouse. Built to meet the bakery demands of Spokane and implement the mass-production of bread and baked goods, the Spokane-Continental Bakery Building is historically significant for its association with broad city-wide trends that saw the growth of bakery warehouses throughout Spokane during the first half of the 20th-century. In addition, the bakery warehouse is architecturally significant as a fine representative of the industrial/commercial building type in Spokane. It was designed by Albert Held, one of Spokane's most prolific and prominent master historic architects. Initially called the Spokane Bakery Company, the structure was first built in 1909 as a multi-level reinforced brick masonry construction industrial warehouse sited on the corner of Broadway Avenue and Post Street. As additions were added to the building, the south façade width of the property grew along the entire width of the Broadway Avenue blockfront from 120 feet in 1909 to more than 300 feet wide by 1920. A well-preserved example of the commercial/industrial warehouse building type, the Spokane Bakery Building was planned to be the "largest bakery plant in the northwest" with a construction cost estimated at $40,000 as reported in 1909 in a local *Spokesman-Review* newspaper article.[11] In 1917, a one-story addition was built on the west wall of the 1909 building (the addition was later enlarged to three stories), and in 1920, a third building addition was constructed on the west face of the 1917 addition. The construction cost of the two additions was $150,000—a stratospheric financial outlay justified by the need for a large bakery warehouse to hold the "most modern type of oven…capable of turning out 5,000 loaves [of bread] an hour."[12] An anticipatory May 25, 1920 article in the *Spokesman-Review* claimed "this will be the only oven of its kind in Washington…the largest in the northwest…with more than 2,500 loaves…constantly baking."[13] Projections proved true, and by 1925, the Spokane-Continental Bakery Building was supplying bread and bakery products to an area from the North Cascade Mountains to central Montana, and from the Canadian border to northwestern Oregon.[14] In 1925, the Continental Baking Company, a large national conglomerate, bought and operated the Spokane Bakery Company warehouse. Acquiring more and more wholesale bakeries, Continental grew with over

[11] *Spokesman-Review,* 2 May 1909.
[12] *Spokesman-Review,* 25 May 1920.
[13] Ibid.
[14] *Spokane Daily Chronicle,* 13 Nov 1973.

100 bakery warehouses nation-wide, and by 1973, was the "largest baking firm" in the United States—a testament to the success of one of their acquisitions—the Spokane-Continental Bakery Building in Spokane.

HISTORIC CONTEXT

The wholesale bakery business began in Spokane in the 1880s when a demand for fresh bread and baked goods became increasingly popular. In 1887, a bakery business, originally called the Sengfelder Bakery & Confectionery Company and later renamed the Spokane Bakery Company, was built in downtown Spokane. The company had a retail bakery shop at South 11 Howard Street and a wholesale bakery warehouse "plant" at Second Avenue and Washington Street. During the late 1890s and early 1900s, the wholesale Spokane Bakery Company was recognized as the largest in Spokane, and was producing "three well-known brands of bread," employing over 20 people, and operating with four delivery trucks.[15]

David Ackermann and the Spokane Bakery Company

In August 1907, the *Spokesman-Review* newspaper reported David Ackermann and his brother, Max Ackermann, bought "all interest in the Spokane Bakery Company, including the stock, equipment, [warehouse] plant, and real estate."[16] The Ackermann brothers were experienced German bakers and were owners and proprietors of the Model Bakery & Restaurant located at 819 W. Sprague Avenue in Spokane. The article explained the "Ackermann brothers will continue the business of the Spokane Bakery [Company] under the same name, operating it separately from the Model Bakery. The two owners will divide the responsibility of managing the two plants, David Ackermann taking charge of the Spokane Bakery and Max Ackermann continuing in charge of the Model Bakery."[17] The cost of the transaction was $75,000. The purchase did not, however, include Sengfelder's bakery shop on South 11 Howard Street, which he retained as the Sengfelder Bakery & Confectionery.[18]

David Ackermann, was born in Germany in 1873 to Sigmund & Amelia (Oppenheimer) Ackermann. At the completion of his public education at age 16, David Ackermann traveled from Germany to Boston, and eventually to Spokane, working in many businesses along the way. He is first listed in Spokane city directories in 1902 when he was 29. Praising his fortitude and perseverance, Spokane historian/newspaper reporter Nelson W. Durham remarked that Ackermann's success was based on "his service for others."[19] That "selfless service" taught him "industry and careful management," which supplied "the capital to enable him to engage in his own business on his own account on a large scale."[20]

[15] Reynolds, Sally.
[16] *Spokesman-Review,* 4 August 1907.
[17] Ibid.
[18] Ibid.
[19] Durham. N. W. 1912.
[20] Ibid.

As the demand for more bread and baked goods continued to grow in Spokane and outlying areas, David Ackermann sold his bakery warehouse at Second Avenue and Washington Street in downtown Spokane, and in 1909, purchased a larger site north of the city, located a block north of the Spokane River on the corner of Broadway Avenue and Post Street. The following headlines and report appeared in May 1909 in the *Spokesman-Review:*

NEW PLANT FOR SPOKANE BAKERY
To Erect Modern Building, 120x120 Feet, at Broadway and Post Street
COST WILL BE $40,000
Will Be Strictly Modern in Equipment

> ***What is claimed will be the largest bakery plant in the northwest [and] is to be built by the Spokane Bakery Company at the corner of Broadway and Post Street. [Spokane architect] Albert Held is drawing plans for the building. The site for the plant is…120x120 feet…two stories high with full basement…and will cost about $40,000 exclusive of equipment. It is the intention to equip the building with the most modern bakery machinery, designed not only to give the plant a large capacity but to make it strictly sanitary.***[21]

A newspaper advertisement praised the Spokane Bakery Company's wholesale warehouse and its quick, efficient production of bread and baked goods, especially its popular Holsum Bread (later regarded a "signature bread" of the company):

'Holsum' Is Always Good Bread
ITS ALWAYS BETTER THAN YOUR MOTHER EVER MADE

> ***You can use the most expensive of ingredients the same as we do. At a sacrifice of health and pleasure you can watch your baking incessantly…but you can't have the facilities that insure good bread. We have facilities that never fail but they cost us many thousands of dollars. There is no waning to the goodness of 'Holsum.'***[22]

By 1917, Spokane Bakery Company owner/president, David Ackermann, decided to expand his bakery warehouse in order to double his bread production to 100,000 loaves a day. Ackermann said, "Our new plant…will give us the largest bakery in the state. Our bread is going out over a radius of 100 to 150 miles from Spokane…into the Coeur d'Alenes…down to the Snake River…into the Clearwater [River] country…and north to Colville."[23] The addition to the bakery warehouse was planned to be 60 feet wide, 120 feet deep, contain a basement and main floor, and will be built with sufficient

[21] *Spokesman-Review,* 2 May 1909.
[22] *Spokane Daily Chronicle,* Advertisement, 1921.
[23] Ibid.

construction to allow for the addition of a second and third story if necessary. The 1917 addition and the bakery grew as more product was produced.

By 1920, successful production of bread and baked goods in the Spokane Bakery Company building had outgrown its capacity, and another building addition was planned to enlarge the bakery warehouse. The following newspaper headlines appeared in large, bold print on the front page of the May 25, 1920 addition of the *Spokesman-Review:*

SPOKANE BAKERY TO DOUBLE PLANT
Two Additions to Cost $150,000
5,000 LOAVES HOURLY
Other Modern Equipment to Be Installed

David Ackermann again announced his plans for doubling his bakery building—this time doubling the capacity of both the 1909 building and the 1917 addition, with the construction of a new addition. Promises and predictions for the new 1920 addition and the installation of improved bread baking equipment were regularly issued. The new warehouse building was to be the same size and height as the 1909 building, and two additional stories were to be added to the 1917 addition. Ackermann promised the installation of new high-tech, state-of-the-art equipment, including a "most modern type of oven…capable of turning out 5,000 loaves an hour."[24] In order to apply the strictest standards of sanitation, the new bread oven would be completely mechanized to eliminate the need for human handling of any bread products. Describing the bread-making machine, Ackermann promised "the loaves" will "not be touched by hand from the time the flour is emptied out of the sacks until after being wrapped in paper…and packed [by the machine] into shipping boxes."[25] "This will be the only oven of its kind in Washington and the largest in the northwest. A few of the advantages claimed for this oven are the absolute uniformity and evenness of baking, the reduction of fuel consumption, and the fact that the baked bread is better in color and finer in texture. More than 2,500 loaves will be constantly baking, and we shall be able to deliver hot bread to any part of the city throughout the day within two hours from the time it leaves the oven."[26]

Construction of the 1920 bakery addition was constructed, completed, and advertised in area newspapers, newsletters, and magazines. A black-and-white drawing of the massive 300-foot-wide Spokane Bakery Company building with its three contiguous, attached warehouse building additions was published in the November 11, 1921 addition of the *Spokane Daily Chronicle* with the captions:

HOLSUM, TIP-TOP, BETSY ROSS, AND BUTTERNUT BREAD
Ackermann's Daily Cakes
Buttercup Ice Cream

[24] *Spokesman-Review,* 25 May 1920.
[25] Ibid.
[26] Ibid.

SPOKANE BAKERY CO.
Broadway—Post Street to Lincoln Street

After the 1920 addition was completed, Ackermann's Spokane Bakery Company was considered the "finest bakery on the Pacific Coast" and in the Pacific Northwest.[27] The greater part of the bakery's success was due to David Ackermann and his "careful supervision…study of the business…and his earnest desire to please his customers."[28]

David Ackermann married Miss Edith Davis in 1901, and together they raised their son, Sidney Ackermann. In Spokane, the Ackermann family lived at 1617 W. Pacific Avenue in Browne's Addition, and later in a house located at 708 W. Ash Street. David Ackermann was a member of Spokane Lodge 228 B. P. O. E. and affiliated with the "Hebrew Church of Spokane."[29]

ITT Continental Bakery

In May 1925, the Spokane Bakery Company was acquired by the Continental Baking Corporation of New York to further "Continental Corporation's policy of nation-wide expansion."[30] Continental changed its name to the ITT Continental Bakery Corporation when it became a subsidiary of International Telephone & Telegraph, and by 1973, was named the country's "largest baking firm with more than 109 plants throughout the nation."[31] The Spokane-Continental Bakery was housed in Spokane's largest wholesale bakery warehouse and supplied bakery products to a greater number of cities and towns than its Spokane competitors, including the city's prominent Silver Loaf Bakery, Boge Brothers Bakery, and Orowheat Bakers.[32] One of the most popular products produced by the Spokane-Continental Bakery was Wonder Bread, a "signature" company product. Many Spokanites fondly remember driving by the Spokane-Continental Bakery Building and almost 'tasting' the tantalizing aroma of freshly baked bread vented from the bakery's warehouse.

In 1995, a large national bakery business, Interstate Bakeries Corporation, bought ITT Continental Bakery Corporation, which owned the Spokane-Continental Bakery Building and business. The Spokane bakery warehouse stayed open until 2000, at which time operations were terminated. The property was purchased in 2016 by Wonder Spokane, LLC.

[27] N. W. Durham. 1912.
[28] Ibid.
[29] Durham, N. W. 1912.
[30] *Los Angeles Times,* May 8, 1925.
[31] *Spokane Daily Chronicle,* November 13, 1973.
[32] Ibid. Orowheat bakery products were not made in Spokane but were produced in Oregon and Seattle, and shipped to Orowheat's Spokane warehouse.

ARCHITECTURAL SIGNIFICANCE

Category C

To be eligible for listing on the Spokane Register of Historic Places under Category C, an historic property must meet at least one of the following requirements: 1) embody distinctive characteristics of a type, period, or method of construction, or 2) represent the work of a master. Architecturally significant, the Spokane-Continental Bakery Building meets both of the aforementioned requirements as a fine example and embodiment of the industrial/commercial warehouse building type, and as a product of master architect, Albert Held. Although not located in Spokane's East Downtown National Register Historic District, the Spokane-Continental Bakery Building does contain architectural elements and features described in the Spokane Register Multiple Property Documentation (MPD), *Industrial/Commercial Warehouse Buildings in East Downtown Spokane, Washington, 1890-1948.*[33] The following elements and registration requirements defined in the MPD for the industrial/commercial building type include the following features expressed in the Spokane-Continental Bakery Building:

- A built date from 1890 through 1948
- Brick masonry construction
- One to four stories in height
- Flat roofs of built-up tar
- Plain exterior façade design with little embellishment
- Symmetrical fenestration patterns above street level
- Windows made of wood-sash or metal construction
- Large warehouse entrance doors built to accommodate trucks and drayage equipment, located at a façade and rear of the building
- Interior open spaces designed for storage of products, goods, materials, etc.
- Interior of buildings is usually unfinished with exposed brick perimeter walls and wood-beamed ceilings but is sometimes finished with plastered walls and ceilings

The Spokane-Continental Bakery Building retains a high degree of architectural integrity and meets the above-mentioned MPD features and requirements as a fine representative of the industrial/commercial warehouse building type.

Albert Held, Spokane Architect (1866-1924)

Noted in a 1909 *Spokesman-Review* newspaper article about the Spokane Bakery Building, and listed on 1920 Spokane building permit number B-12745, prominent professional Spokane architect, Albert Held, was named the designer of the bakery warehouse. Born in 1866 in Minnesota, Held graduated in architecture from the University of Minnesota, and moved to Spokane in 1889 after a massive fire destroyed nearly all of Spokane's downtown. Held found immediate work and was continually employed as an architect in Spokane for 35 years until his death in 1924. He designed some of Spokane's most prominent buildings, including warehouses, railroad depots, commercial and industrial structures, schools, apartment houses, and single-family

[33] Yeomans, Linda, 2007.

homes. Surviving examples include the Globe Hotel, Holley-Mason Hardware Warehouse, Spokane Dry Goods, Realty Building, Home Telegraph & Telephone Building, Altamont Carnegie Library, Parental School, and the San Marco, Breslin, Amman, and Knickerbocker Apartments. Single-family homes designed by Held include the historic Matthews-Woldson House, Armstrong House, James Clark House, Kuhn-Reid House, Phelps House, Leo Long House, Robbins House, Page-Ufford House, Wren House, Weil House, and James Williams House. Although many houses and buildings that Held designed have been demolished, examples of his remaining intact work survive in good to excellent condition—confirming his reputation for designing strong buildings and houses that last.

The Spokane-Continental Bakery Building is one such structure. Like other industrial/commercial warehouses designed by Held, the Spokane-Continental Bakery Building survives well after 108 years, and is strong and intact with no visible cracks or settling.[34] Built in 1909 with additions constructed in 1917, 1920, and 1956, the massive Spokane-Continental Bakery Building is a fine example of the industrial/commercial warehouse building type, and represents the trend for "commercial bakeries to use the presence of the building to convey the quality of the product."[35] To wit, the exterior of the Spokane-Continental Bakery Building appears more commercial than industrial as distinguished by a shaped parapet, corbelled cornice, and dentil course at the roofline along with rows of symmetrically placed façade windows and rusticated brick cladding. In addition, architect Albert Held was responsible for designing the Spokane-Continental Bakery Building with clerestory windows for natural light, high ceilings for circulation, and multiple stories to accommodate the installation of modern baking equipment necessary for successful baking operations.

Two examples in Spokane of the industrial/commercial warehouse building type rendered by Albert Held that convey a similar design aesthetic represented by the Spokane-Continental Bakery Building are the Holley-Mason Hardware Warehouse (157 S. Howard) and the Home Telegraph & Telephone Building (165 S. Howard). Built side by side and used as industrial/commercial warehouses with open interior warehouse space, the Holley-Mason Hardware Building and the Home Telegraph & Telephone Building were built in 1905 and 1907 respectively with reinforced brick masonry construction, symmetrical window patterns, and large delivery warehouse doors. Constructed with multiple stories, massive parapets, and decorative cornices, both buildings were designed to well-convey the importance and quality of the warehouse products they housed.

In contrast, two Spokane examples of the industrial/commercial warehouse building type *not designed* by Albert Held include the Washington Cracker Company Warehouse (built in 1891/1905 at 304 W. Pacific Avenue) and the North Western Cold Storage Warehouse (built in 1910 at 116 W. Pacific Avenue). Both buildings were built during the same turn-of-the-twentieth-century time period as the Spokane-Continental Bakery Building,

[34] Albert Held designed the 1909 building and the 1917 and 1920 additions only. The 1947 fire repairs and rebuilding efforts were completed after Held's death in 1924.
[35] Bradley, 2016.

and all three industrial/commercial buildings (including the bakery building) were used as warehouses for the food industry.[36] In contrast to the modestly embellished façade of the Spokane-Continental Bakery Building (shaped parapet, corbelled cornice, rusticated corner brickwork), the Washington Cracker Company Warehouse and the North Western Cold Storage Warehouse have little to no articulation with plain industrial/commercial warehouse designs.

Alloway & George, Building Contractors

Prominent Spokane contractors, Alloway & George, built the Spokane-Continental Bakery Building. The firm started in 1913 when Robert Alloway partnered with Henry George. Both structural engineers, Alloway and George practiced as general contractors and structural engineers with offices in downtown Spokane, first in the Old National Bank Building and then in the Hutton Block. When Robert Alloway died in 1940, Henry George organized a new partnership with his sons in 1946 as Henry George & Sons. Construction accomplishments for which George is credited include the Spokane Coliseum, Joe Albi Veteran's Memorial Stadium, St. John's Episcopal Cathedral (Whitehouse was the architect), Spokane-Continental Bakery Building, and many other jobs. Alloway & George's prominence and abilities as structural engineers and general contractors rendered them experienced builders when they constructed the Spokane-Continental Bakery Building. They were listed on Spokane building permits in 1920 (B-12745) and in 1937 (B-48495). Henry George and Henry George & Sons were named on subsequent Spokane building permits in 1942 (B-68012), 1943 (B-74692), 1947 (B-86126), and 1949 (B-95807).

HISTORIC SIGNIFICANCE

Category A

The Spokane-Continental Bakery Building is historically significant as the largest wholesale bakery warehouse located in Spokane from 1909 to 2000. The business supplied bread and baked goods to people, towns, and cities across multiple states from the Cascade Mountains to central Montana, and from the Canadian border to northwestern Oregon. For more than eight decades throughout a four-state region, the bakery supplied bread and bread products to thousands of lunch counters, cafes, restaurants, grocery stores, markets, shops, delicatessens, and independent bakeries. During this time, the bakery employed hundreds of men and women, some who had 20, 30, and 40-year bakery livelihoods supported by the Spokane-Continental Bakery business and its bakery warehouse.

The success of the Spokane-Continental Bakery Building as Spokane's largest bakery manufacturing wholesale warehouse with modern, state-of-the-art, high-tech machinery influenced the construction of other bakery warehouses in Spokane. In 1925, there were eight wholesale bakeries and two prominent cracker companies with wholesale businesses. The number of wholesale bakeries grew to 21 by 1928. In 1950, however,

[36] The Washington Cracker Company Warehouse housed the manufacture and storage of cookies and candy while the North Western Cold Storage Warehouse stored and refrigerated perishable produce and dairy products.

there were 17, reflecting the decrease in sales from grocery stores and markets due to the popularity of in-store bakeries built within grocery stores and grocery markets. By the 1960s, grocery stores and markets had consolidated as large supermarkets, in which larger in-store bakeries were built. With their in-store bakeries in operation, supermarkets had no need to purchase wholesale bread and baked goods from warehouse bakeries. However, even with the decrease in warehouse bakery sales and bakery warehouse construction, the large modern Spokane-Continental Bakery Building continued to thrive as housewives, homemakers, and consumers of bakery products came to rely on bread and baked goods produced in the Spokane-Continental Bakery Building instead of bread made at home. Two particularly delicious and successful signature breads baked in the Spokane-Continental Bakery Building were Holsum Bread and Wonder Bread—especially associated in Spokane with the Spokane-Continental Bakery Building. To many Spokanites, the tantalizing aroma of freshly baked bread around the bakery continues to be a cherished memory of many who were fortunate to experience the pleasing olfactory sensation for more than 90 years from 1909 to 2000.

BIBLIOGRAPHY

American Building Survey, National Park Service, U.S. Dept of the Interior. *What Style Is This?* Wash DC: NTHP, 1983

Bradley, Betsy and Kristen Minor. Peter Meijer Architect, P.C. "Spokane Bakery/Wonder Building 2016 Report." Peter Meijer Architect, P.C. Portland, OR. Transcript in the possession of the author.

Durham, N. W. *History of Spokane and Spokane County, WA, Vol 2.* Spokane: S.J. Clarke Publishing Co, 1912. Pages 200-201 and 726-727.

Eastern Washington Historical Society. *Archival photographs 1921-1949.* Northwest Museum of Arts & Culture, Spokane, WA.

Hyslop, Robert B. *Spokane Building Blocks.* Spokane: Standard Blueprint Co. 1983.

Polk, R. D. *Spokane City Directories.* 1885-2016.

Sanborn Fire Insurance Maps. 1910, 1920, 1953.

Spokane City public records. Spokane City Hall, Spokane, WA.

Spokane County public records. Spokane County Courthouse, Spokane, WA.

Eastern Washington Historical Society. *Archival photos*. MAC archive library. Northwest Museum of Arts & Culture, Spokane, WA.

Woo, Eugenia. *2003 National Register East Downtown Historic District.* Spokane City/County Office of Historic Preservation, Spokane, WA.

WAG. Architectural drawings, 2017. Wolfe Architectural Group, Spokane, WA.

Yeomans, Linda. *2007 Spokane Register Multiple Property Documentation* "Industrial/Commercial Warehouse Buildings in East Downtown Spokane, WA, 1890-1948." Spokane City/County Historic Preservation Office, Spokane, WA.

Newspaper & Magazine Articles

"Ackermann Quits Spokane Bakery." *Spokesman-Review,* 16 May 1926.

"Albert Held Answers Call." *Spokane Daily Chronicle,* 30 June 1924.

"Albert Held, Architect, 506-8 Hyde Block." *Western Progress,* Sept 1902.

"Albert Held, Architect." *Spokesman-Review,* 1 January 1903.

"Albert Held Is Taken By Death." *Spokesman-Review.* 29 June 1924.

"Albert Held Weds Mrs. Logan." *Spokesman-Review,* 15 October 1903.

"Broadway Stables Sell for $17,500." *Spokesman-Review,* 3 Jan 1911.

"Double Output of Big Bakery." *Spokesman-Review*, 22 April 1917, page 6.

"New Plant for Spokane Bakery." *Spokesman-Review,* 2 May 1909.

"New York Bakers Buy Companies on West Coast. " *Los Angeles Times,* 8 May 1925, page 2.

"No Rise in Price of Bread Yet." *Spokane Press*, 15 Feb 1909, page 1.

"Spokane Bakery Bread Is Driving Doughboard from the Kitchen." *Spokesman-Review,* 24 April 1921.

"Spokane Bakery Is Sold." *Spokesman-Review,* 4 Aug 1907.

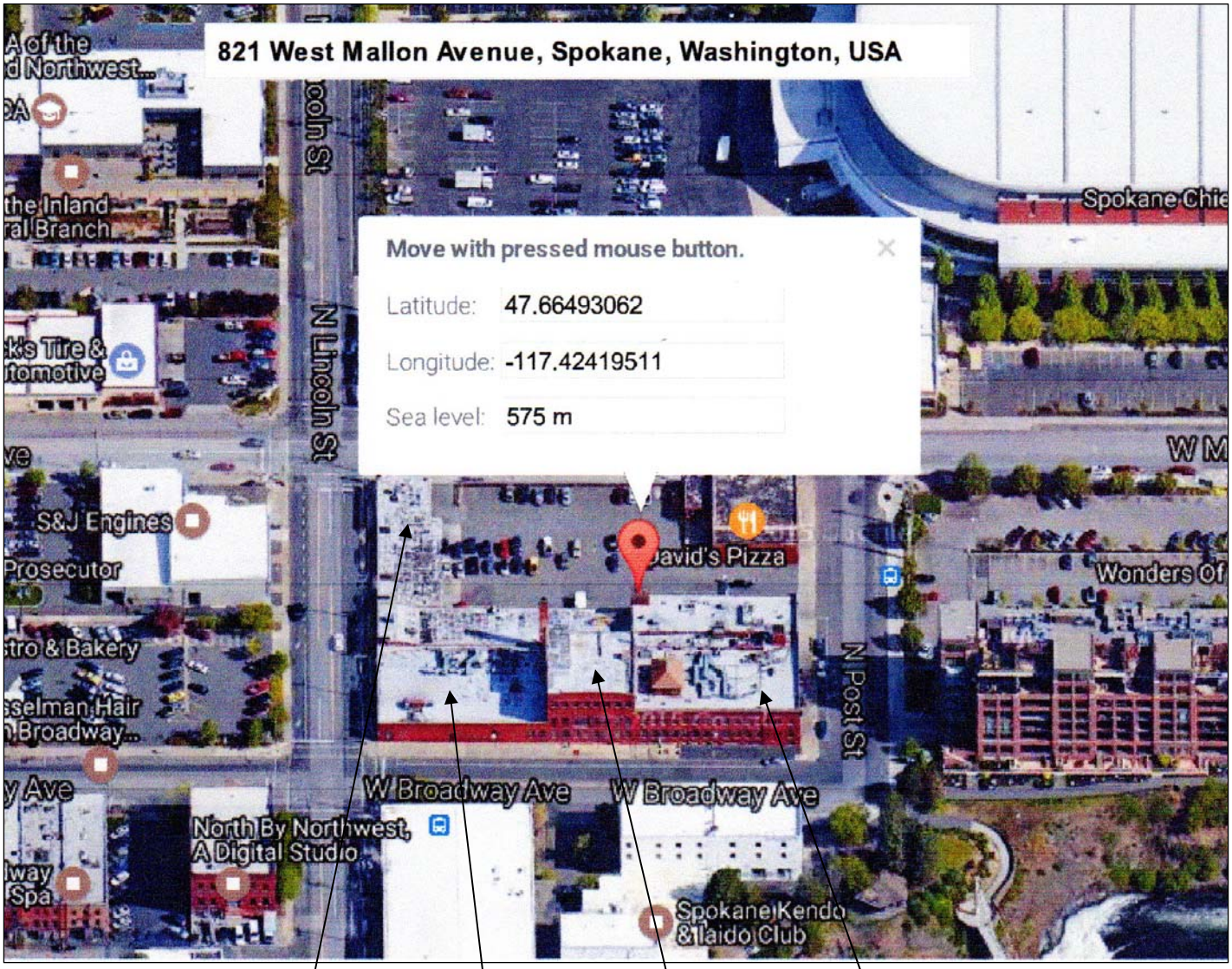
"Spokane Bakery to Double Plant." *Spokesman-Review,* 25 May 1920, page 1.

"Spokane's Historic Downtown Bakery Shutting Its Doors." *Spokesman-Review,* 14 Aug 2000, page A-8.

"Then and Now: Spokane Bakery Co." *Spokesman-Review,* 10 Dec 2012

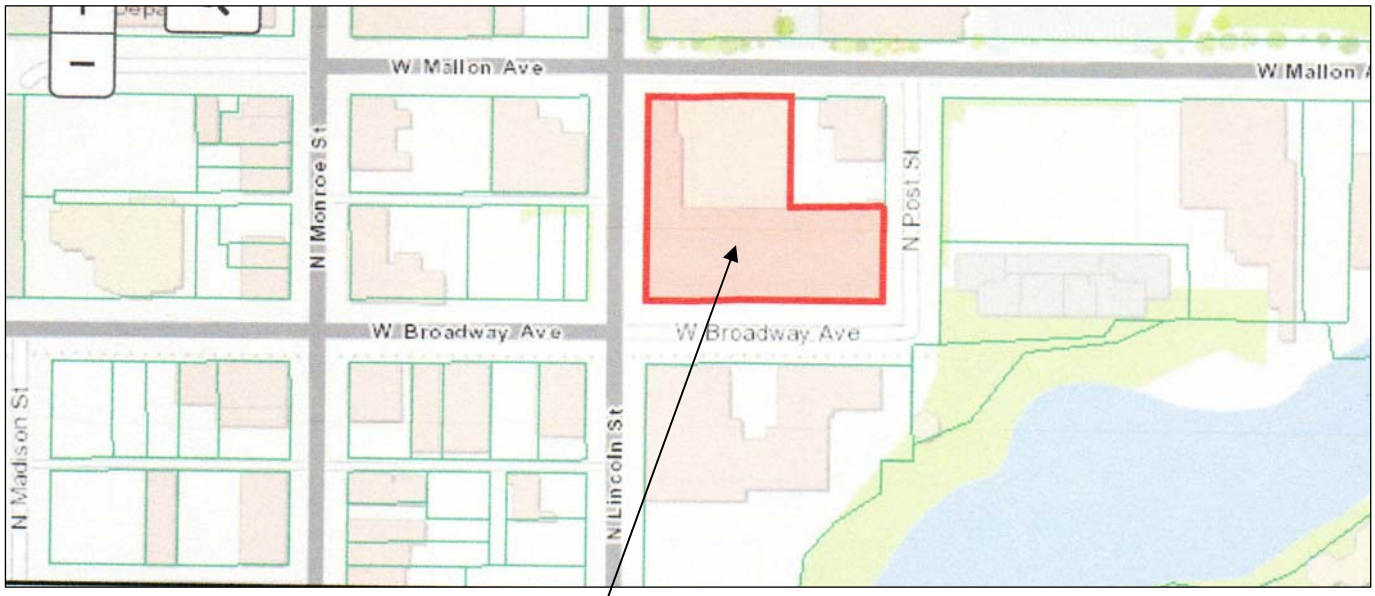
"Wholesale Trade Good." *Spokane Daily Chronicle,* 13 Nov 1973, page 9.

DIGITAL MAPS, PHOTOGRAPHS, SITE PLANS, FLOOR PLANS, ARTICLES



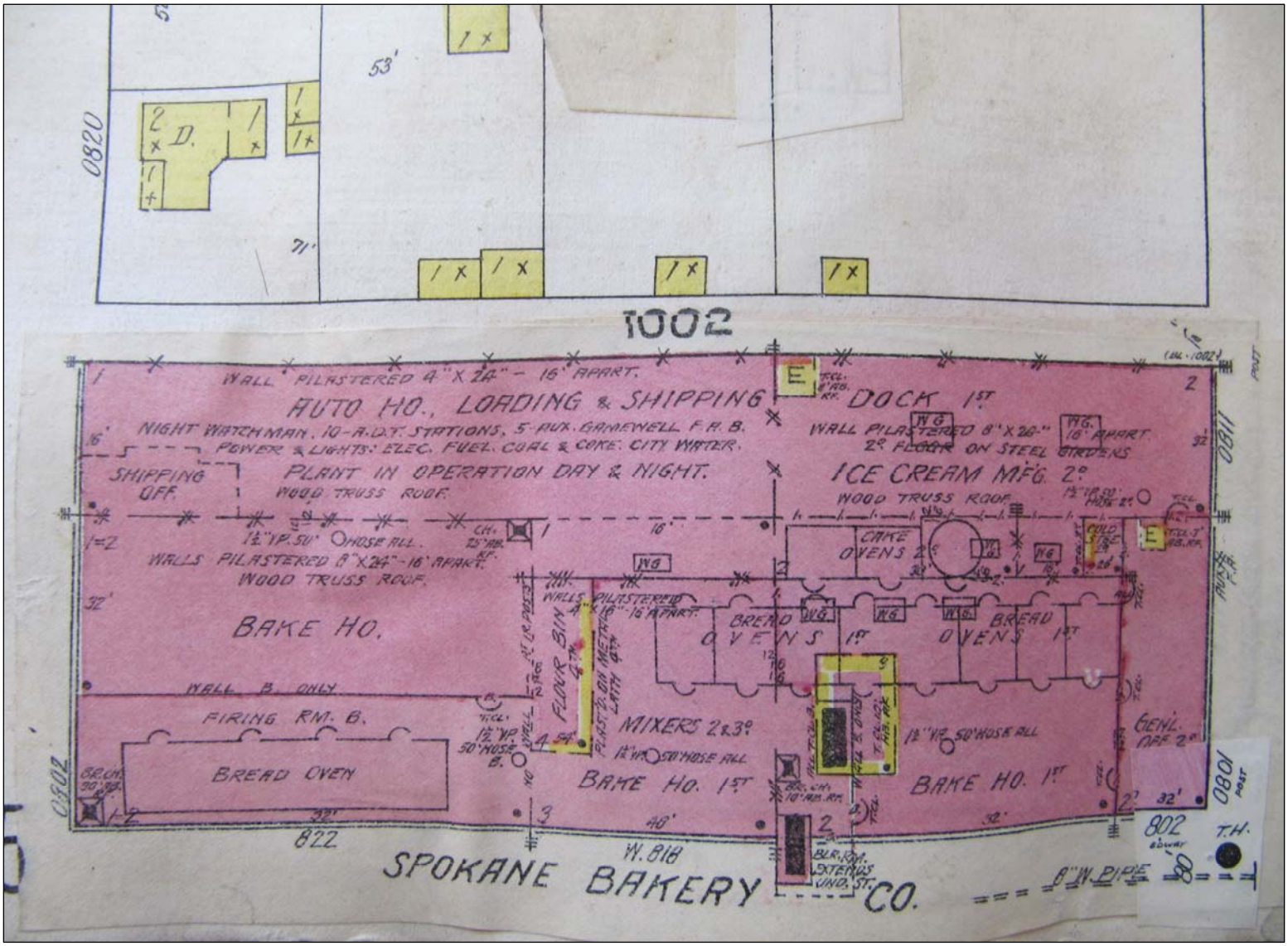
Spokane-Continental Bakery Building
Source: Google Maps 2017

North ↑



Spokane-Continental Bakery Building Property

Source: Spokane County Plat Map 2017



1910 updated to 1926 Sanborn Fire Insurance Map
Spokane-Continental Bakery Building

First Floor, looking north from front of building along Broadway Avenue

Source: Sanborn Fire Insurance Map
Spokane Public Library Northwest Room, Spokane, WA

North ↑

Spokane-Continental Bakery Building in 1921
Southwest corner of property at Broadway Avenue & Lincoln Street

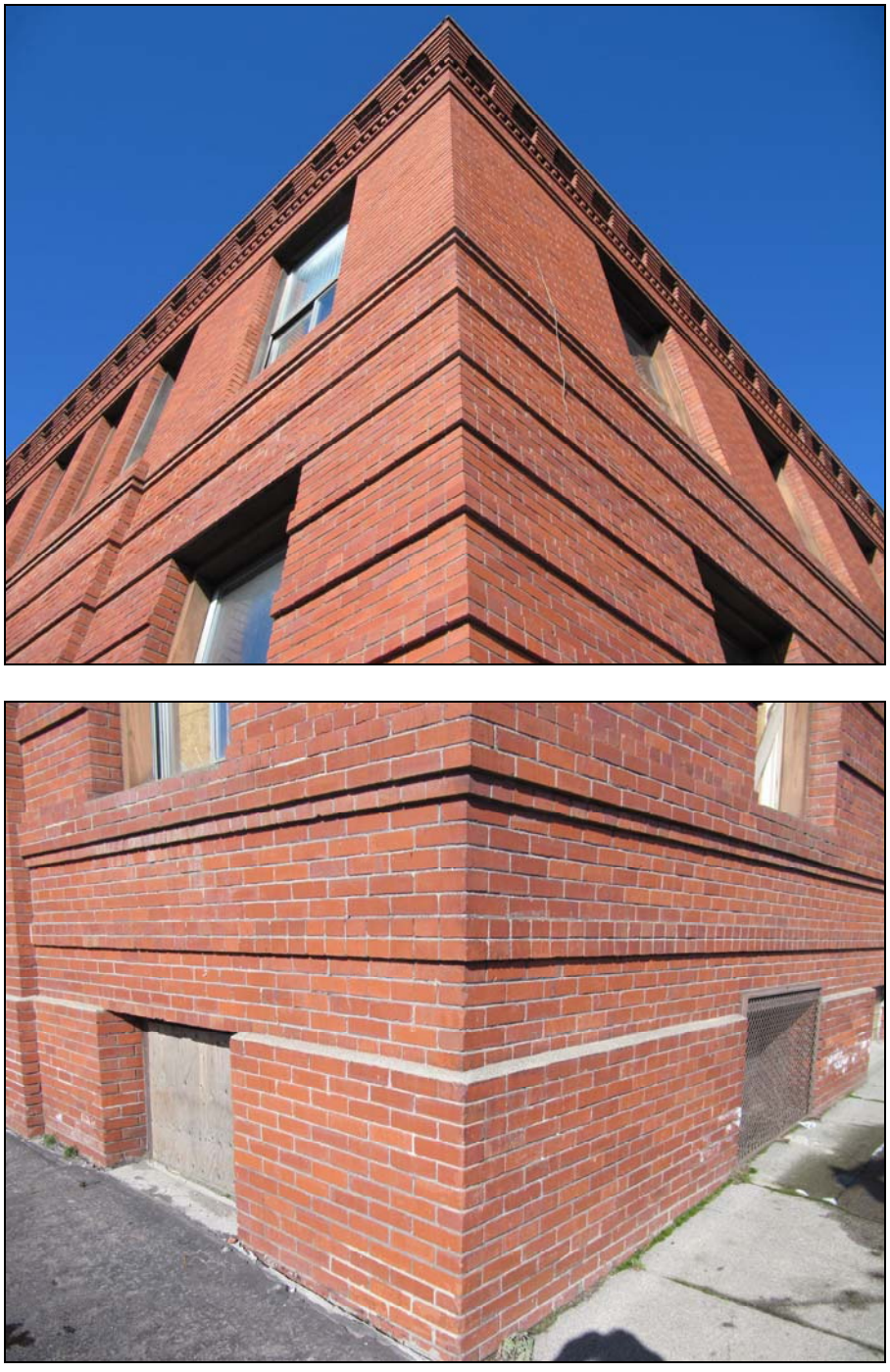
Spokane-Continental Bakery Building in 1930
Southeast corner of property at Broadway Avenue & Post Street
Source: MAC Archives

South façade of Spokane-Continental Bakery Building in 1933

East façade of Spokane-Continental Bakery Building in 1925

Southeast corner façade of building in 2017

East façade of building along Post Street in 2017



Southeast corner of building in 2017, picturing brick rustication articulation

South façade of building along Broadway Avenue in 2017

South façade and southwest corner of building in 2017

Rear northwest corner of attached garage/loading dock wing in 2017

Rear northwest corner of attached garage/loading dock wing in 2017

Rear attached garage/loading dock wing in 2017

Rear north face of building in 2017

Roof in 2017, looking east at southeast corner of roof

Roof, looking east in 2017

North rear of building at first floor in 2017

First floor in 2017, looking east

First floor in 2017, looking west

Second floor, looking southwest in 2017

Second floor, looking east in 2017

Third floor, looking south in 2017

Basement in 2017

Basement in 2017

Rear attached garage/loading dock wing in 2017

Rear north face of building in 2017

Roof in 2017, looking east at southeast corner of roof

Roof, looking east in 2017

North rear of building at first floor in 2017

First floor in 2017, looking east

First floor in 2017, looking west

Second floor, looking southwest in 2017

Second floor, looking east in 2017

Third floor, looking south in 2017

Basement in 2017

Basement in 2017

Agenda Sheet for City Council Meeting of: 06/12/2017		Date Rec'd	5/30/2017
		Clerk's File #	OPR 2017-0397
		Renews #	
Submitting Dept	ENGINEERING SERVICES	Cross Ref #	
Contact Name/Phone	DAN BULLER 625-6391	Project #	2013213
Contact E-Mail	DBULLER@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	NA
Agenda Item Name	0370 - PERMANENT EASEMENT WITH WSDOT FOR CSO 33-1		

Agenda Wording

The site of the Liberty Park CSO 33-1 is on WSDOT owned property beneath the Hamilton Street interchange just west of Liberty Park and south of 3rd Avenue. WSDOT is willing to grant the City permanent easement for this tank. (East Central

Summary (Background)

The State purchased property for the future construction of the North Spokane Corridor (NSC). The City is planning improvements to our stormwater storage system in the same area. This is an agreement between the City and the State as an in kind payment for the non-exclusive easement to install and maintain, at City cost, various types of trees for a period of five years. Also to install and maintain an irrigation system for landscaping.

Fiscal Impact		Budget Account
Expense	$ 166,965.00	# 4340 43416 94000 56501 10033
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	TWOHIG, KYLE	Study Session	
Division Director	SIMMONS, SCOTT M.	Other	Public Works 6/12/17
Finance	CLINE, ANGELA	Distribution List	
Legal	RICHMAN, JAMES	Engineering Admin	
For the Mayor	DUNIVANT, TIMOTHY	kbustos@spokanecity.org	
Additional Approvals		mhughes@spokanecity.org	
Purchasing		kschmitt@spokanecity.org	
		jlargent@spokanecity.org	
		dbuller@spokanecity.org	
		mdoval@spokanecity.org	

Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Neighborhood Council)

Summary (Background)

Fiscal Impact		**Budget Account**
Select	**$**	**#**
Select	**$**	**#**

Distribution List

BRIEFING PAPER
Public Works Committee
Engineering Services
June 12, 2017

Subject
Liberty Park CSO 33-1 (2013213)

Background
The site of the Liberty Park CSO 33-1 is on WSDOT owned property beneath the Hamilton Street interchange just west of Liberty Park and south of 3rd Avenue (see attached exhibit). WSDOT is willing to grant the city a permanent easement for this tank. The value of this property has been determined by WSDOT to be approximately $165,000.

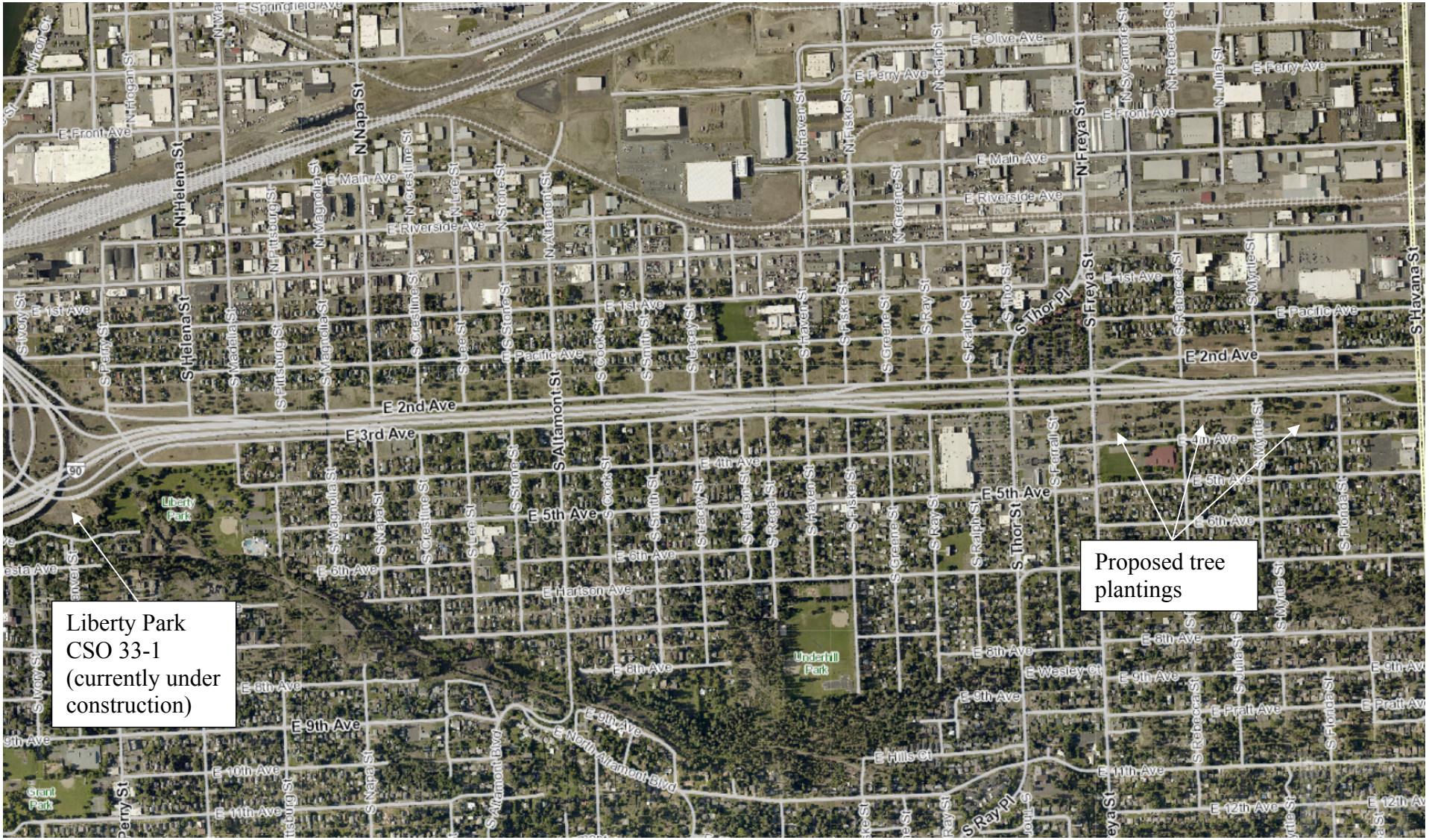
Rather than cash, WSDOT has requested the City plant and maintain for five years trees and an associated temporary irrigation with a value of approx. $165,000 along the north side of 4th Avenue east of Freya Street where WSDOT has purchased numerous parcels in preparation for a planned interchange associated with the future NSC route.

Public Impact
The planting of these trees is intended to screen residences on the south side of 4th Avenue from freeway noise and sight lines.

Action
This proposed agreement with WSDOT will be on council agenda for approval on June 12, 2017.

Funding
This project will be paid with Sewer Department Capital funds.

For further information, please contact Scott Simmons, Public Works Director, 625-6584 or smsimmons@spokanecity.org.



For further information, please contact Scott Simmons, Public Works Director, 625-6584 or smsimmons@spokanecity.org.

GMB 1097
LANDSCAPING AGREEMENT
Non-Exclusive Easement

This Agreement is made and entered into between the Washington State Department of Transportation, hereinafter the "STATE," and the City of Spokane, a Washington municipal corporation, hereinafter the "CITY."

WHEREAS, the STATE has purchased property for the future construction of the North Spokane Corridor (NSC), and

WHEREAS, Limited Access has not been established for that portion of the NSC south of SR 90, and

WHEREAS, the CITY is planning improvements to their stormwater storage system in the area of Liberty Park located within the existing SR 90 limited access right of way, hereinafter the "PROJECT," and

WHEREAS, the STATE has agreed to grant a non-exclusive easement (WSDOT control number ICN 6-32-14689) as shown in Exhibit C to the CITY for the PROJECT, and

WHEREAS, the non-exclusive easement is valued at One Hundred Sixty-three Thousand Five Hundred and No/100 Dollars ($163,500.00), and the CITY and STATE have agreed for the CITY to provide for landscaping maintenance as an in **kind** payment for the non-exclusive easement in the amount of One Hundred Sixty-six Thousand Nine Hundred Sixty-five Dollars and No/100 ($166,965.00.00), and

WHEREAS, the STATE has agreed as part of the non-exclusive easement to grant a Type C access approach at or near SR 90 MP 282.2 RT, between Station 1470+29.35 (325' RT) to Station 1474+50 (325' RT) to provide access to the legally described non-exclusive easement, and

WHEREAS, the CITY PROJECT will provide for the construction and payment of all associated costs for a shared use driveway/access road for maintenance vehicles at or near SR 90, MP 282.2 RT, between Station 1470+29.35 (325' RT) to Station 1474+50 (325' RT) as shown in Exhibit A, and

WHEREAS, the CITY shall be responsible for the repair and maintenance of the driveway/access road at its sole cost and expense; however, the STATE will be the owner of the driveway/access road, and

WHEREAS, the CITY further agrees, as its in kind payment for the non-exclusive easement to install and maintain at CITY cost various types of trees for an establishment period of five (5) years, as shown in Exhibit B, hereinafter "Landscaping," and

WHEREAS, the CITY further agrees, as its in kind payment for the non-exclusive easement to install and maintain at CITY cost an irrigation system for landscaping establishment including initial installation of electrical and water systems associated with the irrigation system and payment of the monthly electrical and water utility costs, hereinafter "Irrigation System," and

WHEREAS, the STATE agrees to maintain the Landscaping after the initial five (5) year establishment period in accordance with STATE Roadside Manual M 25-30, and

WHEREAS, the PARTIES desire to define the CITY's maintenance and/or repair obligations of the Landscaping, driveway/access road, and Irrigation System with utility charges,

NOW, THEREFORE, pursuant to RCW 47.12.063, the above recitals that are incorporated herein as if fully set forth below, and in consideration of the terms, conditions, and performances contained herein, and the attached Exhibits A, B, and C which are incorporated and made a part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. PURPOSE OF THE AGREEMENT

1.1 The CITY and the STATE agree that the STATE owns the SR 90 right of way on which the Landscaping will be planted and maintained, along with the Irrigation System and driveway/access road. The CITY has a need to construct its PROJECT on STATE right of way. The STATE has agreed to grant a non-exclusive easement and Type C access approach onto said non-exclusive easement to the CITY for the CITY's PROJECT and as payment for the non-exclusive easement and Type C access approach, the CITY will install, maintain, and pay the costs thereof of Landscaping, Irrigation System, and driveway/access road as provided in this Agreement and shown in Exhibit B

1.2 Upon completion of the legal description of the non-exclusive easement and Type C access approach to be granted by the STATE to the CITY, the deed- will be added to this Agreement as Exhibit C.

1.3 The STATE shall convey the non-exclusive easement and Type C access approach to the CITY when the deed is completed and upon execution of this Agreement.

1.4 The STATE shall be responsible for performing the maintenance of the Landscaping after the five (5) year establishment period at its sole cost and expense.

1.5 The CITY shall repair and maintain the driveway/access road at its sole cost and expense in accordance with the STATE Maintenance Manual M 51-01.05, as amended. This term shall survive the termination of this Agreement.

2. CITY LANDSCAPING INSTALLATION AND MAINTENANCE OBLIGATIONS

2.1 The CITY agrees, at its sole cost and expense, to install and maintain the Landscaping within the areas as shown in Exhibit B. Maintenance of the Landscaping shall be such that vegetation will not obstruct vehicle or pedestrian sight distances, block the readability of signs, or allow encroachment of vegetation onto the adjacent roadways.

2.2. Any hazardous or dangerous trees, identified by either the STATE or the CITY, located within the Landscaping limits, that endanger the safety of the traveling public or is a hazard to vehicles or pedestrians shall be immediately removed by the CITY at its sole cost and expense.

2.3. The CITY agrees, at its sole cost and expense, that it will be responsible for the replacement of trees and its "Irrigation System" within the Landscaping area that may

die or become damaged within the first five years.

2.4. During the first five years, the CITY, at its sole cost and expense, shall be responsible for the cleanup of any material tracked onto the local roadways during Landscaping installation or maintenance activities.

2.5 Weed Control:
During the first five years, the CITY shall, at its sole cost and expense; keep the Landscaping area free of all noxious weeds (noxious weeds as listed by Spokane County). The CITY may remove these weeds manually and/or through chemical control as follows:

A. Any use of herbicides for vegetation maintenance shall be applied by a person who is licensed to apply herbicide for the control of vegetation. All herbicide use shall be with CITY approved herbicides.

B. Any application of pesticides (insecticides, fungicides) shall be in accordance with the label recommendations, and if used, the applicator shall comply with all federal, state and local laws, rules and orders, now in effect or as amended, including U.S. Environmental Protection Agency, Washington State Department of Ecology, and Washington State Department of Agriculture orders and local sensitive area ordinances. All pesticide applications shall be performed by an applicator licensed by the State of Washington in the category for the pesticides utilized. The licensed applicator shall complete and sign a Commercial Pesticide Application Record for each daily application of pesticides. A copy of the Pesticide Application Record shall be kept on file for a period of seven (7) years at the CITY and shall be subject to the provisions of RCW 17.21.100 which outline "Record keeping by licensees and agricultural users." The provisions for records in this Section shall survive the termination of this Agreement.

2.6 Litter Control:
During the first five years, the CITY agrees, at its sole cost and expense, to pick up litter throughout the Landscaping area no less than twice per calendar year.

2.7 Landscaping Irrigation System.:

A. The CITY agrees, at its sole cost and expense to design and install a fully functional Irrigation System in order to provide irrigation to the Landscaping area and perform normal and regular operation, maintenance and repair of the Irrigation System within the Landscaping area for the first five years, including but not limited to, winterization, spring start up, annual backflow testing, programming of irrigation clocks, flushing and testing the Irrigation System, replacement of damaged or broken Irrigation System components: heads, pipes, wires, and valves as needed for complete operation.

B. The CITY agrees to operate and maintain the Irrigation System to minimize leakage and over-spray of the system from entering the vehicle or pedestrian traveled way.

C. Subject to paragraph F, for the first five years, the CITY agrees that it shall be solely liable for costs and damages associated with any problems and/or consequences resulting from leaks in the Irrigation System, including but not limited to, icing conditions of the adjacent roadway areas that damage the

roadways or forms the basis of personal injury and/or property damage to the traveling public or pedestrians, erosion control, contamination of water system, and backflow testing.

D. The CITY agrees that water and/or electrical service for the Irrigation System shall be in the CITY's name, and the CITY shall be responsible for the payment of all such utility costs.

E. The CITY shall inspect and test backflow devices (double check valves), and prepare test in accordance with WAC 246-290-490 and other applicable regulations as required by the Washington State Department Health. WAC 246-290-490 requires test reports to be performed, completed and recorded by a licensed Backflow Assembly Device Tester (BADT) or a Certified Water Works Operator with a CCS1 or CCS2 Classification. Test reports shall document that each device is in good working order prior to spring start-up, flushing, and testing of the irrigation systems. Test results shall be recorded and kept on file with the CITY and shall be maintained for a period of five (5) years in accordance with WAC 246-290-490 Cross-Connection Control.

F. At the end of three (3) years the amount of water irrigation within the Irrigation System shall be reduced by thirty (30) percent each year with zero irrigation at the end of the fifth (5) year. At the end of the five (5) year tree establishment period provided which will be based upon the date that physical completion is granted for the Landscaping placement project, the CITY will no longer maintain the Irrigation System or maintain the Landscaping that are being watered by the Irrigation System upon acceptance of the Landscaping by the STATE pursuant to Section 3.

G. The CITY shall de-energize the Irrigation System by locking out any electrical components upon written notification of acceptance of the Landscaping maintenance by the STATE pursuant to Section 3. The de-energize Irrigation System shall remain in place with the STATE taking over ownership and responsibility for the de-energized Irrigation System.

3. STATE ACCEPTANCE

3.1 The CITY shall notify the STATE in writing thirty (30) calendar days in advance of when the CITY intends to terminate operation of the Irrigation System and terminate maintenance of the Landscaping.

3.2. Upon written notification by the CITY of its intent to deactivate the Irrigation System and maintenance of the Landscaping, the STATE and CITY shall schedule and conduct a review of the Landscaping. Acceptance of the Landscaping by the STATE shall be based on the Landscaping being healthy at that time of the inspection and in the professional opinion of the CITY's Urban Forester, subject to concurrence by the STATE.

3.3 Upon completion of the Landscaping review, the CITY and STATE in good faith shall discuss and resolve any issues with the Landscaping that need to be resolved by the CITY before the STATE will accept responsibility for the Landscaping.

3.4. Upon acceptance of the Landscaping by the STATE, the STATE shall send written notification of acceptance to the CITY within thirty (30) calendar days.

4. DAMAGE TO STATE-OWNED RIGHT OF WAY:

4.1 The CITY shall not damage state-owned right of way, including all highway facilities, in any manner as it performs Landscaping, Irrigation System, and access/driveway installations, repairs and/or maintenance and agrees to be directly liable to the STATE for the cost of reasonable repairs if the CITY causes such damages; provided that, prior to either the CITY or STATE commencing any such repairs, the PARTIES shall meet and confer, regarding the nature and scope of repairs that are needed and shall allocate responsibility for the work.

5. THIRD PARTY DAMAGE:

For the first five years, the CITY agrees that it shall be responsible to repair all third party damage to the Landscaping and Irrigation System.

6. TRAFFIC CONTROL:

6.1 The CITY shall not perform any work authorized under this Agreement in such a manner as to conflict with, impede or disrupt in any way STATE highway construction, operation or maintenance, or interfere with or endanger the safety of the traveling public or pedestrians.

6.2 The CITY agrees that all traffic control for any Landscaping, driveway/access road, and Irrigation System construction, maintenance, or repair work within the SR 90 right of way shall be in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) and/or the STATE's Work Zone Traffic Control Guidance M54-44, as amended.

7. EMERGENCY MAINTENANCE

7.1 During the first five years, in the event a hazardous condition arises associated with the repair or maintenance responsibilities described in Sections 2, 4, and 5 of this Agreement that the STATE deems, in its reasonable discretion, may endanger the state-owned highway right of way, pedestrians or the traveling public, the STATE will notify the CITY of the hazard and the CITY agrees to timely correct said hazard at the sole expense of the CITY.

7.2 The STATE reserves the right to perform reasonable emergency maintenance on an identified hazard under Section 7.1, where the CITY notifies the STATE that it does not have the ability to correct the identified hazard and requests the STATE to perform the correction or, the CITY fails to notify the STATE within seventy-two (72) hours of notification by the STATE of when the CITY will correct the hazard

7.3 If the CITY notifies the STATE that it does not have the ability to timely correct the identified hazard and requests the STATE to perform the reasonable corrective action or, the CITY fails to notify the STATE within seventy-two (72) hours of notification by the STATE of when the CITY will correct the hazard, the CITY agrees to pay the actual direct and related indirect costs of the STATE's reasonable corrective action in accordance with Section 9.

8. START OF WORK

8.1 The CITY agrees to send written notification of physical completion of the CITY's Landscaping, driveway/access road, and Irrigation System placement project to the STATE within thirty (30) calendar days of such completion.

8.2 The CITY's five year obligations under this Agreement starts upon CITY's written notice to the STATE of the physical completion of the CITY's Landscaping and Irrigation System placement project.

9. PAYMENT

9.1 In the event the STATE reasonably determines that it is necessary to perform any corrective work under Sections 2, 4, and 7 of this Agreement and after consultation between the PARTY's, the CITY agrees to reimburse the STATE for 100% of its actual direct and related indirect costs incurred in completing such reasonably necessary corrective work. The STATE shall provide a detailed invoice to the CITY for STATE work performed.

9.2 The CITY agrees to make payment to the STATE within thirty (30) calendar days after the CITY has received a detailed invoice from the STATE.

10. AGREEMENT REPRESENTATIVES

10.1 The STATE and the CITY have designated the following Representatives for all communications under this Agreement:

CITY CONTACT for EMERGNCY REPAIR and MAINTENANCE:
Primary - Spokane Water Department 509-625-7800
Secondary - City Street Department Emergency: (509) 625-7733

STATE CONTACT for EMERGENCY REPAIR and MAINTENANCE:
Area 1 Maintenance Superintendent
WSDOT Eastern Region
2714 N. Mayfair St.
Spokane, WA 99207-2090
509-324-6586 (24 Hours)

10.2 The PARTIES, from time to time, may designate new or alternative contact information in writing.

11. RIGHT OF ENTRY

The STATE hereby grants to the CITY and its authorized agents, contractors, subcontractors, and employees a right of entry for the purpose of performing all placement, maintenance and/or repair works as described in this Agreement. This Right of Entry will automatically terminate upon the STATE's acceptance as provided in Section 3.

12. MODIFICATION

This Agreement may be amended or modified only by the mutual agreement of the PARTIES. Such amendments or modifications shall not be binding unless they are in writing and signed by persons authorized to bind each of the PARTIES.

13. INDEMNIFICATION

13.1 Each of the PARTIES will protect, save, and hold harmless the other PARTY and its authorized agents and employees, from all claims, actions, costs, damages (both to persons and /or property), or expenses of any nature whatsoever by reason of the acts or omissions of the indemnifying PARTY, its successors, assigns, agents, contractors, licensees, invitees, employees, or any person whomsoever, arising out of or in connections with any acts or activities related to this Agreement and/or the Landscaping, access/driveway road and turnaround, and Irrigation System whether

those claims, actions, costs, damages (both to persons and/or property), or expenses result from acts or activities occurring on or off the state-owned right of way. This defense and indemnity obligation shall not include such claims, actions, costs, damages, or expenses which may be caused by the sole negligence of the other PARTY or its agents or employees; provided that, if the claims or damages are caused by or result from the concurrent negligence of (a) STATE and its agents or employees and (b) the CITY and its successors, assigns, agents, contractors, licensees, invitees, employees, or involves those actions covered by RCW 4.24.115, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the indemnifying PARTY or its successors, assigns, agents, contractors, licensees, invitees, or employees.

13.2 The CITY agrees that its obligations under this section extend to any claim, demand and/or cause of action brought by, or on behalf of the CITY's employees or agents while occupying the state-owned right of way and/or performing work of any type as required under this Agreement. For this purpose, the CITY, by mutual negotiation, hereby waives with respect to the STATE only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provisions chapter 51.12 RCW.

13.3 The indemnity and waiver terms of Section 13 shall survive the termination of this Agreement.

14. INSURANCE

14.1 The CITY warrants that it is self-insured and agrees to provide acceptable evidence of its self-insured status to STATE upon executing this Agreement. The CITY's insurance policy must provide liability coverage for the Landscaping and Irrigation System, including public liability coverage for bodily injury, property damage, and personal injury of not less than One Million Five Hundred Thousand (COS The City's standard insurance amount for each project is $1,500,000.00)and no/100 Dollars ($1,500,000.00) combined single limit per occurrence, with a general aggregate amount of not less than Four Million and no/100 Dollars ($4,000,000.00) per policy period. Such aggregate limits shall apply for this PATHWAY, and coverage under said policy shall be triggered on an "occurrence basis," not on a "claims made" basis. The CITY shall increase the policy limits at its sole cost, when and if STATE reasonably deems it necessary due to the CITY's Landscaping and Irrigation System work within ten (10) business days of STATE's written request to do so.

14.2 Coverage, if obtained by the CITY in compliance with this Section, shall not be deemed as having relieved the CITY of any liability in excess of such coverage.

14.3 In the event the CITY, after commencement of this Agreement, elects to terminate its self-insured status and secure commercial liability coverage, the CITY will promptly notify the STATE, promptly secure insurance coverage as designated herein or as amended by the STATE and promptly provide a certificate of insurance from an insurer licensed to conduct business in the state of Washington, to the satisfaction of the STATE. The STATE shall be named as an additional insured by endorsement of the liability policy required, utilizing ISO Form 2026 (Additional Insured – Designated Person or Organization) or its equivalent without modification. The endorsement shall require the insurer to provide the STATE, Eastern Region Real Estate Services Office, 2714 North Mayfair Street, Spokane, WA 99207-2090, with no less than thirty (30) calendar day's written notice before any cancellation of the coverage required herein.

15. DISPUTES

The PARTIES shall work collaboratively to resolve disputes and issues arising out of, or related to this Agreement. Disagreements shall be resolved promptly and at the lowest level of hierarchy. To this end, following the dispute resolution process in Sections 15.1A through 15.1D shall be a prerequisite to the filing of litigation concerning any dispute between the PARTIES:

A. The Representatives designated in this Agreement shall use their best efforts to resolve disputes and issues arising out of, or related to this Agreement. The Representatives shall communicate regularly to discuss the status of the tasks to be performed hereunder and to resolve any disputes or issues related to the successful performance of this Agreement. The Representatives shall cooperate in providing the staff to support facilitating the performance of this Agreement and the resolution of any disputes or issues arising during the term of this Agreement.

B. A PARTIES's Representative shall notify the other PARTY in writing of any dispute or issue that the Representative believes may require formal resolution according to Section 15.1D. The Representatives shall meet within five (5) working days of receiving the written notice and attempt to resolve the dispute.

C. In the event the Representatives cannot resolve the dispute or issue, the CITY Public Works Director, and the STATE's Eastern Region Administrator, or their respective designees, shall meet and engage in good faith negotiations to resolve the dispute.

D. In the event the PARTIES cannot resolve the dispute or issue, the CITY and the STATE shall each appoint a member to a disputes board. These two members shall then select a third member not affiliated with either PARTY. The three-member board shall conduct a dispute resolution hearing that shall be informal and unrecorded. All expenses for the third member of the dispute board shall be shared equally by both PARTIES; however, each PARTY shall be responsible for its own costs and fees.

16. VENUE

In the event that either PARTY deems it necessary to institute legal action or proceedings to enforce any right or obligation under this Agreement, the PARTIES agree that any such action or proceedings shall be brought in the superior court situated in Spokane County, Washington. Further, the PARTIES agree that each will be solely responsible for payment of its own attorneys' fees, witness fees, and costs.

17. TERMINATION

17.1 The STATE may terminate this Agreement after providing the CITY with a sixty (60) calendar day's written notice of termination supported by a finding that the Landscaping area is needed for future highway purposes. The CITY may terminate this Agreement before the end of the five (5) year establishment period only with written concurrence from the STATE.

17.2 The STATE reserves all rights to remove the Landscaping and Irrigation System at its expense as needed for future highway purposes.

17.3 In the event that the Agreement is terminated by either PARTY, it will not become effective until all issues regarding emergency maintenance or damages have been resolved between the PARTIES and payment under Section 9 is received by the STATE.

17.4 This Agreement shall automatically terminate upon the STATE's execution of a construction contract for the North Spokane Corridor that modifies the Landscaping and Irrigation System area.

17.5 This Agreement shall terminate upon the STATE's acceptance of the Landscaping under Section 3 and receipt of all payments, if any, under Section 9.

17.6 Section 1.5 shall survive the termination of this Agreement.

17.7 Any termination of this Agreement shall not prejudice any rights or obligations accrued either PARTY prior to termination.

18. WORKING DAYS

Working days for this Agreement are defined as Monday through Friday, excluding Washington State holidays per RCW 1.16.050.

IN WITNESS WHEREOF, the PARTIES hereto have executed this Agreement as of the PARTY's date last signed below.

CITY OF SPOKANE

By:_____

(Print name)_____

Title:_____

Date:_____

APPROVED AS TO FORM:

By: _____
City Attorney

Date:_____

Attest

_____
City Clerk

Date: _____

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

By:_____

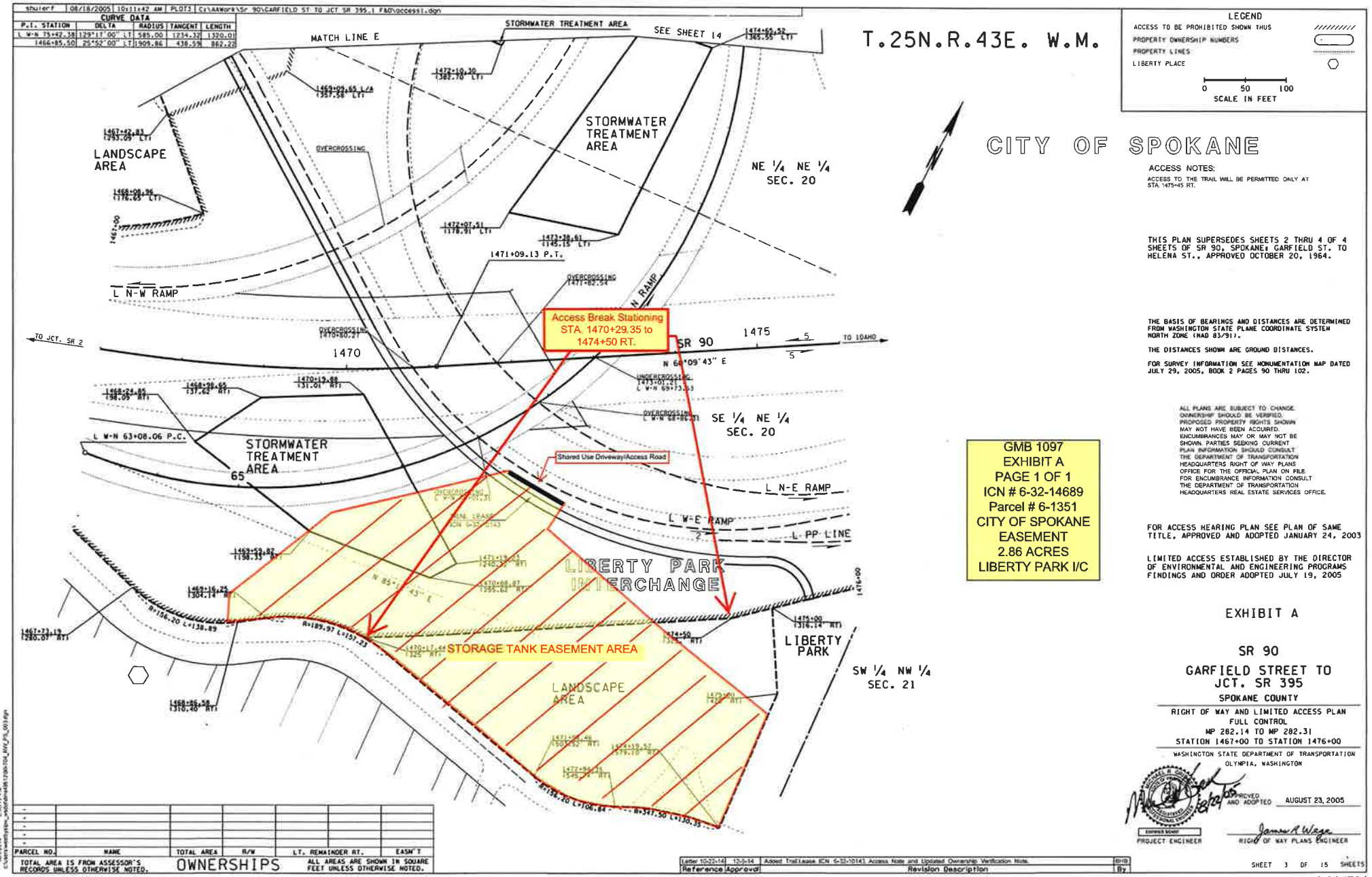
(Print name) Mike Gribner, P.E.
Regional Administrator

Date:_____

APPROVED AS TO FORM:

By: _____
L. Scott Lockwood
Assistant Attorney General

Date: 5/16/17


T.25N.R.43E. W.M.
CITY OF SPOKANE
MATCH LINE E
STORMWATER TREATMENT AREA
SEE SHEET 14
STORMWATER TREATMENT AREA
LANDSCAPE AREA
OVERCROSSING
NE ¼ NE ¼ SEC. 20
L N-W RAMP
1471+09.13 P.T.
N RAMP
Access Break Stationing STA. 1470+29.35 to 1474+50 RT.
SR 90
1475
TO JCT. SR 2
TO IDAHO
1470
N 64°09'43" E
SE ¼ NE ¼ SEC. 20
L W-N 63+08.06 P.C.
STORMWATER TREATMENT AREA
65
Shared Use Driveway/Access Road
L N-E RAMP
L W-E RAMP
L PP LINE
LIBERTY PARK INTERCHANGE
STORAGE TANK EASEMENT AREA
LIBERTY PARK
SW ¼ NW ¼ SEC. 21
LANDSCAPE AREA
R=156.20 L=138.89
R=189.97 L=157.23
R=156.20 L=106.84
R=347.50 L=130.35
LEGEND
ACCESS TO BE PROHIBITED SHOWN THUS
PROPERTY OWNERSHIP NUMBERS
PROPERTY LINES
LIBERTY PLACE
0 50 100
SCALE IN FEET
GMB 1097
EXHIBIT A
PAGE 1 OF 1
ICN # 6-32-14689
Parcel # 6-1351
CITY OF SPOKANE
EASEMENT
2.86 ACRES
LIBERTY PARK I/C
ACCESS NOTES:
ACCESS TO THE TRAIL WILL BE PERMITTED ONLY AT STA 1475+45 RT.
THIS PLAN SUPERSEDES SHEETS 2 THRU 4 OF 4 SHEETS OF SR 90, SPOKANE; GARFIELD ST. TO HELENA ST., APPROVED OCTOBER 20, 1964.
THE BASIS OF BEARINGS AND DISTANCES ARE DETERMINED FROM WASHINGTON STATE PLANE COORDINATE SYSTEM NORTH ZONE (NAD 83/91).
THE DISTANCES SHOWN ARE GROUND DISTANCES.
FOR SURVEY INFORMATION SEE MONUMENTATION MAP DATED JULY 29, 2005, BOOK 2 PAGES 90 THRU 102.
ALL PLANS ARE SUBJECT TO CHANGE. OWNERSHIP SHOULD BE VERIFIED. PROPOSED PROPERTY RIGHTS SHOWN MAY NOT HAVE BEEN ACQUIRED. ENCUMBRANCES MAY OR MAY NOT BE SHOWN. PARTIES SEEKING CURRENT PLAN INFORMATION SHOULD CONSULT THE DEPARTMENT OF TRANSPORTATION HEADQUARTERS RIGHT OF WAY PLANS OFFICE FOR THE OFFICIAL PLAN ON FILE. FOR ENCUMBRANCE INFORMATION CONSULT THE DEPARTMENT OF TRANSPORTATION HEADQUARTERS REAL ESTATE SERVICES OFFICE.
FOR ACCESS HEARING PLAN SEE PLAN OF SAME TITLE, APPROVED AND ADOPTED JANUARY 24, 2003
LIMITED ACCESS ESTABLISHED BY THE DIRECTOR OF ENVIRONMENTAL AND ENGINEERING PROGRAMS FINDINGS AND ORDER ADOPTED JULY 19, 2005
EXHIBIT A
SR 90
GARFIELD STREET TO JCT. SR 395
SPOKANE COUNTY
RIGHT OF WAY AND LIMITED ACCESS PLAN
FULL CONTROL
MP 282.14 TO MP 282.31
STATION 1467+00 TO STATION 1476+00
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
OLYMPIA, WASHINGTON
APPROVED AND ADOPTED AUGUST 23, 2005
PROJECT ENGINEER
RIGHT OF WAY PLANS ENGINEER
SHEET 3 OF 15 SHEETS
OWNERSHIPS
PARCEL NO. | NAME | TOTAL AREA | R/W | LT. REMAINDER RT. | EASM'T
TOTAL AREA IS FROM ASSESSOR'S RECORDS UNLESS OTHERWISE NOTED.
ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED.
Reference Approval | Revision Description | By
Added Trail Lease ICN 6-32-10141 Access Note and Updated Ownership Verification Note.
D-16
SR 90/704

GMB 1097
EXHIBIT B
ICN 6-32-14689
PAGE 1 OF 5

Project name: Fourth Ave Landscape Improvement
Description: Plant spec'd trees/shrubs, install drip irrigation systems.

	qty	unit	unit cost	Cost
Mobilization	1	LS	$10,000	$10,000
Traffic Control	1	LS	$1,000	$1,000
Utility Conflicts	1	LS	$10,000	$10,000
Clearing & grubbiing	1	LS	$8,000	$8,000
Install Irrigation System - Drip	1	LS	$12,000	$12,000
Install Deciduous Street Trees	35	EA	$450	$15,840
Install Evergreen Trees	119	EA	$450	$53,550
			construction subtotal	**$110,390**
Scope Contingency	10.0%			$11,039
			construction subtotal	**$121,429**
Construction Contingency	10.0%			$12,143
Construction total			**Construction Total**	**$133,572**
Design & Bid Docs	10.0%			$13,357
Construction Mgmt	15.0%			$20,036
			Total	**$166,965**

GMB 1097
EXHIBIT B
ICN 6-32-14689
PAGE 2 OF 5

PONDEROSA PINE

SCOTCH PINE

AUSTRIAN PINE

ROCKY MOUNTAIN JUNIPER

FRONTIER AMERICAN ELM

SAWTOOTH OAK

COMMON HACKBERRY

PROSPECTOR ELM

AMERICAN LINDEN

KOREAN MOUNTAIN ASH

EUROPEAN HORNBEAM

TREE LEGEND - SIDEWALK REMAINING

DECIDUOUS TREES - TYPICAL SPACING APPROXIMATELY 35 FEET
RECOMMENDED TREES: COMMON HACKBERRY, SAWTOOTH OAK, FRONTIER AMERICAN ELM, PROSPECTOR ELM, AMERICAN LINDEN, KOREAN MOUNTAIN ASH, EUROPEAN HORNBEAM

EVERGREEN TREES - SPACING VARIES
RECOMMENDED TREES: ROCKY MOUNTAIN JUNIPER, AUSTRIAN PINE, PONDEROSA PINE, SCOTCH PINE

REVISIONS	AS BUILT	GRADE ORDINANCE LIST	NAVD88 DATUM	1" = 50'

CITY OF SPOKANE, WASHINGTON
DEPARTMENT OF ENGINEERING SERVICES

4TH AVENUE CONCEPTUAL TREE & SCREENING PLAN

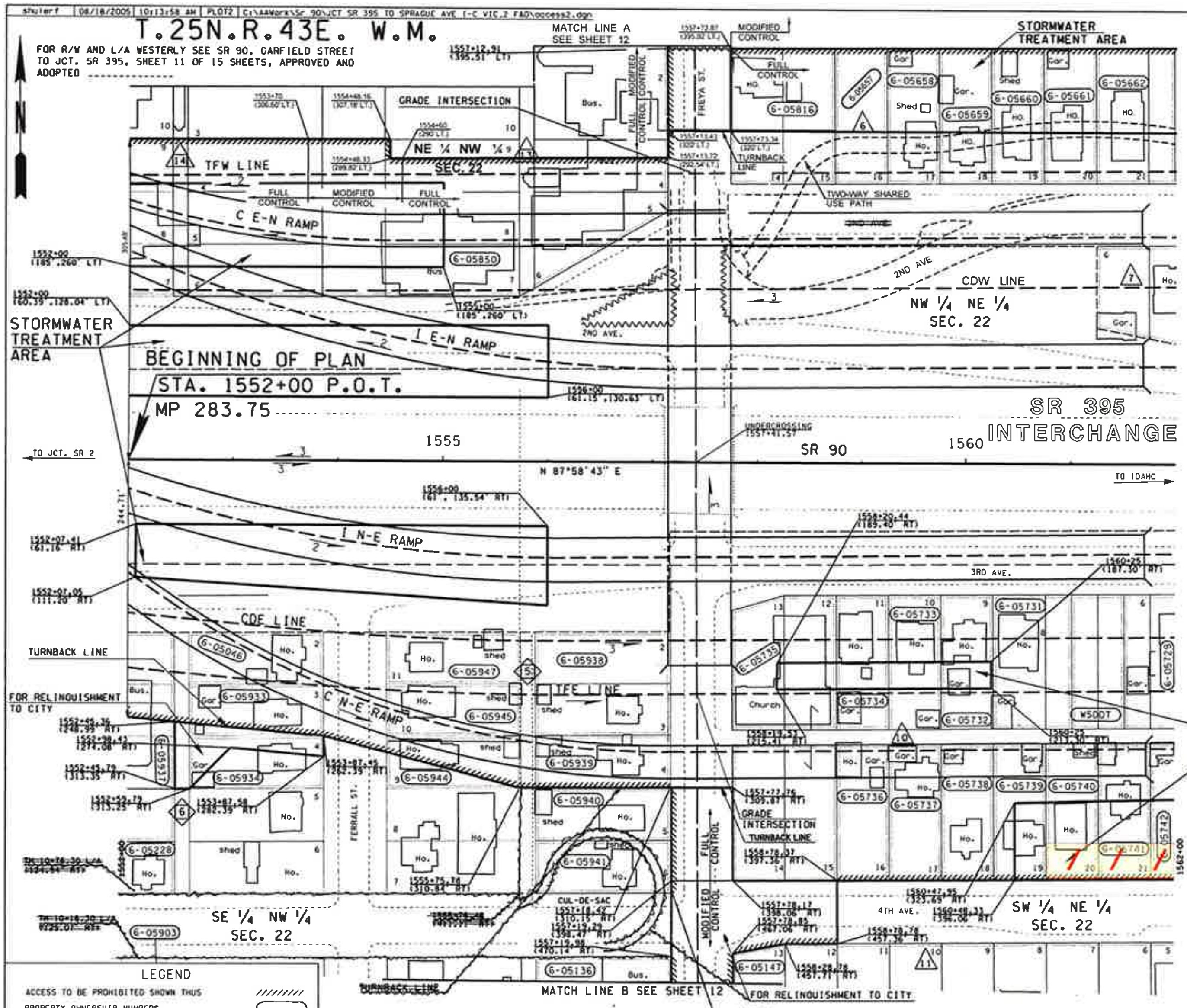
REBECCA STREET TO FLORIDA STREET
SIDEWALK REMAINING

CALL BEFORE YOU DIG 1-800-424-5555

shulerf | 08/18/2005 | 10:13:58 AM | PLOT2 | C:\AAWork\Sr 90\JCT SR 395 TO SPRAGUE AVE I-C VIC.2 FAD\access2.dgn

T.25N.R.43E. W.M.

FOR R/W AND L/A WESTERLY SEE SR 90, GARFIELD STREET TO JCT. SR 395, SHEET 11 OF 15 SHEETS, APPROVED AND ADOPTED



LEGEND

ACCESS TO BE PROHIBITED SHOWN THUS
PROPERTY OWNERSHIP NUMBERS
PROPERTY LINES
1ST ADDITION TO EUREKA
KAUFMAN'S 2ND ADDITION
ROSSVALE ADDITION

0 50 100
SCALE IN FEET

THE BASIS OF BEARINGS AND DISTANCES ARE DETERMINED FROM WASHINGTON STATE PLANE COORDINATE SYSTEM NORTH ZONE (NAD 83/91).

THE DISTANCES SHOWN ARE GROUND DISTANCES.

FOR SURVEY INFORMATION SEE MONUMENTATION MAP DATED JULY 29, 2005, BOOK 2 PAGES 90 THRU 102.

ALL PLANS ARE SUBJECT TO CHANGE. OWNERSHIP SHOULD BE VERIFIED. PROPOSED PROPERTY RIGHTS SHOWN MAY NOT HAVE BEEN ACQUIRED. ENCUMBRANCES MAY OR MAY NOT BE SHOWN. PARTIES SEEKING CURRENT PLAN INFORMATION SHOULD CONSULT THE DEPARTMENT OF TRANSPORTATION HEADQUARTERS RIGHT OF WAY PLANS OFFICE FOR THE OFFICIAL PLAN ON FILE. FOR ENCUMBRANCE INFORMATION CONSULT THE DEPARTMENT OF TRANSPORTATION HEADQUARTERS REAL ESTATE SERVICES OFFICE.

OWNERSHIPS

TOTAL AREA IS FROM ASSESSOR'S RECORDS UNLESS OTHERWISE NOTED. ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED.

PARCEL NO.	NAME	TOTAL AREA	R/W	LT. REMAINDER	RT.	EASM'T
6-05046	B. CALVIN	6400	6400			
6-05136	A. L. POPP	6500	ACCESS ONLY			
6-05147	SPOKANE SCHOOL DIST #81	173910	ACCESS ONLY			
6-05228	J. L. HART	**				
6-05657	TYROLEAN INVESTMENTS	6450	6450			
6-05658	HILDA FAGG	6450	6450			
6-05659	KAREN A. BAKER	6450	6450			
6-05660	TIMOTHY L. LANGFORD	6450	6450			
6-05661	JOHNSON, et. al.	6450	6450			
6-05662	P.A. & D.W. JOHNSON	9675	9675			
6-05724	C. FERRANTE, et. al.	10150	10150			
6-05729	M.D. & S. PAGE	9675	9675			
6-05731	G.C. STEMM	9675	9675			
6-05732	K.N. HYLTON, P.A. BELL	6450	6450			
6-05733	D.W. BROWN	6450	6450			
6-05734	A.R. SHAFER	6450	6450			
6-05735	BETHANY PRESBYTERIAN CHURCH	25450	25450			
6-05736	D.F. & M.N. FITZPATRICK	6450	6450			
6-05737	W. OTTENI(TRUDELL)	6450	6450			
6-05738	T.K. WALKER	6450	6450			
6-05739	C. M. SCHWAB	6450	6450			
6-05740	C. & L.M. GONZALEZ	6450	6450			
6-05741	J.E. ANDERSON	6450	6450			
6-05742	C.M. & I. FAIRCLOTH	6450	6450			
6-05816	G.A.& P. CLONINGER, et. al.	12900	12900			
6-05850	TAPIO INVESTMENT	**				
6-05903	J. L. HART	**				
6-05933	R.M. & V.J. EMERY	6400	6400			
6-05934	H. NYGAARD	6400	2578		3822	
6-05937	W.A. & M.M. BUTTE	**				
6-05938	C. SNYDER & L.M. BRANUM	12800	12800			
6-05939	S.D. & C.S. LINTON	6400	6400			
6-05940	R. & J. VELA	6480	ACCESS ONLY			
6-05941	M.E. OLSON(MARKS)	6400	ACCESS ONLY			
6-05944	W.R. STEWART	6400	4221		2179	
6-05945	D.E. SUKIN	6400	6400			
6-05947	R.E. ROSENAU	6400	6400			

GMB 1097
EXHIBIT B
ICN 6-32-14689
PAGE 3 OF 5

ACCESS APPROACH SCHEDULE

PARCEL NO.	NAME	CENTERLINE OF APPROACH STATION	TYPE
	WSDOT	~~[illegible]~~ 1554+15 RT.	C-9-21
6-05850	TAPIO INVESTMENT	1554+10 (306.90'LT.); 1557+13.79 (138'LT.)	D,D
	CITY OF SPOKANE	1552+58 LT.	C-9

** FOR AREAS SEE SR 90 GARFIELD STREET TO JCT. SR 395 SHEET 11 OF 15 SHEETS

CITY OF SPOKANE

ACCESS NOTES:

TRAFFIC MOVEMENT WILL BE PERMITTED OVER THE HIGHWAY STRUCTURES AT: FREYA ST. STA. 1557+41.57

TYPE C APPROACH IS AN OFF AND ON APPROACH IN LEGAL MANNER FOR SPECIAL PURPOSE AND WIDTH TO BE AGREED UPON. IT MAY BE SPECIFIED AT A POINT SATISFACTORY TO THE STATE AT OR BETWEEN DESIGNATED HIGHWAY STATIONS.

TYPE D APPROACH IS AN OFF AND ON APPROACH IN A LEGAL MANNER NOT TO EXCEED 50 FEET IN WIDTH FOR USE NECESSARY TO THE NORMAL OPERATION OF A COMMERCIAL ESTABLISHMENT. IT MAY BE SPECIFIED AT A POINT SATISFACTORY TO THE STATE AT OR BETWEEN DESIGNATED HIGHWAY STATIONS.

NO. 9. THIS APPROACH SHALL BE GATED AND LOCKED WHEN NOT IN USE.

NO. 21. THE PRIVILEGE OF ACCESS TO AREAS WITHIN THE RIGHT OF WAY IS PERMITTED FROM OUTSIDE THE RIGHT OF WAY TO THE USER DESIGNATED, SOLELY FOR USE AUTHORIZED BY AND SUBJECT TO THE CONDITIONS OF THE FRANCHISE, PERMIT, OR AGREEMENT SPECIFIED. NO ACCESS WILL BE ALLOWED TO THE TRAVELED HIGHWAY LANES OR RAMPS.

PEDESTRIAN AND BICYCLE TRAFFIC WILL BE PERMITTED USE OF THE PATH DESIGNATED ABOVE BETWEEN FREYA ST AND HAVANA ST.

LIMITED ACCESS ESTABLISHED BY THE DIRECTOR OF ENVIRONMENTAL AND ENGINEERING PROGRAMS FINDINGS AND ORDER ADOPTED JULY 19, 2005

FOR ACCESS HEARING PLAN SEE PLAN OF SAME TITLE, APPROVED AND ADOPTED JANUARY 28, 2003

THIS PLAN SUPERSEDES SHEET 3 OF 4 OF SR 90, CITY OF SPOKANE; HELENA ST. TO HAVANA ST., ADOPTED DECEMBER 7, 1954

EXHIBIT A

SR 90

JCT. SR 395 TO SPRAGUE AVE. I/C VICINITY

SPOKANE COUNTY

RIGHT OF WAY AND LIMITED ACCESS PLAN
FULL AND MODIFIED CONTROL
MP 283.75 TO MP 283.94
STATION 1552+00 TO STATION 1562+00

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
OLYMPIA, WASHINGTON

Reference	Approval	Revision Description	By
Letter 6-11-15	7-10-15	Added Shared Use Path; Added Revised Ownership Verification Note	MRW
Letter 4-21-15	6-12-15	Added Type C-9 Access Approach for City of Spokane	STW
Letter 6-12-14	6-20-14	Added Full/Modified Access Control Note on LL Sta. 1557+13.43	STW
Letter 6-9-14	6-10-14	Revised R/W, L/A Boundary and Access Approach Schedule for Parcel 6-05850; Added Ownership Verification Note; Added Type D Note	MRW
Letter 4-21-10	5-6-10	[illegible]	[illegible]

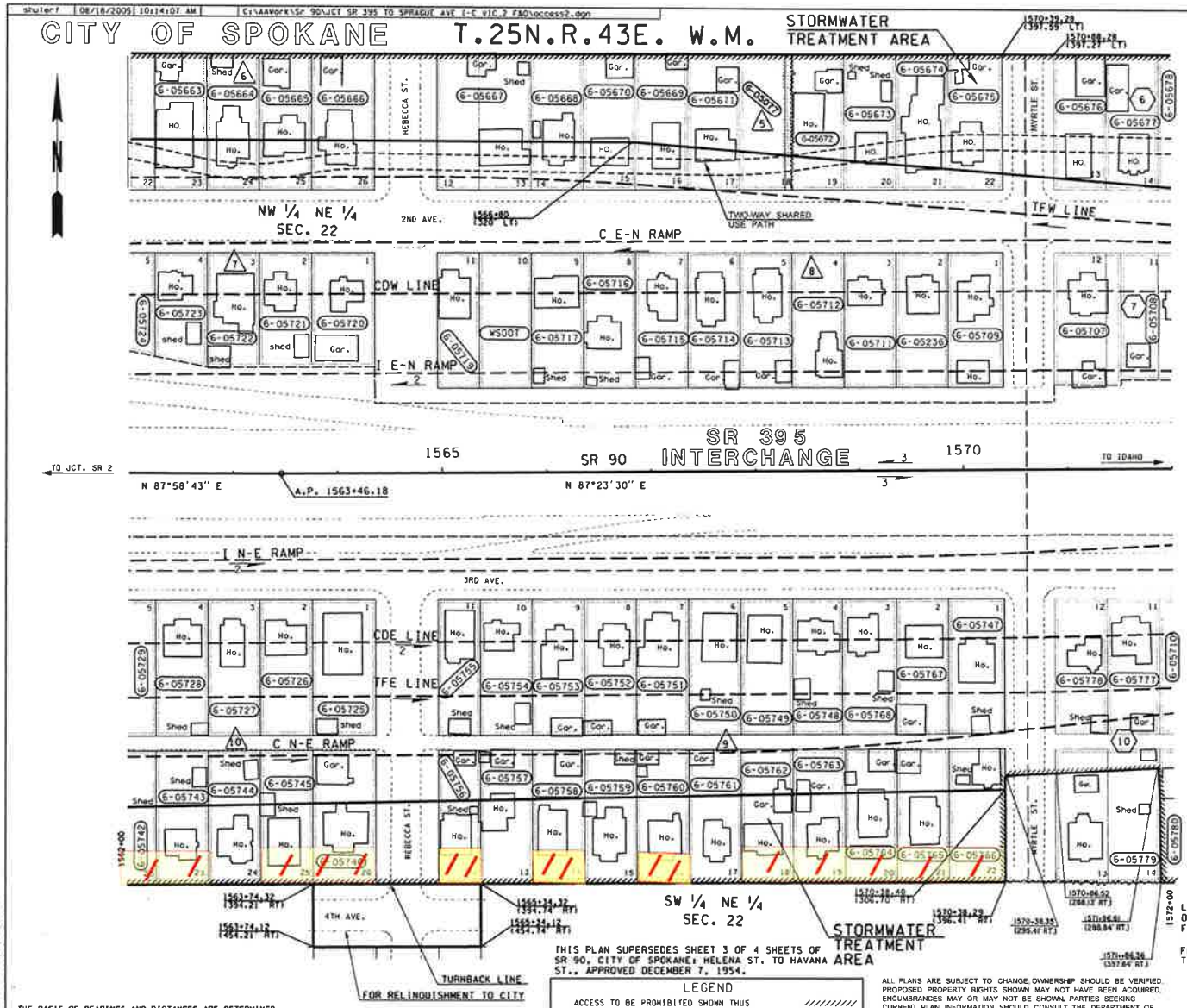
PROJECT ENGINEER

APPROVED AND ADOPTED AUGUST 23, 2005

James R. Wage
RIGHT OF WAY PLANS ENGINEER

SHEET 2 OF 13 SHEETS

D - 16 90 / 705



THIS PLAN SUPERSEDES SHEET 3 OF 4 SHEETS OF SR 90, CITY OF SPOKANE; HELENA ST. TO HAVANA ST., APPROVED DECEMBER 7, 1954.

THE BASIS OF BEARINGS AND DISTANCES ARE DETERMINED FROM WASHINGTON STATE PLANE COORDINATE SYSTEM NORTH ZONE (NAD 83/91).

THE DISTANCES SHOWN ARE GROUND DISTANCES.

FOR SURVEY INFORMATION SEE MONUMENTATION MAP DATED JULY 29, 2005, BOOK 2 PAGES 90 THRU 102.

LEGEND

ACCESS TO BE PROHIBITED SHOWN THUS

PROPERTY OWNERSHIP NUMBERS

PROPERTY LINES

ROSSVALE ADDITION

ROSSVALE 2ND ADDITION

0 50 100 SCALE IN FEET

ALL PLANS ARE SUBJECT TO CHANGE. OWNERSHIP SHOULD BE VERIFIED. PROPOSED PROPERTY RIGHTS SHOWN MAY NOT HAVE BEEN ACQUIRED. ENCUMBRANCES MAY OR MAY NOT BE SHOWN. PARTIES SEEKING CURRENT PLAN INFORMATION SHOULD CONSULT THE DEPARTMENT OF TRANSPORTATION HEADQUARTERS RIGHT OF WAY PLANS OFFICE FOR THE OFFICIAL PLAN ON FILE. FOR ENCUMBRANCE INFORMATION CONSULT THE DEPARTMENT OF TRANSPORTATION HEADQUARTERS REAL ESTATE SERVICES OFFICE.

Reference	Approval	Revision Description	By
Letter 6-11-15	7-10-15	Added Shared Use Path; Added Revised Ownership Verification Note	MWV
Letter 3-3-09	3-26-09	Revised Name, Boundary and area Parcel 6-05672, Added Parcel 6-05077	CM
Letter 6-6-08	12-30-08	Revised R/W and L/A on Rt. Sta. 1570+38.29 to 1571+84.36, Revised Areas Parcel 6-05779	MWV

OWNERSHIPS

TOTAL AREA IS FROM ASSESSOR'S RECORDS UNLESS OTHERWISE NOTED. ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED.

PARCEL NO.	NAME	TOTAL AREA	R/W	LT. REMAINDER RT.	EASM'T
6-05236	R. & T. SIMON	6450	6450		
6-05663	D.L. & D.L. BLACKBURN	9675	9675		
6-05664	F. R. WALKER (AGUILO)	6450	6450		
6-05665	M. FORSYTH	6450	6450		
6-05666	T.L. & J.M. FLETCHER	7740	7740		
6-05667	W.J. CAMP & V.L. TRUE	*11610	11610		
6-05668	S.F. & K.L. MILLER	6450	6450		
6-05669	HUD	6450	6450		
6-05670	W.J. KAMPEN	6450	6450		
6-05671	C.H. & J.A. WHITEAKER	6450	6450		
6-05672	GO HOME, LLC	7095	7095		
6-05673	J.J. FASH	6450	6450		
6-05674	J.L. & S.H. SWIM	6450	6450		
6-05675	D.N. BECK	6708	6708		
6-05676	D.J. RYAN	6450	6450		
6-05677	N. SMITH	6450	6450		
6-05678	T. QUI & T.T. PHAM	6450	6450		
6-05707	JLA INVESTMENTS	8256	8256		
6-05708	L.O. HOUCHINS, ET. UX.	10664	10664		
6-05709	D. KEMP	6837	6837		
6-05710	D. N. SPEIGHT	9675	9675		
6-05711	EXEC. COMMITTEE INVESTMENTS	6450	6450		
6-05712	G. BERKHAUG, TRUST	6450	6450		
6-05713	P.A. THAYER & N.M. TADRMINA	6450	6450		
6-05714	W. RICHARDSON	6450	6450		
6-05715	T.H. WIMPY	6450	6450		
6-05716	S. McCLENDON	6450	6450		
6-05717	R.E. WILLIBY	6450	6450		
6-05719	L. PRIEST	5160	5160		
6-05720	E. REED	6540	6540		
6-05721	B. SHAWKNAPP)	5450	5450		
6-05722	H.M. & K.A. HARRIS	5450	5450		
6-05723	O.W. & S. JOHNSTON	5450	5450		
6-05724	SEE SHEET 2				
6-05725	J.E. COX	7740	7740		
6-05726	R.P. TRACY	6450	6450		
6-05727	P.J. O'NEAL	6450	6450		
6-05728	G. SCHULER	6450	6450		
6-05729	SEE SHEET 2				
6-05742	SEE SHEET 2				
6-05743	D.L. & K.A. JAMES	6450	6450		
6-05744	V.M. RUSSELL	6450	6450		
6-05745	M.A. SOLHEIM	6450	6450		
6-05746	L.M. MONTANO	7740	7740		
6-05747	T.A. & A.L. SCHOTT	6837	6837		
6-05748	C. & D. CLAYPOOL	6450	6450		
6-05749	L. BONNER	6450	6450		
6-05750	B.P. & A. VOSE	6450	6450		
6-05751	M. SPLIID, ET. UX.	6450	6450		
6-05752	K.N. NYLTON & P.A. BELL	6450	6450		
6-05753	B.P. & J. DELONG (JOLLEY)	6450	6450		
6-05754	K.O. PIERCE	6450	6450		
6-05755	F. & S.L. HAMLIN	5160	5160		
6-05756	L.G. & K.E. RICHARDSON	5160	5160		
6-05757	B.J. GILGE?	6450	6450		
6-05758	R. & J. VELA	6450	6450		
6-05759	S.R. TRICKLER	6450	6450		
6-05760	R.A. & D. WINDHAM	6450	6450		
6-05761	R.W. JOHNSON	6450	6450		
6-05762	W.L. KIMBLE	6450	6450		
6-05763	L.S. EDWARDS & W.H. LYTLE	6450	6450		
6-05764	S.J. & S.R. MORRIS	6450	6450		
6-05765	R.A. & M. COOK	6450	6450		
6-05766	S.J. SOKOL	6837	6837		
6-05767	M.J. & J.A. CARPINE	6450	6450		
6-05768	J.M. WOLF	6450	6450		
6-05777	HEIRS OF R.C. HANSON	6450	6450		
6-05778	M. J. LARSEN	6450	6450		
6-05779	C.S & A.M. FARAG	12900	2000	10900	
6-05780	M. CORTEZ & M. LORENZO ORTIZ	6450	6450		
6-05077	CALL IT HOME, LLC	3805	3805		

* CALCULATED AREA

GMB 1097
EXHIBIT B
ICN 6-32-14689
PAGE 4 OF 5

EXHIBIT A

SR 90
JCT. SR 395 TO SPRAGUE AVE. I/C VICINITY
SPOKANE COUNTY

RIGHT OF WAY AND LIMITED ACCESS PLAN
FULL CONTROL
MP 283.94 TO MP 284.13
STATION 1562+00 TO STATION 1572+00

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
OLYMPIA, WASHINGTON

LIMITED ACCESS ESTABLISHED BY THE DIRECTOR OF ENVIRONMENTAL AND ENGINEERING PROGRAMS FINDINGS AND ORDER ADOPTED JULY 19, 2005

FOR ACCESS HEARING PLAN SEE PLAN OF SAME TITLE, APPROVED AND ADOPTED JANUARY 28, 2003

ACCESS NOTES:

PEDESTRIAN AND BICYCLE TRAFFIC WILL BE PERMITTED USE OF THE PATH DESIGNATED ABOVE BETWEEN FREYA ST. AND HAVANA ST.

APPROVED AND ADOPTED AUGUST 23, 2005

PROJECT ENGINEER

RIGHT OF WAY PLANS ENGINEER

SHEET 3 OF 13 SHEETS

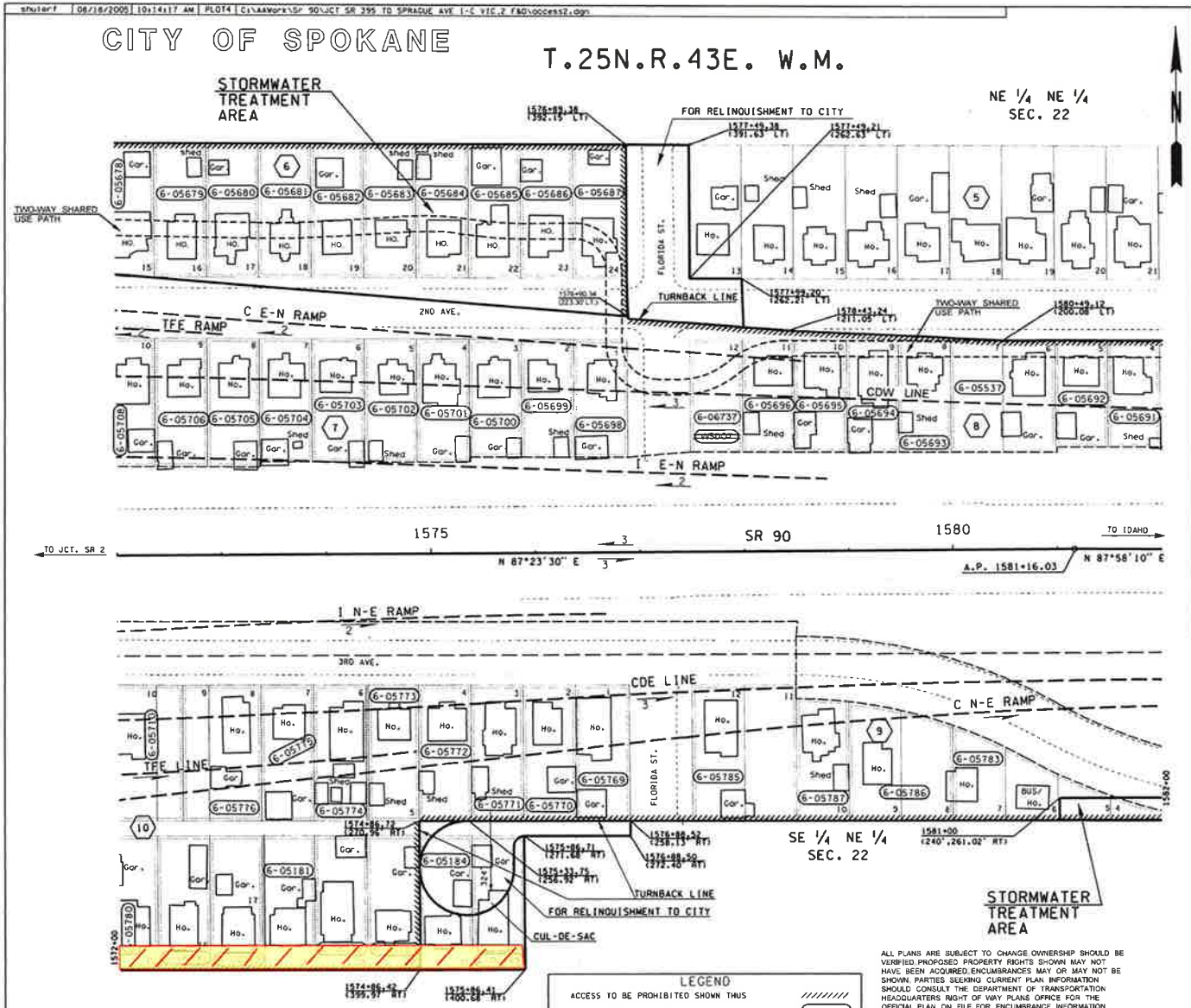
D - 16

90 / 709

GMB 1097
EXHIBIT B
ICN 6-32-14689
PAGE 5 OF 5

CITY OF SPOKANE

T.25N.R.43E. W.M.



THE BASIS OF BEARINGS AND DISTANCES ARE DETERMINED FROM WASHINGTON STATE PLANE COORDINATE SYSTEM NORTH ZONE (NAD 83/91).

THE DISTANCES SHOWN ARE GROUND DISTANCES.

FOR SURVEY INFORMATION SEE MONUMENTATION MAP DATED JULY 29, 2005, BOOK 2 PAGES 90 THRU 102.

LEGEND

ACCESS TO BE PROHIBITED SHOWN THUS

PROPERTY OWNERSHIP NUMBERS

PROPERTY LINES

ROSSVALE 2ND ADDITION

0 50 100
SCALE IN FEET

ALL PLANS ARE SUBJECT TO CHANGE. OWNERSHIP SHOULD BE VERIFIED. PROPOSED PROPERTY RIGHTS SHOWN MAY NOT HAVE BEEN ACQUIRED. ENCUMBRANCES MAY OR MAY NOT BE SHOWN. PARTIES SEEKING CURRENT PLAN INFORMATION SHOULD CONSULT THE DEPARTMENT OF TRANSPORTATION HEADQUARTERS RIGHT OF WAY PLANS OFFICE FOR THE OFFICIAL PLAN ON FILE FOR ENCUMBRANCE INFORMATION CONSULT THE DEPARTMENT OF TRANSPORTATION HEADQUARTERS REAL ESTATE SERVICES OFFICE.

OWNERSHIPS

TOTAL AREA IS FROM ASSESSOR'S RECORDS UNLESS OTHERWISE NOTED. ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED.

PARCEL NO.	NAME	TOTAL AREA	R/W	LT. REMAINDER RT.	EASM'T
6-05181	C.A. PETERS	6450	6450		
6-05182	O.J. CLARK	6450	6450		
6-05183	C.A. MALONE	6450	6450		
6-05184	M.L. DIXON, ET. AL.	6450	6450		
6-05185	J.J. JENKINS	6450	6450		
6-05537	W.W. & L. BLUMHAGEN	10900	10900		
6-05678	SEE SHEET 3	6450	6450		
6-05679	C.O. MCGOWAN & W. DIEDRICH	6450	6450		
6-05680	A.W. & M.L. NAUCK	6450	6450		
6-05681	M.H. LYTLE	6450	6450		
6-05682	D.H. & L.D. ANSTINE	6450	6450		
6-05683	K.A. & S.A. BRANHAM	6450	6450		
6-05684	W.O. SPAIN	6450	6450		
6-05685	G.M. FINDLEY	6450	6450		
6-05686	G.R. & E.L. SHOENBERGER	6450	6450		
6-05687	L.M. PHAN & D.T. HA	6579	6579		
6-05691	D.& K. VAN HORN	5200	5200		
6-05692	M. PHAM & L.TA	5200	5200		
6-05693	M.L. LARSON	5450	5450		
6-05694	H.N. & Y.N. STATCHWICK	5450	5450		
6-05695	J. ROSWELL	5450	5450		
6-05696	K.A. & L.M. SHCHERBINA	5450	5450		
6-05698	D. MORRIS	5814	5814		
6-05699	F. BARNES	5700	5700		
6-05700	S.P. LANGLEY & C.M. STEIER	5700	5700		
6-05701	C.A. & B.A. CLAROS	5950	5950		
6-05702	C.L. STONE	5950	5950		
6-05703	W.L. SUMOKEN	5950	5950		
6-05704	W.A. SMITH	5950	5950		
6-05705	D.A. BAKKE	6200	6200		
6-05706	D.C. ELIASON	6200	6200		
6-05708	SEE SHEET 3				
6-05710	SEE SHEET 3				
6-05769	W.D. & T. INES	6579	6579		
6-05770	T.L. & C.WARD	6450	6450		
6-05771	J.L. & J.E. KNIGHT	6450	6450		
6-05772	B. & S. GROSCH	6450	6450		
6-05773	W.L. & M.M. BELANGER	6192	6192		
6-05774	C.L. LEWIS	6708	6708		
6-05775	T.R. & S. L. BANGS	6450	6450		
6-05776	D. M. SPEIGHT	9675	9675		
6-05780	SEE SHEET 3				
6-05781	J.R. & C.M. SCHIMKE	6450	6450		
6-05782	V.A. & L.D. RANF	6450	6450		
6-05783	PARTNERS MORTGAGE COMPANY	11525	11525		
6-05785	D.T. & M.A. BRYANSIFRENCHI	12900	12900		
6-05786	M.P. & T.N. BREITHAUPT	* 10415	10415		
6-05787	D.L. BUCKNER	5750	5750		
6-06737	WSDOT ADVANCED ACQUISITION FUND REIMBURSEMENT USED FOR PARCEL 6-03982				

ACCESS APPROACH SCHEDULE

NAME	CENTERLINE OF APPROACH STATION	TYPE
WSDOT	1576+75 LT.	C-9-21

* CALCULATED AREA

ACCESS NOTES:

TYPE C APPROACH IS AN OFF AND ON APPROACH IN LEGAL MANNER, FOR SPECIAL PURPOSE AND WIDTH TO BE AGREED UPON. IT MAY BE SPECIFIED AT A POINT SATISFACTORY TO THE STATE AT OR BETWEEN DESIGNATED HIGHWAY STATIONS.

NO 9. THIS APPROACH SHALL BE GATED AND LOCKED WHEN NOT IN USE.

NO 21. THE PRIVILEGE OF ACCESS TO AREAS WITHIN THE RIGHT OF WAY IS PERMITTED FROM OUTSIDE THE RIGHT OF WAY TO USER DESIGNATED SOLELY FOR USE AUTHORIZED BY AND SUBJECT TO THE CONDITIONS OF THE FRANCHISE PERMIT, OR AGREEMENT SPECIFIED. NO ACCESS WILL BE ALLOWED TO THE TRAVELED HIGHWAY LANES OR ROADS.

THIS PLAN SUPERSEDES SHEETS 3 AND 4 OF 4 OF SR 90, CITY OF SPOKANE: HELENA ST. TO HAVANA ST., APPROVED DECEMBER 7, 1954.

PEDESTRIAN AND BICYCLE TRAFFIC WILL BE PERMITTED USE OF THE PATH DESIGNATED ABOVE BETWEEN FREYA ST. AND HAVANA ST.

OWNERSHIP SHOULD BE VERIFIED. PROPERTY RIGHTS SHOWN MAY NOT HAVE BEEN ACQUIRED BY WSDOT.

LIMITED ACCESS ESTABLISHED BY THE DIRECTOR OF ENVIRONMENTAL AND ENGINEERING PROGRAMS FINDINGS AND ORDER ADOPTED JULY 19, 2005

FOR ACCESS HEARING PLAN SEE PLAN OF SAME TITLE, APPROVED AND ADOPTED JANUARY 28, 2003

EXHIBIT A

SR 90

JCT. SR 395 TO SPRAGUE AVE. I/C VICINITY

SPOKANE COUNTY

RIGHT OF WAY AND LIMITED ACCESS PLAN
FULL CONTROL
MP 284.13 TO MP 284.32
STATION 1572+00 TO STATION 1582+00

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
OLYMPIA, WASHINGTON

APPROVED AND ADOPTED AUGUST 23, 2005

KAPHALE BOHAT
PROJECT ENGINEER

RIGHT OF WAY PLANS ENGINEER

Revision Description	By
Added Shared Use Path Added Revised Ownership Verification Note	MRW
Added Reimbursement Parcel 6-06737	KJ

SHEET 4 OF 13 SHEETS

D - 16

90 / 705

Agenda Sheet for City Council Meeting of: 06/12/2017		Date Rec'd	5/31/2017
		Clerk's File #	CPR 1991-0068
		Renews #	
Submitting Dept	MAYOR	Cross Ref #	
Contact Name/Phone	BRANDY COTE 625-6774	Project #	
Contact E-Mail	BCOTE@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Boards and Commissions Appointments	Requisition #	
Agenda Item Name	0520 APPOINTMENT OF TWO MEMBERS TO THE SPOKANE HUMAN RIGHTS COMMISSION		

Agenda Wording

Appointment of Jennifer Thomas and Lance Kissler to the Spokane Human Rights Commission, each for a three year term from 6/12/17 - 6/12/20.

Summary (Background)

Appointment of Jennifer Thomas and Lance Kissler to the Spokane Human Rights Commission, each for a three year term from 6/12/17 - 6/12/20.

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	DUNIVANT, TIMOTHY	aayars@spokanecity.org	
Additional Approvals		jlemus@spokanecity.org	
Purchasing			

Agenda Sheet for City Council Meeting of: 06/12/2017		**Date Rec'd**	5/31/2017
		Clerk's File #	CPR 1981-0043
		Renews #	
Submitting Dept	MAYOR	**Cross Ref #**	
Contact Name/Phone	BRANDY COTE 625-6774	**Project #**	
Contact E-Mail	BCOTE@SPOKANECITY.ORG	**Bid #**	
Agenda Item Type	Boards and Commissions	**Requisition #**	
Agenda Item Name	0520 FIVE REAPPOINTMENTS TO THE ARTS COMMISSION		

Agenda Wording

Reappointment of Dean Davis, Jim Kolva, Karli Ingersoll, Elizabeth Mermann-Jozwiak, and Melissa Parker to the Spokane Arts Commission each for a three year term from 6/12/17 - 6/12/20.

Summary (Background)

Reappointment of Dean Davis, Jim Kolva, Karli Ingersoll, Elizabeth Mermann-Jozwiak, and Melissa Parker to the Spokane Arts Commission each for a three year term from 6/12/17 - 6/12/20.

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	DUNIVANT, TIMOTHY		
Additional Approvals			
Purchasing			

Agenda Sheet for City Council Meeting of: 06/05/2017		Date Rec'd	5/17/2017
		Clerk's File #	ORD C35503
		Renews #	
Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	LORI KINNEAR 625-6261	Project #	
Contact E-Mail	LKINNEAR@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0320 - ORDINANCE ESTABLISHING FOURTH-DEGREE ASSAULT		

Agenda Wording

An ordinance establishing the elements of the crime of assault in the fourth degree; amending section 10.11.010 of the Spokane Municipal Code.

Summary (Background)

This proposed amendment will revise the local City Assault Ordinance by incorporating RCW 9A.36.041 into the Municipal Code and adopting the exact language of the statute. This will allow the same criminal behavior to be prosecuted exactly as it would be in other jurisdictions throughout the state.

Fiscal Impact		Budget Account
Neutral	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	MCCLATCHEY, BRIAN	Study Session	
Division Director		Other	Public Safety Comm. 5-15-17
Finance	DOVAL, MATTHEW	Distribution List	
Legal	PICCOLO, MIKE	mmuramatsu@spokanecity.org	
For the Mayor	SANDERS, THERESA	jbingham@spokanecity.org	
Additional Approvals			
Purchasing			

ORDINANCE NO. C35503

An ordinance establishing the elements of the crime of assault in the fourth degree; amending section 10.11.010 of the Spokane Municipal Code.

WHEREAS, RCW 9A.36.041 defines the elements of the crime of assault in the fourth degree, a gross misdemeanor; and

WHEREAS, the City of Spokane defines "assault" (known a "city assault") as a crime in the Spokane Municipal Code and, like the state charge, city assault is a gross misdemeanor; and

WHEREAS, so-called city assault has different elements than the state law crime of assault in the fourth degree; and

WHEREAS, because the elements of the crime of assault in Spokane's local municipal code do not match comparable state law, prosecutors and defense attorneys cannot necessarily count on state appellate court rulings on a variety of evidentiary issues related to the crime of assault in the fourth degree, which complicates the prosecution of that crime; and

WHEREAS, the city intends that by revising the local definition of the crime of assault in the Spokane Municipal Code by incorporating RCW 9A.36.041 by reference, the same criminal behavior can be prosecuted in Spokane exactly as it would be in other jurisdictions throughout the state.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That section 10.11.010 of the Spokane Municipal Code is amended to read as follows:

Section 10.11.10 Assault <u>in the Fourth Degree</u>

A. ((~~No person may willfully use or threaten to use by purposeful words or acts unlawful physical force against the person of another.~~)) <u>RCW 9A.36.041, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.</u>

B. The penalty for violation of this section is a fine not to exceed five thousand dollars, or imprisonment for not more than three hundred sixty-four days, or both such fine and imprisonment.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

BRIEFING PAPER
CITY OF SPOKANE
PUBLIC SAFETY COMMITTEE

Subject: AN ORDINANCE relating to assault in the fourth degree; amending SMC section 10.11.010 of the Spokane Municipal Code.

Background:
RCW 9A.36.041 defines Assault in the Fourth Degree, a gross misdemeanor. The City of Spokane has "City Assault" in its Municipal Code and, like the state charge, City Assault is also a gross misdemeanor. Ironically, City Assault has different elements than the state charge of Assault in the Fourth Degree. Because the elements of Spokane's local ordinance do not match with the comparable state law, prosecutors and defense attorneys cannot necessarily count on state appellate court rulings on a variety of evidentiary issues related to Assault in the Fourth Degree.

One of several examples is the sexual motivation enhancement for Fourth Degree Assault. Law enforcement officials and prosecutors would like to add the enhancement to the municipal code in order to provide better accountability for the most dangerous of predatory behavior, but having a matching assault ordinance will be essential to ensure that the enhancement is valid and upheld on appeal.

Brief Summary:
This proposed amendment will revise the local City Assault Ordinance by incorporating RCW 9A.36.041 into the Municipal Code and adopting the exact language of the statute. This will allow the same criminal behavior to be prosecuted exactly as it would be in other jurisdictions throughout the state.

Impact:
Passage of this ordinance is expected to clarify legal ambiguities surrounding Spokane's unique local City Assault ordinance by adopting state law.

Agenda Sheet for City Council Meeting of: 06/05/2017		**Date Rec'd**	5/17/2017
		Clerk's File #	ORD C35504
		Renews #	
Submitting Dept	CITY COUNCIL	**Cross Ref #**	
Contact Name/Phone	LORI KINNEAR 625-6261	**Project #**	
Contact E-Mail	LKINNEAR@SPOKANECITY.ORG	**Bid #**	
Agenda Item Type	First Reading Ordinance	**Requisition #**	
Agenda Item Name	0320 - SEXUAL MOTIVATION ENHANCEMENT		

Agenda Wording

An ordinance requiring the filing of a sexual motivation allegation to support sentence enhancements in certain cases.

Summary (Background)

Passage of this ordinance will put the City in line with state law and allow Spokane Municipal judges and juries to consider criminal cases committed with sexual motivation. Obtaining biological samples of these offenders will allow law enforcement agencies to determine whether these individuals have engaged in sex crimes. It is expected to serve as an important identification tool for law enforcement investigators, and one which will ultimately create safer communities.

Fiscal Impact		**Budget Account**
Neutral	**$**	**#**
Select	**$**	**#**
Select	**$**	**#**
Select	**$**	**#**

Approvals		**Council Notifications**	
Dept Head	MCCLATCHEY, BRIAN	**Study Session**	
Division Director		**Other**	Public Safety Comm., 5-15-17
Finance	DOVAL, MATTHEW	**Distribution List**	
Legal	MURAMATSU, MARY	mmuramatsu@spokanecity.org	
For the Mayor	SANDERS, THERESA	jbingham@spokanecity.org	
Additional Approvals			
Purchasing			

ORDINANCE NO. C35504

An Ordinance requiring the filing of a special allegation of sexual motivation in the prosecution of certain offenses; enacting a new section 10.11.015 of the Spokane Municipal Code.

WHEREAS, under RCW 9.94A.835, prosecuting attorneys are required to file a special allegation known as a "sexual motivation enhancement" if one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification; and

WHEREAS, sexual motivation enhancement special allegations can only be added to non-sex offenses and must be proven beyond a reasonable doubt; and

WHEREAS, a court finding of sexual motivation in the commission of a crime makes that crime, by definition, a "sex offense", which requires the offender to submit to a DNA sample; and

WHEREAS, the Special Victims Unit of the Spokane Police Department, jointly with the City Prosecutor, seeks an update to the Spokane Municipal Code so that it conforms with state law requirements for this type of sentence enhancement; and

WHEREAS, individuals who commit crimes with sexual motivation engage in dangerous behavior and victimize citizens in a way that places them properly under the provisions of state law with respect to identification through a biological sample; and

WHEREAS, amendment of the SMC to add the ability to seek sexual motivation sentence enhancements would put the city in line with state law and give criminal investigators an important tool to identify sex offenders, thereby making our community safer.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That there is adopted a new section 10.11.015 of the Spokane Municipal Code to read as follows:

Section 10.11.015 Special allegation—Sexual motivation—Procedures

A. For purposes of this section, "sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

B. The city prosecutor shall file a special allegation of sexual motivation in every gross misdemeanor or misdemeanor case, other than sex offenses as defined in RCW 9.94A.030, when sufficient admissible evidence exists which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the

evidence, would justify a finding of sexual motivation by a reasonable and objective fact finder.

C. In a criminal case wherein there has been a special allegation, the city prosecutor shall prove beyond a reasonable doubt that the accused committed the crime with a sexual motivation. The court shall make a finding of fact of whether or not a sexual motivation was present at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether or not the defendant committed the crime with a sexual motivation.

D. A decision on the special verdict must be unanimous. The jury must be unanimous in order to answer either "yes" or "no" to a special verdict question about the grounds for a sentence enhancement. Jurors must leave the question unanswered if they were unable to agree on a verdict.

E. This finding shall not be applied to sex offenses as defined in RCW 9.94A.030.

F. The city prosecutor shall not withdraw the special allegation of sexual motivation without approval of the court through an order of dismissal of the special allegation. The court shall not dismiss this special allegation unless it finds that such an order is necessary to correct an error in the initial charging decision or unless there are evidentiary problems which make proving the special allegation doubtful.

PASSED by the City Council on _____.

_____
Council President

Attest:

_____
City Clerk

_____
Mayor

Approved as to form:

_____
Assistant City Attorney

_____
Date

_____
Effective Date

BRIEFING PAPER
CITY OF SPOKANE
PUBLIC SAFETY COMMITTEE

Subject: An ordinance relating to the special allegation of sexual motivation and enacting a new section 10.11.015 of the Spokane Municipal Code.

Background:
Under RCW 9.94A.835, prosecuting attorneys are required to file a special allegation known as a "sexual motivation enhancement" if one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification. Such special allegation can only be added to non-sex offenses and it must be proven beyond a reasonable doubt. A finding of sexual motivation results in the defendant being subject to the requirement of providing a DNA sample.

Brief Summary:
The Special Victims Unit of the Spokane Police Department, jointly with the City Prosecutor, has requested that the Spokane Municipal Code be updated to conform to state law with respect to this important enhancement. Individuals who commit crimes with sexual motivation engage in dangerous behavior and victimize citizens. This enhancement places them properly under the provisions of state law with respect to providing a biological sample.

Impact:
Passage of this ordinance will put the City in line with state law and allow Spokane Municipal judges and juries to consider criminal cases committed with sexual motivation. Obtaining biological samples of these offenders will allow law enforcement agencies to determine whether these individuals have engaged in sex crimes. It is expected to serve as an important identification tool for law enforcement investigators, and one which will ultimately create safer communities.

Agenda Sheet for City Council Meeting of: 06/05/2017		Date Rec'd	5/16/2017
		Clerk's File #	ORD C35505
		Renews #	
Submitting Dept	PUBLIC WORKS	Cross Ref #	
Contact Name/Phone	CORIN MORSE 6855	Project #	
Contact E-Mail	CMORSE@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	5200 ORDINANCE - CLARIFYING WATER RATES FOR PUDS		

Agenda Wording

An ordinance to ratify and clarify the water utility rates for Planned Unit Developments (PUDs) to reflect legislative intent and consistency with historical ordinances.

Summary (Background)

The Planned Unit Development (PUD) Water Utility Rate Ordinance contains a number of errors which are inconsistent with the City Council's legislative intent and with historical ordinances. The ordinance language is contained in SMC 13.04.2005 and 13.04.2015. PUDs within the City's service area have been billed the correct rates for the class of service. The City needs to ratify the legislative intent and cure the defective provisions, providing clarity and consistency.

Fiscal Impact		Budget Account
Neutral	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	SIMMONS, SCOTT M.	Study Session	5/22/17
Division Director	SIMMONS, SCOTT M.	Other	
Finance	HUGHES, MICHELLE	Distribution List	
Legal	SCHOEDEL, ELIZABETH	mfeist@spokanecity.org	
For the Mayor	SANDERS, THERESA	esantos@spokanecity.org	
Additional Approvals		wquinnan@spokanecity.org	
Purchasing		eschoedel@spokanecity.org	

BRIEFING PAPER

Public Works Committee

Ratification of the PUD Water Utility Rates
May 2017

Subject

The need for an ordinance to ratify a clarification to the water rates for Planned Unit Developments (PUDs) to reflect legislative intent and consistency with historical ordinances.

Background

The Planned Unit Development (PUD) Water Utility Rate Ordinance contains a number of errors which are inconsistent with the City Council's legislative intent and with historical ordinances. The ordinance language is contained in SMC 13.04.2005 and 13.04.2015.

The PUDs have been billed the correct rates for the class of service. The City needs to ratify the legislative intent and cure the defective provisions.

The City's Elected Officials wanted to be sure that PUDs were charges similarly to single family residential homes. In the past PUDs were being penalized because all of their water consumption was measured through a single meter and charged a commercial rate.

As a result, our elected officials asked staff to create language for PUD rates that would effectively divide water consumption by the number of homes within a PUD, creating an average water use for each home. Then, the PUD would be charged according to the single-family residential tiered rates. Additionally, City Council approved the addition of a fifth tier for PUDs to continue to encourage water conservation. The tiered rates for PUDs are as follows for 2017.

Tier	Usage	Units	Inside City Rate*	Outside City Rate*
1	First 4,500 gallons	1- 6 units	$ 0.30	$ 0.45
2	Next 3,000 gallons	7-10 units	$ 0.64	$ 0.96
3	Next 26,100 gallons	11-45 units	$ 0.86	$ 1.29
4	33,600 to 52,360 gallons	45-70 units	$ 1.10	$ 1.65
5	Over 52,360 gallons	Over 70 units	$1.17	$1.76

The language codified in the SMC is imprecise and includes inadvertent errors. The utility bills for PUDs produced during these time periods were calculated consistently with the City's residential rate structure and the intent of Council.

Impact

Customers have been billed correctly based on the legislative intent for 2015, 2016 and 2017 for the class of water service to PUDs. The impact of the ordinance, therefore, just provides needed clarity and consistency.

Action

To adopt the attached ordinance as proposed.

ORDINANCE NO. C35505

AN ORDINANCE relating to the rates of the water and hydroelectric department for services, amending SMC sections 13.04.2005, and 13.04.2015 of the Spokane Municipal Code; and setting an effective date.

The City of Spokane does ordain:

Section 1: That SMC section 13.04.2005 is amended to read as follows:

13.04.2005 City Planned Unit Developments (PUD)

A. Basic Charge.
In general, a planned unit development (PUD) designation is one approved in accord with applicable PUD development standards and served by a master water meter. However, if a dwelling unit would otherwise be included within a PUD designation but has its own individual City water meter, it will be billed as a single family residence under SMC 13.04.2002 or other applicable rate section. Questions of applicability are determined by the director. [Cross Reference: SMC 17A.020.160(T)]

B. Consumption.
For billing water consumption, the PUD will be charged the same as a single-family residence within the City limits except the PUD's total consumption will be divided by the total number of dwelling units to determine the per-dwelling consumption for purposes of applying the rate steps defined in SMC 13.04.2002(B). ((~~basic charge will include seventy units of service~~)). Consumption beyond seventy units of service will be assessed a per unit rate of:

2015	2016	2017
(~~$0.0658~~)	(~~$0.0677~~)	(~~$0.0696~~)
$1.1069	$1.1390	$1.1720

C. Size of Service / Meter Charge Per Month.

1. One-inch or less:

2015	2016	2017
$15.82	$16.28	$16.75

2. One-and-one-half inch:

2015	2016	2017
$25.81	$26.56	$27.33

3. Two-inch:

2015	2016	2017
$36.57	$37.63	$38.72

4. Three-inch:

2015	2016	2017
$58.58	$60.28	$62.03

5. Four-inch:

2015	2016	2017
$80.68	$83.02	$85.43

6. Six-inch:

2015	2016	2017
$114.12	$117.43	$120.84

7. Eight-inch:

2015	2016	2017
$233.83	$240.61	$247.59

8. Ten-inch:

2015	2016	2017
$341.47	$351.37	$361.56

D. Water-Wastewater Integrated Capital.

Rates for water-wastewater integrated capital are established and provided for in SMC 13.035.500.

Section 2: That SMC section 13.04.2015 is amended to read as follows:

13.04.2015 Outside City Planned Unit Developments (PUD)

A. Basic Charge.
In general, a planned unit development (PUD) designation is one approved according with applicable4 PUD development standards and served by a master

water meter. However, if a dwelling unit would otherwise be included within a PUD designation but has its own individual city water meter, it will be billed as a single-family residence under SMC 13.04.2012 or other applicable rate section. Questions of applicability are determined by the director. [Cross Reference: SMC 17A.020.160(T)]

B. Consumption.

For billing water consumption, the outside city PUD basic charge will ((~~include seventy units of service~~)) will be charged the same as a single-family residence outside the City limits except the PUD's total consumption will be divided by the total number of dwelling units to determine the per-dwelling consumption for purposes of applying the rate steps defined in SMC 13.04.2012(B). Consumption beyond seventy units of service will be assessed a rate of:

2015	2016	2017
(~~$0.987~~)	(~~$0.1015~~)	$(~~0.1045~~)
$1.6604	$1.7085	$1.7581

per one hundred cubic feet used per month.

C. Size of Service / Meter Charge Per Month.

1. One-inch or less:

2015	2016	2017
$30.65	$31.53	$32.44

2. One-and-one-half inch:

2015	2016	2017
$45.63	$46.95	$48.31

3. Two-inch:

2015	2016	2017
$61.77	$63.56	$65.40

4. Three-inch:

2015	2016	2017
$94.79	$97.53	$100.36

5. Four-inch:

2015	2016	2017
$127.94	$131.64	$135.46

6. Six-inch:

2015	2016	2017
$178.10	$183.26	$188.57

7. Eight-inch:

2015	2016	2017
$357.66	$368.03	$378.80

8. Ten-inch:

2015	2016	2017
$519.12	$534.18	$549.67

D. Water-Wastewater Integrated Capital.
Rates for water-wastewater integrated capital are established and provided for in SMC 13.035.500.

Section 3: Effective Date.
This ordinance is hereby ratified and shall take effect to January 1, 2015.

Passed by the City Council on _____.

_____
Council President

Attest:

_____

City Clerk

_____

Mayor

Approved as to form:

_____

Assistant City Attorney

_____

Date

_____

Effective Date

Agenda Sheet for City Council Meeting of: 06/05/2017		Date Rec'd	5/15/2017
		Clerk's File #	ORD C35506
		Renews #	
Submitting Dept	NEIGHBORHOOD SERVICES & CODE ENFORCEMENT	Cross Ref #	
Contact Name/Phone	HEATHER TRAUTMAN 625-6854	Project #	
Contact E-Mail	HTRAUTMAN@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Final Reading Ordinance	Requisition #	
Agenda Item Name	1200 IMPOUNDMENT OF UNAUTHORIZED VEHICLES		

Agenda Wording

Adding a new section SMC 16A.61.577 for the Impoundment of Unauthorized Vehicles on Public Property.

Summary (Background)

Adding a new section defining a public impound on public property, listing of time restrictions authorized by RCW 46.55 subject of vehicle impoundment, designation of a public towing official under RCW 46.55.080(1) and the procedures outlined in RCW 46.55 for vehicle impoundment.

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

Approvals		Council Notifications	
Dept Head	TRAUTMAN, HEATHER	Study Session	
Division Director	MALLAHAN, JONATHAN	Other	Public Safety 5/15/17
Finance	HUGHES, MICHELLE	Distribution List	
Legal	PICCOLO, MIKE	mmuramatsu@spokanecity.org	
For the Mayor	SANDERS, THERESA	mpiccolo@spokanecity.org	
Additional Approvals		tszambelan@spokanecity.org	
Purchasing		cmeidl@spokanepolice.org	
		jmallahan@spokanecity.org	

ORDINANCE NO. C35506

AN ORDINANCE relating to the impoundment of abandoned or unauthorized vehicles; adopting a new section 16A.61.577 of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That there is adopted a new section 16A.61.577 SMC to read as follows:

16A.61.577 Impoundment of Unauthorized Vehicles on Public Property

A. Definitions

1. "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

2. "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

3. “Public Property” means any street, road, public highway or other publicly owned property.

4. "Unauthorized vehicle", for purposes of this section, means a vehicle that is subject to impoundment after being left unattended in one of the following circumstances:

    a. Constituting an accident or a traffic hazard as defined in RCW 46.55.113
    b. On a highway and tagged as described in RCW 46.55.085
    c. In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070
    d. In violation of any of the restrictions subject to vehicle impoundment under Chapter 16A.61 SMC.

B. If a vehicle is in violation of the time restrictions of RCW 46.55.010(14) as set forth in subsections (4)(a) through (4)(c) above, or is in violation of any of the restrictions subject to vehicle impoundment set forth in section (4)(d) above, it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property.

C. In addition to law enforcement officers, the Director of the Office of Neighborhood Services and Code Enforcement, or his or her designee, is a public official with jurisdiction over the public property and with authority to authorize impoundment of unauthorized vehicles on public property.

D. The impoundment of unauthorized vehicles on public property under this section shall incorporate all procedures related to vehicle impoundment as set forth in Chapter 46.55 RCW. Chapter 46.55 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

PASSED by the City Council on _____.

_____
Council President

Attest:

_____
City Clerk

_____
Mayor

Approved as to form:

_____
Assistant City Attorney

_____
Date

_____
Effective Date

BRIEFING PAPER
City of Spokane
Public Safety Committee
Date May 15, 2017

Subject
Proposal to amend SMC 16A.61 and add a section under 16A.61.577 Impoundment of Unauthorized Vehicles on Public Property, to create a public towing official.

Background
Currently duties in the impoundment of vehicles are assigned to the Spokane Police Department, specifically the Neighborhood Resource Officers. There are significant and critical services that NRO's preform in the neighborhoods in addition to the impound duties, and public safety is the highest priority.

The current process of complaint, investigation and notice to vehicle owners regarding abandoned and junk vehicle is undertaken through a consolidated intake. This process received 1,500 complaints in 2016 that resulted in 564 vehicles being referred to SPD for impoundment by a towing company. An impoundment occurs after warnings and attempts to notify the vehicle owner by Code Enforcement staff have failed. In addition, vehicle owners with 4 or more unpaid parking citations in collections that have received a late notice, a pre-collection notice, a collection notice and scoff law notice are eligible for impoundment. These vehicles are subject to booting and impoundment after a last opportunity to pay the parking citations does not occur within two business days of the placement of a boot.

The City Legal Department has reviewed the applicable sections of the Revised Code of Washington 46.55 regarding authorities for impounds. The proposed ordinance amendment would ameliorate capacity of the NRO's through the designation of an additional towing authority of the Director of the Office of Neighborhood Services and Code Enforcement (including the Parking Program) under a reference to "public official" under RCW 46.55.080(1) which vehicles are in violation of any time restrictions of RCW 46.55.010(14) if the vehicle is on public property.

Impact
The consolidation of process leading to impoundment could result in the assignment of impoundment duties to Code Enforcement and Parking staff, doubling of resources to address abandoned vehicles, junk vehicles, scoff law

vehicles and be of assistance for other impounds. In addition, impounds could be completed more quickly and closely to the voluntary compliance efforts. This proposal also allows for the Code Enforcement and parking staff, which also receive limited commissions from the SPD, to remove vehicles freeing NRO's to address higher priority calls for service.

Funding

No additional funding at this time would be required. Equipment, training and towing services would be accommodated within the current budget.

Action

Submit the proposed ordinance amendment to City Council for a hearing on June 5th.

Agenda Sheet for City Council Meeting of: 06/12/2017		Date Rec'd	5/31/2017
		Clerk's File #	ORD C35508
		Renews #	
Submitting Dept	PLANNING	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 - WETLANDS PROTECTION ORDINANCE		

Agenda Wording

An ordinance relating to wetlands protection; amending SMC sections 17E.070.010, 17E.070.020, 17E.070.030, 17E.070.040, 17E.070.050, 17E.070.060, 17E.070.080, 17E.070.090, 17E.070.100, 17E.070.110, 17E.070.120, 17E.070.130, 17E.070.140, 17E.070.150,

Summary (Background)

The Growth Management Act requires cities to adopt development regulations to protect designated critical areas; it also requires that cities review and revise those regulations every 8 years as needed. The Washington State Department of Ecology provides best available science for cities to include in their regulations, and they have recently updated their documents related to the protection of wetlands.

Fiscal Impact		Budget Account
Neutral	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	KEY, LISA	Study Session	
Division Director	MALLAHAN, JONATHAN	Other	PED 4-18-17
Finance	HUGHES, MICHELLE	Distribution List	
Legal	RICHMAN, JAMES	jwright@spokanecity.org	
For the Mayor	DUNIVANT, TIMOTHY	lkey@spokanecity.org	
Additional Approvals		amullerleile@spokanecity.org	
Purchasing		sharshman@spokanecity.org	
		sbishop@spokanecity.org	

Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

17E.070.180 of the Spokane Municipal Code and setting an effective date.

Summary (Background)

This ordinance satisfies the GMA requirements and incorporates the newest, best available science into our wetlands protection ordinance.

Fiscal Impact		Budget Account
Select	$	#
Select	$	#

Distribution List

ORDINANCE NO. C35508

An ordinance relating to wetlands protection; amending SMC sections 17E.070.010, 17E.070.020, 17E.070.030, 17E.070.040, 17E.070.050, 17E.070.060, 17E.070.080, 17E.070.090, 17E.070.100, 17E.070.110, 17E.070.120, 17E.070.130, 17E.070.140, 17E.070.150, 17E.070.180 of the Spokane Municipal Code and setting an effective date.

Whereas, the Growth Management Act (GMA) requires cities to adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170 ("Critical Area Ordinances"); and

Whereas, GMA also requires cities within Spokane County to review and, if needed, revise their Critical Area Ordinances on or before June 30, 2017 ("Critical Area Updates"), and every eight years thereafter; and

Whereas, critical areas that must be designated under GMA include wetlands, areas with a critical recharging effect on aquifers used for potable water, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas ("Critical Areas"); and

Whereas, in preparing its Critical Area Updates, and as outlined in the findings and conclusions of the Plan Commission, dated March 8, 2017 ("Plan Commission Findings and Recommendations"), the City has worked with state agencies and researched the latest reports and studies and has included the best available science, consistent with local needs, in developing the current updates to its Critical Area Ordinances to protect the functions and values of Critical Areas, as required by GMA; and

Whereas, the sources of this best available science that were evaluated and included in original Critical Areas provisions includes: Wetlands in Washington State, Volume 1: A Synthesis of the Science; Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands; Washington State Wetland Rating System for Eastern Washington, Wetland Mitigation in Washington State Part 1: Agency Policies and Guidance; Wetland Mitigation in Washington State Part 1: Agency Policies and Guidance; Dr. Robert Quinn, EWU; Dr. Mike Folsom, EWU; Larry Dawes, qualified wetland professionals with the City of Spokane; Jeremy Sikes, Department of Ecology, wetlands professional; and City of Spokane developer services staff Kris Becker, PE; and

Whereas, the sources of the best available science that were evaluated and included in the current Critical Areas update includes: Washington State Wetland Rating System for Eastern Washington (2014 Update); the currently approved federal wetland delineation manual; the associated Arid West Final Regional Supplement (2008); Wetland Mitigation in Washington State Parts I and II, (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006); and

Whereas, wetlands and streams are environmentally sensitive and serve numerous natural functions and values. These functions include wildlife and fisheries habitat, water quality protection, flood protection, shoreline stabilization, stream flow, and ground water recharge and discharge. In many situations these functions cannot be adequately replicated or replaced, the scientific literature supports in the inclusion of protective buffers from wetlands to provide sediment control and nutrient inputs to wetlands, and to protect important wetland functions, wetlands are identified and rated according to the currently approved federal wetland delineation manual, the associated Arid West Final Regional Supplement (2008), and *Washington State Wetland Rating System for Eastern Washington*, prepared by the Department of Ecology, the scientific literature supports protective buffers ranging from twenty five to three hundred feet of relatively intact native vegetation to adequately protect wetland functions and values, appropriate wetland mitigation ratios – ratios of areas of wetland replacement and enhancement to that altered or destroyed – are established in *Wetland Mitigation in Washington State Parts I and II, (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006) as revised*; and

Whereas, development may result in cumulative impacts to those functions and values of Critical Areas that contribute to and are necessary for a healthy natural environment and perceived quality of life; and

Whereas, it is more costly to remedy the loss of Critical Area functions and values than to conserve and protect them from loss or degradation; and

Whereas, a SEPA Environmental Checklist was completed and a Determination of Non-Significance issued, with notice published in the Spokesman-Review on February 21, 2017; and

Whereas, two open Houses were held on March 2, 2017 and March 8, 2017. Notice of the Open Houses was mailed to property owners within two-hundred and fifty (250) feet of a known or suspected wetland. Notice was also published in the Spokesman-Review; and

Whereas, notice of City of Spokane Plan Commission Public Hearing on the Critical Area Updates was published in the Spokesman-Review on February 21, 2017; and

Whereas, the Plan Commission held a public hearing and took testimony on the Critical Area Updates on March 8, 2017 and completed deliberations March 8, 2017; and

Whereas, the environmental review and determination for the Critical Area Updates fulfilled the requirements and intent of the Spokane Environmental Ordinance and the State Environmental Policy Act; and

Whereas, adoption of the Critical Area Updates is of public necessity; will protect public health, safety, and welfare; constitutes good planning practices; and will not be unduly detrimental to properties within Critical Areas; and

Whereas, mechanisms to ensure opportunity for public input into the planning process fulfilled legal requirements and the intent and policies of the Plan Commission; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 17E.070.010 is amended to read as follows:

17E.070.010 Title and Purpose

A. This chapter shall be known and may be cited as the "Spokane Wetlands Protection Code."

B. This chapter is based on and implements the City of Spokane's Comprehensive Plan((,)) and shoreline master program as amended from time to time. The purpose of this chapter is to protect the public health, safety and welfare by preserving, protecting and restoring wetlands through the regulation of development and other activities within wetlands and their buffers((,)). ((and)) This chapter is not intended to create or otherwise establish or designate any particular person, or class, or group of persons who will or should be especially protected or assisted by the terms or provisions of this chapter. Further, it is the purpose of this chapter through the regulation of development and activities to meet the required goal of no net loss of wetland areas, functions and values.

1. The ((city council)) City Council finds that wetlands constitute important natural resources which provide significant environmental functions including:

   a. Improving water quality through biofiltration, adsorption, retention and transformation of sediments, nutrients, and toxicants;

   b. maintaining the water regime in a watershed (hydraulic functions) such as reducing peak flows, erosion control, stabilizing stream banks and shorelines, and recharging ground water;

   c. providing general ((habitat,)) habitat for invertebrates, amphibians, anadromous fish, and resident fish;

   d. providing habitat to aquatic birds and ((aquatic)) mammals, ((and)) providing richness of food and supporting food webs; and

d. providing a place for education, scientific study, and aesthetic appreciation.

C. The provisions of this chapter shall be liberally construed to effectively carry out its purpose. If any provisions of this chapter conflict with other regulations, ordinances, or other authorities, the provision that provides more protection to wetlands and wetland buffers shall apply.

Section 2. That SMC section 17E.070.020 is amended to read as follows:

17E.070.020 Applicability

A. The requirements of this chapter apply to all activities and development occurring in a wetland or wetland buffer, as defined in this chapter. Property located in a wetland or wetland buffer as defined in this chapter is subject to both its zoning classification regulations and to the additional requirements imposed under this chapter. In any case where there is a conflict between the provisions of the underlying zone and this chapter, the provisions of this chapter shall apply.

B. Wetlands are those areas, designated in accordance with the most current edition of the ((~~*Washington State Wetland Identification and Delineation Manual*~~)) *the federal wetland delineation manual and applicable regional supplements*, that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. All areas within the City meeting the wetland designation criteria in the ((~~Identification and Delineation Manual~~)) the federal wetland delineation manual and applicable regional supplements, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter.

C. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for liability on the part of the City, or its officers, officials, employees, or agents for any injury or damage resulting from the failure of any owner of property or land to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission, or approval authorized or issued in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of

the City related in any manner to the enforcement of this chapter by its officers, officials, employees, or agents.

Section 3. That SMC section 17E.070.030 is amended to read as follows:

17E.070.030 Identification, Designation, and Mapping of Wetlands

A. Wetland Maps.

The approximate location, and extent of wetlands in the city is compiled in the City's wetlands inventory. Their approximate location is displayed on City maps. The foregoing maps are to be used as a guide for the city, project applicants, and/or property owners, and may be continuously updated as new wetlands are identified. The maps are references and do not provide a final wetlands designation or delineation. Wetlands of any size and state of isolation are regulated under the provisions of this ordinance. Wetlands not shown on city maps or wetlands inventory are presumed to exist in the ((~~city~~)) City and are protected under the provisions of this chapter. In the event that any of the wetland designations shown on the wetland inventory or maps conflict with the criteria set forth in this chapter, the criteria shall control.

B. Determination of Wetland Boundary.

1. The applicant shall, through the performance of a field investigation by a qualified professional wetland scientist applying the wetland definition provided in this chapter and in SMC 17A.020.230 and as part of the wetlands report requirement found in this chapter provide a site analysis including: a determination of the exact location of the wetland boundary; an analysis of wetland functions and values; and a wetland rating according to the wetlands rating system criteria adopted in SMC 17E.070.100. Qualified wetland scientists shall perform wetland delineations using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1987), ((~~Interim Regional Supplement:~~)) Arid West ((~~Wetlands Manual (2006),~~)) Final Regional Supplement (2008), ((~~and Washington State Wetlands Identification and Delineation Manual~~)) as revised or supplemented. The Director, upon consultation with the Department of Ecology, may determine that wetland identification and delineations made prior to adoption of these standards, or for a different use requiring permit changes, require a new determination by a qualified wetland scientist. Wetland determinations are subject to Corps Regulatory Guidance Letter (RGL) 05-02, 2005 and expire after five years from the date of determination and must follow requirements for review by a qualified wetland scientist upon expiration of the five year limitation.

2. Where an applicant has provided a delineation of a wetland boundary, the department shall verify the accuracy of, and may render adjustments to, the boundary delineation. ((~~and the~~)) The applicant may be charged by the department for costs incurred in verifying the accuracy of the delineation. In the event the adjusted boundary delineation is contested by the applicant, the department may, at the applicant's expense, obtain the services of a second wetlands scientist to perform a delineation. The second delineation shall be final, unless appealed to the hearing examiner.

Section 4. That SMC section 17E.070.040 is amended to read as follows:

17E.070.040 Regulated Activities

A. No regulated activity shall be undertaken in a wetland or wetland buffer without submitting a Critical Areas Checklist as provided ((~~at~~)) in SMC 17 E.070.080 and first obtaining required permits. Uses and activities in wetlands are only allowed as conditional use permits or planned unit developments under the provisions of the City zoning code. Unless expressly provided otherwise in this chapter, regulated activities include any of the following activities which occur in a wetland or its buffer:

1. removal, excavation, grading, or dredging of soil, sand, gravel or other similar materials;

2. dumping, discharging, or filling with any material;

3. draining ((~~or~~)), flooding, or disturbing of the water level or water table;

4. driving of pilings;

5. placing of obstructions;

6. construction, reconstruction, demolition, or expansion of any structure;

7. the removal, cutting, clearing, harvesting, shading, or intentional burning of any vegetation, including removal of snags or dead or downed woody material, or planting of non-native vegetation that would degrade the wetland; provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules;

8. activities that restrict, increase, or otherwise measurably alter the hydrology, water quality, or limnology of the wetland;

9. construction or installation of streets or utilities; and

10. construction and maintenance of pervious trails.

B. Where a regulated activity is proposed which would be partly inside and partly outside a wetland or wetland buffer, a wetland permit shall be required for the entire regulated activity. The standards of this chapter shall apply only to that part of the regulated activity which occurs inside the delineated boundaries of a wetland or a wetland buffer; provided, all activities that occur outside a wetland or wetland buffer are prohibited from negatively impacting a wetland or wetland buffer.

Section 5. That SMC section 17E.070.050 is amended to read as follows:

17E.070.050 Unregulated Activities

A. The following activities are exempt from the requirement to obtain a permit and are allowed within a wetland or wetland buffer to the extent that they are not prohibited by other local, State, or federal law, ((~~and~~)) do not degrade a wetland or wetland buffer, and are reviewed by the City prior to any action:

1. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife including the planting of native wetland vegetation;

2. activities having minimal adverse impacts on wetland buffers and no adverse impact on wetlands, including low-intensity, passive recreation activities such as short-term scientific or education activities and ((~~sports~~)) sport fishing or hunting;

3. repair and maintenance of existing drainage ditches which are part of a nonconforming wetland use, provided no expansion or introduction of new adverse impact to the wetland takes place. Maintenance of existing drainage ditches should be limited to removing sediment to the depth ((~~at~~)) recorded during the last authorized maintenance activity. The use of current best management practices is especially encouraged to improve agricultural practices in and near wetlands;

4. placement of navigation aids and boundary markers;

5. placement of boat mooring buoys;

6. site investigative work necessary for land use application submittal such as surveys, soil logs and other related activities. Disturbance shall be minimized to the greatest extent possible. Examples of minimal impact methods include, but are ((~~no~~)) not limited to, hand dug test pits or hand borings. All subsurface exploration methods shall be approved in advance by the director. In every case, wetland impacts shall be minimized and disturbed areas shall be immediately restored; and

7. ((~~Normal maintenance of existing utility and street systems, provided that, whenever possible, maintenance activities be confined to late summer and fall. Operation, maintenance or repair of public rights-of-way, legally existing roads, structures or facilities and associated right of way used in the service of the public to provide transportation, electricity, gas, water, telephone, telegraph, telecommunication, sanitary sewer, stormwater treatment and other public utility services are exempt from this chapter. Operation, maintenance, or repair activities that do not require construction permits, if the activity does not further alter or increase impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities, provided that such management actions are part of a regular ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact endangered species. These ongoing activities are not subject to new or additional mitigation when they do not expand further into the critical area, are not the result of an expansion of the structure or utility, or do not directly impact endangered species. Whenever possible, maintenance activities will be confined to late summer and fall.~~)) The following activities are not subject to the provisions of this chapter provided they do not expand further into the critical area, do not alter or increase the impacts to the critical area or buffer, do not directly impact endangered species and do not increase risk to life or property. Whenever possible, maintenance activities will be confined to late summer and fall.

a. Operation, maintenance or repair of public rights-of-way, legally existing roads, structures or facilities and associated rights-of-way used to provide transportation, electricity, gas, water, telephone, telecommunication, sanitary sewer, stormwater treatment and other public utility;

b. Operation, maintenance or repair activities that do not require construction permits;

c. Vegetation management performed in accordance with best management practices as part of the ongoing maintenance of structures, infrastructure, or utilities, provided that such management activities are not the result of an expansion of the structure or utility.

B. Forest practices and conversions shall be governed by chapter 76.09 RCW and rules promulgated thereunder. This permit exemption does not apply where such activities result in the conversion of a wetland or wetland buffer to a use requiring a permit under this chapter.

Section 6. That SMC section 17E.070.060 is amended to read as follows:

17E.070.060 Emergency Activities

A. Notwithstanding the provisions of this chapter or any other laws to the contrary, the director may allow emergency activities if ((~~the~~)):

1. the director determines that an imminent threat to public health, safety, or the environment will occur if an emergency activity is not allowed; and

2. the threat to or loss of wetlands may occur before the normal and usual process ((~~is~~))can be followed or activities can be modified ((~~under~~))pursuant to the procedures ((~~otherwise~~)) normally required by this chapter.

B. The exemption for emergencies should not eliminate the need for later mitigation to offset the impacts of emergency activity. Once the immediate threat has been addressed, any adverse impacts on critical areas should be minimized and mitigated.

((~~B~~))C. Any emergency activity allowed shall:

1. Incorporate to the greatest extent practicable the standards and criteria required for non-emergency activities;

2. be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety days without reapplication; and

3. require the restoration of any wetland altered as a result of the emergency activity within ninety days following the emergency repair, or during the growing season after the emergency repair. Procedures otherwise required by this chapter must be followed for restoration efforts required by the emergency repair in accordance with this chapter.

Section 7. That SMC section 17E.070.080 is amended to read as follows:

17E.070.080 Application Submittal Requirements

A. A pre-development conference is required for all regulated activities proposed in potential wetland areas and associated buffers per chapter 17G.060 SMC. The pre-development conference is intended to acquaint an applicant with standards, requirements, investigation procedures, best management practice, and potential review procedures prior to ((~~making~~)) submitting an application.

B. All activities identified in SMC 17E.070.040 shall meet the following application submittal requirements in addition to the application submittal requirements specified in other codes. The director may modify the submittal requirements based upon reasonable documentation, including BAS, needed to ensure

compliance with this chapter, provided no construction activity, clearing, or grading has taken place. A written summary of analysis and findings shall be included in any staff report or decision on the underlying permit.

1. Wetlands Report. This report shall include a written assessment and accompanying maps of the impacted wetland including, at a minimum, wetland delineation and rating as determined by SMC 17E.070.100; existing wetland acreage; proposed wetland impacts; alternatives to wetlands impacts; proposed wetland buffer; vegetative, faunal and hydrological characteristics; soil and substrate conditions and topographic elevations; and shall be submitted as a part of the permit application.

2. Topographic Survey. To the extent not provided in the wetlands report, a topographic site plan, prepared and stamped by a State of Washington licensed surveyor, is required for sites that include a wetland or its buffer. The topographic site plan shall include the following existing physical elements:

    a. Existing topography at two-foot contour intervals on-site, on adjacent lands within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements;

    b. Terrain and stormwater-flow characteristics within the site, on adjacent sites within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements;

    c. Location of areas with significant amounts of vegetation, and specific location and description of all trees with trunks six inches or greater in diameter at breast height (dbh) measured four feet, six inches above the ground, and noting their species;

    d. Location and boundaries of all existing site improvements on the site, on adjacent lands within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements. This shall include the amounts of developmental coverage, including all impervious surfaces (noting total square footage and percentage of site occupied);

    e. Location of all ongoing grading activities ((~~in progress, and~~)) as well as all natural and artificial drainage control facilities or systems in existence on the site or on adjacent lands((~~on the site~~)), within twenty-five feet of the site's property lines, and in the full width of abutting public and private rights-of-way and easements;

f. Location of all existing utilities (water, sewer, gas, electric, phone, cable, etc.), both above and below ground, on the site, on adjacent lands within twenty-five feet of the site's property lines and in the full width of abutting public rights-of-way; and

g. ((~~Such additional~~))Additional information on existing physical elements ((~~information for~~))on the site and surrounding area as required by the director to inform a complete review of a project subject to the standards of this chapter.

3. Additional Site Plan Information. To the extent not provided in the wetlands report, the following site plan information shall also be required for sites that include wetlands and their buffers. Information related to the location and boundaries of wetlands and required buffer delineations shall be prepared by qualified professionals with training and experience in their respective area of expertise as demonstrated to the satisfaction of the director.

a. Location and boundaries of all wetlands and wetland buffer on the site and on adjacent lands within twenty-five feet of the site's property lines, noting both total square footage and percentage of site;

b. Location and identification of all wetlands within one hundred feet of the site's property lines;

c. Location and boundaries of all proposed site improvements on the site, on adjacent lands within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements. This shall include the amount of proposed land disturbing activities, including amounts of developmental coverage, impervious surfaces and construction activity areas (noting total square footage and percentage of site occupied);

d. Location of all proposed grading activities and all proposed drainage control facilities or systems on the site or on adjacent lands within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements;

e. Location of all proposed utilities (water, sewer, gas, electric, phone, cable, etc.), both above and below ground, on the site, on adjacent lands within twenty-five feet of the site's property lines, in the full width of abutting public rights-of-way, and any proposed extension required to connect to existing utilities, and proposed methods and

locations for the proposed development to hook-up to these services; and

f. Such additional site plan information related to the proposed development as required by the director to inform a complete review of a project subject to the standards of this chapter.

4. Technical Reports. To the extent not provided in the wetlands report, technical reports and other studies and submittals shall be prepared as required by the director detailing on site soils, ((~~geological~~))geology, ((~~hydrological~~))hydrology, drainage, plant ecology and botany, and other pertinent site information. The reports, studies and submittals shall be used to condition development to prevent potential harm and to protect the critical nature of the site, adjacent properties, and the drainage basin.

Section 8. That SMC section 17E.070.090 is amended to read as follows:

17E.070.090 Posting, covenants, and recording conditions

A. During construction, the director may require conditions to be posted on the site that are visible from public rights-of-way.

B. The director shall require the boundaries of wetlands and their buffers and any permanent conditions imposed be legibly shown and described in a permanent covenant with the property, which must be acceptable to the director and city attorney and shall be recorded ((~~in~~)) with the Spokane County Auditor's Office.

C. The covenant shall be recorded prior to the issuance of any permit or at the time a plat is recorded.

D. The covenant shall be permanent unless a revocation is applied for that includes a wetland determination by a qualified wetland scientist that provides evidence the wetland no longer exists. The revocation application must be approved by the director in writing.

E. The director may require placement of small permanent visible markers to delineate the areas described in subsection B. Said markers shall be posted at intervals required by the director and must be perpetually maintained by the property owner. The markers shall be worded as follow or with alternative language approved by the director: "The area beyond this sign is a critical area or critical area buffer. This sensitive environment is to be protected from alteration or disturbance. Please call the City of Spokane for more information." The location of the markers shall be legibly shown and described in the permanent covenant.

Section 9. That SMC section 17E.070.100 is amended to read as follows:

17E.070.100 Wetlands Rating System

A. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the Washington State Wetlands Rating System for Eastern Washington (((~~2004~~)))2014 as revised, .((, together with the Wetlands in Washington State Volume 1 and 2 (2005) as revised.)) These rating system documents contain the definitions and methods for determining if the criteria in subsections B through E below are met. In using the rating system the City will not consider aspen-dominated forested wetlands larger than one-fourth acre to be Category I Wetlands unless they also meet one or more of the other criteria for a Category I Wetland.

B. Category I Wetlands.

1. These wetlands are not common and make up a small percentage of wetlands in the region. Category I wetlands are those that exhibit these primary characteristics:

a. Represent a unique or rare wetland type;

b. ((~~a~~))Are more sensitive to disturbance than most wetlands;

c. ((~~a~~))Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; and

d. ((~~p~~))Provide a high level of function.

2. In ((~~eastern~~)) Eastern Washington, Category I Wetlands include but are not limited to the following examples:

~~1~~a. Alkali wetlands;

~~2~~b. Wetlands of High Conservation Value (formerly called Natural Heritage ((~~Program (DNR)~~))) Wetlands);

~~3~~c. ((~~bogs~~))Bogs and Calcareous Fens;

~~4~~d. ((~~mature~~))Mature and old-growth forested wetlands over one-fourth acre with slow growing trees; and

~~5~~e. ((~~wetlands~~))Wetlands that perform ((~~many functions very well~~)) functions at high levels (scores of ((~~seventy~~)) twenty-two points or more).

C. Category II Wetlands. Category II wetlands are difficult, although not impossible, to replace and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include:

1. forested wetlands in the floodplains of rivers;
2. mature and old-growth forested wetlands over one-fourth acre with fast growing trees;
3. vernal pools; and
4. wetlands that perform functions well (scores between ((~~fifty one~~)) nineteen and ((~~sixty nine~~)) twenty-one points).

D. Category III Wetlands. Category III wetlands generally have been disturbed in some ways, and are often smaller, less diverse and/or more isolated from other natural resources in the landscape than Category II wetlands and may not need as much protection as Category I and II Wetlands. Category III wetlands are:

1. vernal pools that are isolated; and
2. wetlands with a moderate level of function (between ((~~thirty~~)) sixteen and ((~~fifty~~)) eighteen points).

E. Category IV Wetlands. Category IV wetlands have the lowest levels of function (less than ((~~thirty~~)) sixteen points) and are often heavily disturbed. These are wetlands that may be replaced and in some cases improved. These wetlands may provide some important function, and also need to be protected. Category IV wetlands are comprised of one vegetative class other than the forested wetland class.

Section 10. That SMC section 17E.070.110 is amended to read as follows:

17E.070.110 Wetland Buffers

A. Standard Buffer Zone Widths.

Wetland buffer zones shall be required for all regulated activities adjacent to wetlands. Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field pursuant to the requirements of SMC 17E.070.030. The width of the wetland buffer zone shall be determined according to the rating assigned to the wetland in accordance with SMC 17E.070.100 and consistent with Wetlands in Washington State, Volume 2, Protecting and Managing Wetlands, Guidance on Buffers and Ratios (Appendix 8-D) as revised, for wetland category, intensity of impacts, wetland functions, habitat scores, or special characteristics. Standard buffer widths will be determined based on an evaluation of the following:

1. conditions of the wetland;

2. conditions of the buffer;

3. proposed land uses adjacent to the buffer; and

4. the functions intended to be protected.

B. Wildlife habitat function is the most susceptible to developmental change and requires the greatest buffer protection. Protection of wildlife habitat functions require twenty five to seventy five feet for wetlands with minimal habitat functions and low intensity land uses adjacent to the wetlands, fifty to two hundred feet for wetlands with moderate habitat function and moderate or high intensity land use adjacent to the wetlands, and one hundred fifty to two hundred fifty plus feet for wetlands with high habitat functions depending on the intensity of the adjacent land use. The width of the wetland buffer zone shall be determined from one of the following two alternatives:

1. Alternative 1.

Unless SMC 17E.070.110(3) (Table 17E.070.110-4) applies, width based solely on wetland category as follows:

Table 17E.070.110-1

Wetland Category	Buffer Width
Type I	250 ft
Type II	200 ft
Type III	150 ft
Type IV	50 ft

2. Alternative 2.

Alternative 2 provides three buffer widths based on habitat scores. Habitat score refers to the quality of physical structures such as vegetation, open water, and connections to other wildlife habitats that are necessary for a wide range of species, including birds, mammals, and amphibians. Where more than one width applies based on score for function or based on special characteristics, the calculation providing the widest buffer shall be used. Widths are based on wetland category, intensity of impacts from proposed changes in land use, and wetland functions or special characteristics. Land use intensity shall be determined as follows:

Table 17E.070.110-2. Types of proposed land use that can result in high, moderate, and low levels of impacts to adjacent wetlands.

Impact from Proposed Change in Land Use	**Types of Land Use Based on Common Zoning Designations**
High	Commercial, Industrial and Institutional Residential (more than 1 unit/acre) High-intensity recreation (golf courses, ball fields, etc.) Conversion to high intensity agricultural (dairies, nurseries, greenhouses, etc.) Hobby Farms
Moderate	Residential (1 unit/acre or less) Moderate-intensity active open space (parks with biking, jogging, etc.) Conversion to moderate intensity agriculture (orchards, hay fields, etc.) Paved trails Building of logging roads Utility corridor with access/maintenance road Forestry (cutting of trees only)
Low	Passive open space (hiking, bird-watching, etc.) Unpaved trails Utility corridor without road or vegetation management.

((~~Table 17E.070.110-3~~))

~~Wetland Category~~	~~Habitat Score~~	~~Wetland Minimum Buffer Width (in feet)~~		
		~~*Low Impact*~~	~~*Moderate Impact*~~	~~*High Impact*~~
~~I and II~~	~~29-36~~	~~100~~	~~150~~	~~200~~
	~~20-28~~	~~75~~	~~110~~	~~150~~
	~~< 20~~	~~50~~	~~75~~	~~100~~
~~III~~	~~20-28~~	~~75~~	~~110~~	~~150~~
	~~<20~~	~~40~~	~~60~~	~~80~~
~~IV~~		~~25~~	~~40~~	~~50~~

Table 17 E.070.110-3			
Category of Wetland	Land Use with Low Impact	Land Use with Moderate Impact	Land Use with High Impact
I	125 ft.	190 ft.	250 ft.
II	100 ft.	150 ft.	200 ft.
III	75 ft.	110 ft.	150 ft.
IV	25 ft.	40 ft.	50 ft.

3. If a Type I wetland is classified with at least one of the following special characteristics the following buffer table shall apply:

((~~Table 17E.070.110-4~~))

~~Type I – Special Characteristics~~	~~Low Impact~~	~~Moderate Impact~~	~~High Impact~~
~~Vernal Pool~~	~~100~~	~~150~~	~~200~~
~~Vernal Pool with regional plan~~	~~40~~	~~60~~	~~80~~
~~Natural Heritage~~	~~125~~	~~190~~	~~250~~

~~Wetland~~			
~~Bogs~~	~~125~~	~~190~~	~~250~~
~~Alkali~~	~~100~~	~~150~~	~~200~~
~~Riparian Forest~~	~~Buffer width to be based on score for habitat functions or water quality functions~~		

Table 17E.070.110-4

Wetland Characteristics	**Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)**	**Other Measures Recommended for Protection**
Wetlands of High Conservation Value	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft Restore degraded parts of buffer
Bogs	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
Forested	Buffer size to be based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connectivity to other natural areas Restore degraded parts of buffer
Alkali	Low – 100 ft Moderate – 150 ft High – 200 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
High level of function for habitat (score for habitat 8 – 9 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas Restore degraded parts of buffer
Moderate level of function for habitat (score for habitat 5 - 7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement (8 - 9 points) and low for habitat (less than 5 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting any of the above characteristics	Low – 50 ft Moderate – 75 ft	No recommendations at this time

	High – 100 ft	

C. Increased Wetland Buffer Zone Width.

The City may require increased buffer zone widths on a case-by-case basis as determined by the director when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

1. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, sensitive, or documented priority species or habitats, or essential or outstanding potential habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or

2. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or

3. The adjacent land has minimal vegetative cover or slopes greater than thirty percent.

D. Reduction of Standard Wetland Buffer Zone Width.

The City may reduce the standard wetland buffer zone width on a case-by-case basis as determined by the director, consistent with Wetlands in Washington State, Volume 2, Protecting and Managing Wetlands, Guidance on Buffers and Ratios (Appendix 8-D) as revised,((~~if~~)) for wetlands that score:

1. ((~~For wetlands that score~~)) ~~moderate~~ Moderate or high for habitat (((~~twenty~~)) five points or more for the habitat functions) the width of the buffer can be reduced if the following criteria are met:

   a. A relatively undisturbed vegetative corridor of at least one hundred feet in width is protected between the wetland and any other priority habitats; and

   b. The protected area is preserved by means of easement, covenant, or other measure;

   c. Measures identified in SMC 17E.070.110(C)(2) (Table 17E.070.110-5) are taken to minimize the impact of any proposed land use or activity

2. ((~~For wetlands that scoreless~~))Less than ((~~twenty~~)) five points for habitat, the buffer width can be reduced to that required for moderate land-use

impacts by applying the following measures to minimize the impacts of the proposed land uses or activities:

Table 17E.070.110-5

Disturbance	Examples of Measures used to Minimize Impacts
Light	Direct lights away from wetland
Noise	Locate activity that generates noise away from wetland
Toxic runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered, establish covenants limiting use of pesticides within 150', may apply integrated pest management
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development, prevent channelized flow from lawns that directly enters buffer
Change in water regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	Use privacy fencing; ((~~plant appropriate vegetation to discourage disturbance~~)) plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract
Dust	Use best management practices to control

	dust

E. Standard Buffer Width Averaging.

Wetlands may contain significant variations in sensitivity due to existing physical characteristics that may justify buffer width averaging. Standard wetland buffer zones may be modified by averaging buffer widths or a combination of averaging and reduction. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following:

1. Averaging will provide the necessary biological, chemical and physical support necessary to protect the wetland in question, taking into account the type, intensity, scale and ((~~landscape~~))location of the proposed land use;

2. The land uses causing the least disturbance would be located adjacent to areas where buffer width is reduced and that such land uses are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism;

3. The total area contained within the wetland buffer after averaging is not less than that contained with the standard buffer prior to averaging. In no instance shall the buffer width be reduced by more than fifty percent of the standard buffer or be less than twenty-five feet.

F. Wetland Buffer Maintenance.

Except as otherwise specified wetland buffer zones shall be retained in their natural condition and free from mowing or other cutting activity, except for the removal of noxious weeds. Where buffer disturbances have occurred before or during construction, revegetation with native vegetation shall be required.

G. Permitted Uses in a Wetland Buffer Zone. Regulated activities shall not be allowed in a buffer zone except for the following:

1. Activities having minimal adverse impacts on buffers and no adverse impacts on wetlands. These may include low-intensity, passive recreational activities such as trails, non-permanent wildlife watching blinds, short-term scientific or education activities, and sport fishing or hunting. Pervious pedestrian trails may be allowed in a wetland for minor crossings only and with minimal impacts. Trails may be allowed in the outer twenty five percent of a wetland buffers and should be designed to avoid removal of significant trees. Such trails are limited to no more than five feet in width.

2. Storm water management facilities, including biofiltration swales, designed according to the City of Spokane Stormwater Management Manual as revised, and chapter 17D.060 SMC Stormwater Facilities, if no reasonable alternative on-site location is available within the meaning of subsection SMC 17E.070.130, and if sited and designed so that the buffer zone as a whole provides the necessary biological, chemical and physical protection to the wetland in question, taking into account the scale and intensity of the proposed land use. Biofiltration swales will take into account the scale and intensity of the proposed land use, be located in the outer twenty five percent of a Category III or IV wetland buffer provided that no other location is feasible, and will not degrade the functions and values of the wetland or its buffer.]

H. Structural Setbacks from Buffers.

Unless otherwise provided, buildings and other accessory structures shall be set back a distance of ten feet from the edges of all delineated critical area buffers protecting fish and wildlife habitat conservation and wetland protection areas. The director may reduce the structural setback limit by up to five feet if construction, operation, and maintenance of the building do not create a risk of negative impacts on the adjacent buffer area. Approval of a reduction of the structural setback from the buffer line shall be provided in writing by the director. The following uses may be allowed in the structural setback area:

1. Landscaping;

2. Uncovered decks;

3. Roof eaves and overhangs, maximum of twenty-four inches;

4. Pervious unroofed stairways and steps;

5. Impervious ground surfaces, such as driveways and patios.

Section 11. That SMC section 17E.070.120 is amended to read as follows:

SMC 17E.070.120 Reasonable Use Exception

A. Regulated activities shall not be authorized within a wetland or wetland buffer except where it can be demonstrated that an extraordinary hardship exists, or the impact is both unavoidable and necessary, or that all reasonable economic uses are denied, as defined below:

1. Extraordinary Hardship.
With respect to Category I and II wetlands, an applicant must demonstrate that denial of the permit would impose an extraordinary hardship on the

part of the applicant brought about by circumstances peculiar to the subject property and not as a direct result of actions taken by the current or previous owner(s).

2. Unavoidable and Necessary Impacts.
With respect to all other wetlands, the following provisions shall apply. For water-dependent activities, unavoidable and necessary impacts can be demonstrated when there are no practicable alternatives which would not:

   a. ((~~There are no practicable alternatives which would not~~))involve a wetland or which would not have less adverse impact on a wetland;

   b. ((~~There are no practicable alternatives which would not~~))have other significant adverse environmental consequences.

3. Storm water management facilities will be considered in wetland buffers with overflow into wetlands or wetland buffers, subject to regulation under the City of Spokane City of Spokane Stormwater Management Manual as revised, chapter 17D.060 SMC Stormwater Facilities, and all other applicable provisions in this chapter.

4. Where non-water-dependent activities are proposed, the applicant must demonstrate that:

   a. The basic project purpose cannot reasonably be accomplished using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project.

   b. A reduction in the size, scope, configuration, or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on a wetland of its buffer will not accomplish the basic purpose of the project; and

   c. In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made a reasonable attempt to remove or accommodate such constraints.

B. Reasonable Use. If an applicant for a development proposal demonstrates to the satisfaction of the director that application of the standards of this chapter would deny all reasonable economic use of the property, development as conditioned shall be allowed if the applicant also demonstrates all of the following to the satisfaction of the director:

1. That the proposed development is water-dependent or requires access to the wetland as a central element of its basic function, or is not water-dependent but has no practicable alternative pursuant to this section;

2. That no reasonable use with less impact on the wetland and its buffer is possible;

3. That there is no feasible on-site alternative to the proposed development, including reduction in density, planned unit development, and/or revision of road and lot layout, that would allow a reasonable economic use with less adverse impacts to wetlands and wetland buffers;

4. That the proposed development will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, sensitive, or documented priority species or priority habitats;

5. That any and all alterations to wetlands and wetland buffers will be mitigated as provided in ((~~SMC 17E.070.040~~)) SMC 17E.070.130;

6. That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property; and

7. That the inability to derive reasonable economic use of the property is not the result of actions by the applicant, or the present or prior owner of the property, in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter.

I. Mitigation will be required for impacts to a wetland or wetland buffer caused by unavoidable and necessary, extraordinary hardships, and reasonable use exceptions to standards.

J. Prior to granting any special exception under this section, the director shall make written findings on each of the items listed above.

Section 12. That SMC section 17E.070.130 is amended to read as follows:

17E.070.130 Mitigation

Wetland mitigation shall be consistent with Wetland Mitigation in Washington State, Parts 1 and 2 (2006) as amended from time to time, to provide consistency for applicants who must also apply for state and federal permits.

A. Conditions.

As a condition of any permit or approval allowing alteration of wetlands or associated buffers, the applicant will engage in the restoration, creation, rehabilitation, enhancement, or preservation of wetlands in order to offset the impacts resulting from the applicants or violators actions. The applicant will develop an appropriate mitigation plan that provides for mitigation measures as outlined below. Wetland mitigation means the use of any or all of the following action listed in descending order of preference (mitigation sequencing):

1. Avoiding the impact altogether by not taking a certain action or parts of an action;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or

6. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation may include a combination of the above measures.

B. Performance Standards.

Compensatory mitigation must follow a mitigation plan which includes the components listed in subsection D of this section. All mitigation plans must meet the minimum performance standards set forth in subsection C of this section.

C. Wetlands Restoration, Creation, Rehabilitation, Enhancement, and Preservation.

1. Any person who degrades wetlands must restore, create, rehabilitate, enhance, or ((~~enhance~~)) preserve equivalent areas or greater areas of wetlands than those altered in order to compensate for loss of wetland acreage or functions.

2. Acreage Replacement Ratio.

The following standard ratios apply to compensatory wetland mitigation that is in-kind. If a proposal seeks to eliminate a functional wetland through development, that loss must be compensated through creation or restoration mitigation. This strategy meets the no net loss standard for wetland function and value. The first number specifies the acreage of wetlands requiring replacement and the second specifies the acreage of wetlands altered.

Table 17E.070.130-1

Category and Type of Wetland Impacts	Type of Wetland Mitigation				
	Re-establishment or creation	*Rehabilitation only*[1]	*Re-establishment or creation (R/C) and Rehabilitation (RH)*[1]	*Re-establishment or creation (R/C) and Enhancement (E)*[1]	*Enhance-ment Only*[1]
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II Forested	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1
Category II Vernal Pool	2:1 ~~((Compensa-tion~~))Compensation must be seasonally ponded wetland	4:1 Compensation must be seasonally ponded wetland	1:1 R/C and 2:1 RH	Case-by-case	Case-by-case
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I – based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I ((~~Natural Heritage site~~)) Wetlands with a high conservati	Not considered possible[2]	6:1 Rehabilitation of a ((~~Natural Heritage Site~~)) Wetlands	R/C not considered possible[2]	R/C not considered possible[2]	Case-by-case

on value		with a high conservation value			
Category I Alkali	Not considered possible[2]	6:1 Rehabilitation of an alkali wetland	R/C not considered possible[2]	R/C not considered possible[2]	Case-by-case
Category I Bog	Not considered possible[2]	6:1 Rehabilitation of a bog	R/C not considered possible[2]	R/C not considered possible[2]	Case-by-case

((~~[1] Table 17E.070.130-1~~)) [1] These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

[2] ((~~Natural heritage sites~~))Wetlands with a high conservation value and alkali wetlands are considered irreplaceable wetlands because they perform functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

3. Increased Replacement Ratio.

   The standard replacement ratio may be increased under the following circumstances:

   a. ((~~high~~))High degree of uncertainty as to the probable success of the proposed restoration or creation;

   b. significant period of time between destruction and replication of wetland functions;

   c. projected losses in functional value and other uses, such as recreation, scientific research and education, are relatively high;

   d. not possible to create or restore same type of wetland;

   e. off-site compensation is offered.

4. Decreased Replacement Ratio.

((~~[2] Table 17E.070.130-1 Natural Heritage sites, alkali wetland considered irreplaceable wetlands because they perform functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.~~))

The standard replacement ratio may be decreased under the following circumstances: scientifically supported evidence which demonstrates that no net loss of wetland function or value is attained under the decreased ratio. In all cases, a minimum acreage replacement ratio of 1:1.5 is required.

5. Wetland Enhancement.

   a. Any applicant proposing to degrade wetlands may propose to enhance existing wetlands in order to compensate for wetland losses. Applicants proposing to enhance wetlands must identify how enhancement conforms with the overall goals and requirements of the wetlands protection program.

   b. A wetlands enhancement compensation project will be considered, if enhancement for one function and value will not degrade another function or value. Acreage replacement ratios may be increased up to one hundred percent to recognize existing functional values. Category I wetlands may not be enhanced.

6. In-Kind/Out-Of-Kind Mitigation.

   In-kind mitigation must be provided except where the applicant can demonstrate that:

   a. The wetland system is already degraded and out-of-kind replacement will result in a wetland with greater functional value;

   b. Technical problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind mitigation impossible.

   Where out of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functional values.

7. On-Site/Off-site Mitigation.
   On-site mitigation shall be provided except where the applicant can demonstrate that:

   a. The hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be damaged by the on-site loss; and

   b. On-site mitigation is not scientifically feasible due to problems with hydrology, soils, or factors such as other potentially adverse impacts from surrounding land uses; or

c. Existing functional values at the site of the proposed restoration are significantly greater than lost wetland functional values; or

d. Established goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation measures at another site.

8. Mitigation Outside of Primary Drainage Basin.

Wetland creation or restoration must occur within the same primary drainage basin as the wetland loss occurred, unless the applicant can demonstrate that:

a. The hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be substantially damaged by the loss within that primary drainage basin; and

b. In-basin mitigation is not scientifically feasible due to problems with hydrology, soils, or other factors such as other potentially adverse impacts from surrounding land uses; or

c. Existing functional values in a different primary drainage basin are significantly greater than lost wetland functional values; or

d. Established goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation measures in a different primary drainage basin.

9. Mitigation Site Selection.

In selecting mitigation sites, applicants are encouraged to utilize Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington) (Publication #10-06-07, November 2010). Applicants must pursue siting in the following order of preference:

a. upland sites which were formerly wetlands;

b. degraded upland sites generally having bare ground or vegetative cover consisting primarily of exotic introduced species, weeds, or emergent vegetation; and

c. other upland sites.

10. Timing. Where feasible, mitigation projects are to be completed prior to activities that will disturb wetlands. Bonding is required if mitigation projects cannot be completed prior to project completion. Construction of

mitigation projects must be timed to reduce impacts to existing wildlife and flora.

D. Components of Mitigation Plans.

All wetland restoration, creation, rehabilitation, enhancement, and/or preservation projects required pursuant to this chapter, either as a permit condition or as the result of an enforcement action, must follow a mitigation plan prepared by qualified wetland professionals meeting City requirements. The applicant or violator must receive written approval of the mitigation plan prior to commencement of any wetland restoration, creation, or enhancement activity. The mitigation plan must contain at least the following components:

1. Baseline Information.

   a. A written assessment and accompanying maps of the impacted wetland including, at a minimum((~~,~~)):

      i. wetland delineation;

      ii. existing wetland acreage;

      iii. proposed wetland impacts;

      iv. vegetative, faunal and hydrologic characteristics;

      v. soil and substrate conditions; and

      vi. topographic elevations.

   b. If the compensation site is different from the impacted wetland site, baseline information should also include:

      i. the watershed;

      ii. surface hydrology;

      iii. existing and proposed adjacent land uses;

      iv. proposed buffers; and

      v. ownership.

2. Environmental Goals and Objectives.
   A written report must be provided identifying:

   a. goals and objectives and ((~~describing~~)) project description;

   b. site selection criteria;

c. compensation goals;

d. target evaluation species and resource functions;

e. dates for beginning and completion; and

f. a complete description of the functions and values sought in the new wetland.

The goals and objectives must be related to the functions and values of the original wetland, or if out-of-kind, the type of wetland to be emulated. The report must also include an analysis of the likelihood of success of the compensation project at duplicating the original wetland, and the long-term viability of the project, based on the experiences of comparable projects, if any.

3. Monitoring Program.
   Specific measurable criteria approved by the director, ((~~are~~)) shall be provided for evaluating whether the goals and objectives of the project are being achieved, and for determining when and if remedial action or contingency measures should be implemented. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. The mitigation plan manager must assure work is completed in accordance with the mitigation plan and, if necessary, the contingency plan. The monitoring program will continue for at least five years from the date of plant installation. Monitoring will continue for ten years where woody vegetation (forested or shrub wetlands) is the intended result. These communities take at least eight years after planting to reach eighty percent canopy closure. Reporting for a ten year monitoring period shall occur in years one, two, three, five seven and ten. Monitoring in all instances shall be bonded. Reporting results of the monitoring data to the director is the responsibility of the applicant.

4. Detailed Construction Plans.
   Written specifications and descriptions of mitigation techniques are to be provided, as specified by the director.

5. Construction Oversight.
   The construction of the mitigation project will be monitored by a qualified wetlands professional to insure that the project fulfills its goals.

6. Contingency Plan.
   The plan must identify potential courses of action that can be taken when monitoring or evaluation indicates project performance standards are not being met.

7. Permit Conditions.

Any mitigation plan prepared pursuant to this section becomes part of the ((~~any~~)) permit application or approval.

8. Performance Bonds and Demonstration of Competence.
   The applicant must provide demonstration of administrative, supervisory, and technical competence, financial resources, and scientific expertise of sufficient standing to successfully execute the mitigation plan. The applicant will name a mitigation project manager and provide the qualifications of each team member involved in preparing, implementing and supervising the mitigation plan. This includes educational background, ((~~and~~))areas of expertise, training and experience with comparable projects. In addition, bonds ensuring fulfillment of the mitigation project, the monitoring program, and any contingency measures must be posted in the amount of one hundred and twenty-five percent of the expected ((~~project~~)) cost of mitigation, plus a factor to be determined to allow for inflation during the time the project is being monitored. An administration fee for the mitigation project may be assessed to reimburse the City for costs incurred during the course of the monitoring program.

9. Consultation with Other Agencies. Applicants are encouraged to consult with federal, state, local agencies having expertise or interest in a mitigation proposal.

Section 13. That SMC section 17E.070.140 is amended to read as follows:

17E.070.140 Mitigation Banking

Mitigation banking shall be consistent with chapter 90.84 RCW. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts when:

A. The bank is certified under chapter 173-700 WAC;

B. The director, in consultation with the Department of Ecology, determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

C. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

Replacement ratios for projects using bank credits shall be consistent with replacement ((~~rations~~)) ratios specified in the bank's certification.

Credits from a certified wetland mitigation bank may be used to compensate for impacts located with the service area specified in the bank's certification. In some cases, the

service ((~~are~~)) area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

Section 14. That SMC section 17E.070.150 is amended to read as follows:

17E.070.150 Incentives and Stewardship Options

A. On-site Density Transfer or Clustering.

For residential development proposals on lands containing potential or identified critical areas, including wetland areas and buffers, the applicant may apply for planned unit development (PUD) under chapter 17G.070 SMC. The maximum number of dwelling units (DU) for a lot or parcel that contains a wetland area and buffer is determined by the site's zoning and by the density bonus allowed in chapter 17G.070 SMC. The use of residential density transfer or clustering through the use of planned unit developments (PUDs) including bonus density is encouraged as a means to protect and preserve wetlands, wetland buffers and fish and wildlife habitat conservation areas. The provisions of chapter 17G.070 SMC shall control the use of density transfer or clustering, planned unit developments, and bonus density.

B. Property Tax and Income Tax Advantages.

1. Property Tax Relief.((~~:~~)).
The Spokane County Assessor shall consider the wetland areas and associated buffers contained within this chapter when determining the fair market value of land. Any owner of a wetland area who has dedicated a conservation easement or entered into a perpetual conservation restriction with a department of the local, state, or federal government or a nonprofit organization to permanently control some or all ((~~the~~)) uses and activities within these areas may request that the Spokane County Assessor reevaluate that specific area consistent with those restrictions and provisions of open space land current use taxation (see RCW 84.40.030).

2. Federal Income Tax Advantages.
There are significant federal income tax advantages that can be realized by an individual or estate for gifts of real property for conservation purposes to local governments or non-profit organizations, such as land trusts. The specific rules on federal income tax deductions can be found in section 170 of the Internal Revenue Code.

C. Stewardship Options.

1. The Spokane County Conservation District offers stewardship information, classes, and technical assistance to property owners. Programs include shoreline stewardship, forestry, small acreage conservation agriculture, water resources, and soil information.

2. Spokane County Conservation Futures program, initiated in 1994, is funded by a property tax assessed for each home in the county. This tax money is earmarked solely for the acquisition of property and development rights. These funds acquire lands or future development rights on lands for public use and enjoyment. The Conservation Areas are defined areas of undeveloped land primarily left in its natural condition. These areas may be used for passive recreational purposes, to create secluded areas, or as buffers in urban areas. Conserved lands include wetlands, farmlands, steep hillsides, river corridors, viewpoints and wildlife habitats and corridors.

Section 15. That SMC section 17E.070.180 is amended to read as follows:

17E.070.180 Authority to enforce

A. The director is authorized to enforce this chapter and may call upon other appropriate City departments to assist in enforcement.

B. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier, or other person responsible for the condition of the wetland, buffer, land, premises, building, or structure within the scope of this chapter.

C. No provision ((~~of~~)) or term used in this chapter is intended to impose any duty upon the City or any of its officers or employees that would subject them to damages in a civil action.

D. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for liability on the part of the City or its officers, officials, employees or agents for any injury or damage resulting from the failure of any owner of property or land to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its officers, officials, employees or agents.

ADOPTED BY THE CITY COUNCIL ON JUNE 19, 2017.

(Delivered to the Mayor on the _____ day of June, 2017)

_____
Council President

Attest:	Approved as to form:
_____	_____
City Clerk	Assistant City Attorney
_____	_____
Mayor	Date
	_____
	Effective Date

Title 17E Environmental Standards

Chapter 17E.070 Wetlands Protection

Section 17E.070.010 Title and Purpose

A. This chapter shall be known and may be cited as the "Spokane Wetlands Protection Code."

B. This chapter is based on and implements the City of Spokane's comprehensive plan and shoreline master program as amended from time to time. The purpose of this chapter is to protect the public health, safety and welfare by preserving, protecting and restoring wetlands through the regulation of development and other activities within wetlands and their buffers. This chapter is not intended to create or otherwise establish or designate any particular person, or class, or group of persons who will or should be especially protected or assisted by the terms or provisions of this chapter. Further, it is the purpose of this chapter through the regulation of development and activities to meet the required goal of no net loss of wetland areas, functions and values.

    1. The City Council finds that wetlands constitute important natural resources which provide significant environmental functions including:

        a. improving water quality through biofiltration, adsorption, retention and transformation of sediments, nutrients and toxicants;

        b. maintaining the water regime in a watershed (hydraulic functions) such as reducing peak flows, erosion control, stabilizing stream banks and shorelines and recharging ground water;

        c. providing general habitat for invertebrates, amphibians, anadromous fish and resident fish;

        d. providing habitat to aquatic birds and mammals, providing richness of food and supporting food webs; and

        e. providing a place for education, scientific study and aesthetic appreciation.

C. The provisions of this chapter shall be liberally construed to effectively carry out its purpose. If any provisions of this chapter conflict with other regulations, ordinances or other authorities, the provision that provides more protection to wetlands and wetland buffers shall apply.

Date Passed: Monday, December 3, 2007

Effective Date: Sunday, January 6, 2008

ORD C34148 Section 73

Section 17E.070.020 Applicability

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A. The requirements of this chapter apply to all activities and development occurring in a wetland or wetland buffer, as defined in this chapter. Property located in a wetland or wetland buffer as defined in this chapter is subject to both its zoning classification regulations and to the additional requirements imposed under this chapter. In any case where there is a conflict between the provisions of the underlying zone and this chapter, the provisions of this chapter shall apply.

B. Wetlands are those areas, designated in accordance with the most current edition of the federal wetland delineation manual and applicable regional supplements, that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands. All areas within the City meeting the wetland designation criteria in the federal wetland delineation manual and applicable regional supplements, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter.

C. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for liability on the part of the City, or its officers, officials, employees or agents for any injury or damage resulting from the failure of any owner of property or land to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its officers, officials, employees or agents.

Date Passed: Monday, December 3, 2007

Effective Date: Sunday, January 6, 2008

ORD C34148 Section 73

Section 17E.070.030 Identification, Designation and Mapping of Wetlands

A. Wetland Maps.
The approximate location and extent of wetlands in the City is compiled in the City's wetlands inventory. Their approximate location is displayed on City maps. The foregoing maps are to be used as a guide for the City, project applicants and/or property owners, and may be

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continuously updated as new wetlands are identified. The maps are references and do not provide a final wetlands designation or delineation. Wetlands of any size and state of isolation are regulated under the provisions of this ordinance. Wetlands not shown on City maps or wetlands inventory are presumed to exist in the City and are protected under the provisions of this chapter. In the event that any of the wetland designations shown on the wetland inventory or maps conflict with the criteria set forth in this chapter, the criteria shall control.

B. Determination of Wetland Boundary.

1. The applicant shall, through the performance of a field investigation by a qualified professional wetland scientist applying the wetland definition provided in this chapter and in SMC 17A.020.230 and as part of the wetlands report requirement found in this chapter, provide a site analysis including: a determination of the exact location of the wetland boundary; an analysis of wetland functions and values; and a wetland rating according to the wetlands rating system criteria adopted in SMC 17E.070.100. Qualified wetland scientists shall perform wetland delineations using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1987), Arid West Final Regional Supplement (2008), as revised or supplemented. The director, upon consultation with the Department of Ecology, may determine that wetland identification and delineations made prior to adoption of these standards, or for a different use requiring permit changes, require a new determination by a qualified wetland scientist. Wetland determinations are subject to Corps Regulatory Guidance Letter (RGL) 05-02, 2005 and expire after five years from the date of determination and must follow requirements for review by a qualified wetland scientist upon expiration of the five-year limitation.

2. Where an applicant has provided a delineation of a wetland boundary, the department shall verify the accuracy of, and may render adjustments to, the boundary delineation. The applicant may be charged by the department for costs incurred in verifying the accuracy of the delineation. In the event the adjusted boundary delineation is contested by the applicant, the department may, at the applicant's expense, obtain the services of a second wetlands scientist to perform a delineation. The second delineation shall be final, unless appealed to the hearing examiner.

Date Passed: Monday, December 3, 2007

Effective Date: Sunday, January 6, 2008

ORD C34148 Section 73

Section 17E.070.040 Regulated Activities

A. No regulated activity shall be undertaken in a wetland or wetland buffer without submitting a critical areas checklist as provided in SMC 17 E.070.080 and first obtaining required permits. Uses and activities in wetlands are only allowed as conditional use permits or planned unit

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developments under the provisions of the City zoning code. Unless expressly provided otherwise in this chapter, regulated activities include any of the following activities which occur in a wetland or its buffer:

1. Removal, excavation, grading or dredging of soil, sand, gravel or other similar materials.
2. Dumping, discharging or filling with any material.
3. Draining, flooding, or disturbing of the water level or water table.
4. Driving of pilings.
5. Placing of obstructions.
6. Construction, reconstruction, demolition or expansion of any structure.
7. The removal, cutting, clearing, harvesting, shading or intentional burning of any vegetation, including removal of snags or dead or downed woody material, or planting of non-native vegetation that would degrade the wetland, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules.
8. Activities that restrict, increase or otherwise measurably alter the hydrology, water quality or limnology of the wetland.
9. Construction or installation of streets or utilities; and
10. Construction and maintenance of pervious trails.

B. Where a regulated activity is proposed which would be partly inside and partly outside a wetland or wetland buffer, a wetland permit shall be required for the entire regulated activity. The standards of this chapter shall apply only to that part of the regulated activity which occurs inside the delineated boundaries of a wetland or a wetland buffer, provided all activities that occur outside a wetland or wetland buffer are prohibited from negatively impacting a wetland or wetland buffer.

Date Passed: Monday, December 3, 2007

Effective Date: Sunday, January 6, 2008

ORD C34148 Section 73

Section 17E.070.050 Unregulated Activities

A. The following activities are exempt from the requirement to obtain a permit and are allowed within a wetland or wetland buffer to the extent that they are not prohibited by other local, state or federal law, do not degrade a wetland or wetland buffer, and are reviewed by the City prior to any action:

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1. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife including the planting of native wetland vegetation.

2. Activities having minimal adverse impacts on wetland buffers and no adverse impact on wetlands, including low-intensity, passive recreation activities such as short-term scientific or education activities and sport fishing or hunting.

3. Repair and maintenance of existing drainage ditches which are part of a nonconforming wetland use, provided no expansion or introduction of new adverse impact to the wetland takes place. Maintenance of existing drainage ditches should be limited to removing sediment to the depth recorded during the last authorized maintenance activity. The use of current best management practices is especially encouraged to improve agricultural practices in and near wetlands.

4. Placement of navigation aids and boundary markers.

5. Placement of boat mooring buoys.

6. Site investigative work necessary for land use application submittal such as surveys, soil logs and other related activities. Disturbance shall be minimized to the greatest extent possible. Examples of minimal impact methods include, but are not limited to, hand dug test pits or hand borings. All subsurface exploration methods shall be approved in advance by the director. In every case, wetland impacts shall be minimized and disturbed areas shall be immediately restored; and

7. The following activities are not subject to the provisions of this chapter provided they do not expand further into the critical area, do not alter or increase the impacts to the critical area or buffer, do not directly impact endangered species and do not increase risk to life or property. Whenever possible, maintenance activities will be confined to late summer and fall.

    a. Operation, maintenance or repair of public rights-of-way, legally existing roads, structures or facilities and associated rights-of-way used to provide transportation, electricity, gas, water, telephone, telecommunication, sanitary sewer, stormwater treatment and other public utility;
    b. Operation, maintenance or repair activities that do not require construction permits;
    c. Vegetation management performed in accordance with best management practices as part of the ongoing maintenance of structures, infrastructure, or utilities, provided that such management activities are not the result of an expansion of the structure or utility.

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B. Forest practices and conversions shall be governed by chapter 76.09 RCW and rules promulgated thereunder. This permit exemption does not apply where such activities result in the conversion of a wetland or wetland buffer to a use requiring a permit under this chapter.

Date Passed: Monday, December 3, 2007

Effective Date: Sunday, January 6, 2008

ORD C34148 Section 73

Section 17E.070.060 Emergency Activities

A. Notwithstanding the provisions of this chapter or any other laws to the contrary, the director may allow emergency activities if the:

1. director determines that an imminent threat to public health, safety or the environment will occur if an emergency activity is not allowed; and

2. threat to or loss of wetlands may occur before the normal and usual process can be followed or activities can be modified pursuant to the procedures normally required by this chapter.

B. The exemption for emergencies should not eliminate the need for later mitigation to offset the impacts of emergency activity. Once the immediate threat has been addressed, any adverse impacts on critical areas should be minimized and mitigated.

C. Any emergency activity allowed shall:

1. incorporate to the greatest extent practicable the standards and criteria required for non-emergency activities;

2. be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety days without reapplication; and

3. require the restoration of any wetland altered as a result of the emergency activity within ninety days following the emergency repair, or during the growing season after the emergency repair. Procedures otherwise required by this chapter must be followed for restoration efforts required by the emergency repair in accordance with this chapter.

Date Passed: Monday, December 3, 2007

Effective Date: Sunday, January 6, 2008

ORD C34148 Section 73

Section 17E.070.070 Prohibited Activities

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Activities that are not regulated activities under SMC 17E.070.040, unregulated activities under SMC 17E.070.050, or emergency activities under SMC 17E.070.060, are prohibited. In order to conduct an otherwise prohibited activity in a wetland or wetland buffer, the applicant must satisfy the requirements for a reasonable use exception as described in SMC 17E.070.120.

Date Passed: Monday, December 3, 2007

Effective Date: Sunday, January 6, 2008

ORD C34148 Section 73

Section 17E.070.080 Application Submittal Requirements

A. A pre-development conference is required for all regulated activities proposed in potential wetland areas and associated buffers per SMC 17G.060. The pre-development conference is intended to acquaint an applicant with standards, requirements, investigation procedures, best management practice and potential review procedures prior to submitting an application.

B. All activities identified in SMC 17E.070.040 shall meet the following application submittal requirements in addition to the application submittal requirements specified in other codes. The director may modify the submittal requirements based upon reasonable documentation, including BAS, needed to ensure compliance with this chapter, provided no construction activity, clearing or grading has taken place. A written summary of analysis and findings shall be included in any staff report or decision on the underlying permit.

    1. Wetlands Report.
    This report shall include a written assessment and accompanying maps of the impacted wetland including, at a minimum, wetland delineation and rating as determined by SMC 17E.070.100; existing wetland acreage; proposed wetland impacts; alternatives to wetlands impacts; proposed wetland buffer; vegetative, faunal and hydrological characteristics; soil and substrate conditions and topographic elevations; and shall be submitted as a part of the permit application.

    2. Topographic Survey.
    To the extent not provided in the wetlands report, a topographic site plan, prepared and stamped by a State of Washington licensed surveyor, is required for sites that include a wetland or its buffer. The topographic site plan shall include the following existing physical elements:

        a. Existing topography at two-foot contour intervals on-site, on adjacent lands within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements.

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b. Terrain and stormwater-flow characteristics within the site, on adjacent sites within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements.

c. Location of areas with significant amounts of vegetation, and specific location and description of all trees with trunks six inches or greater in diameter at breast height (dbh) measured four feet, six inches above the ground, and noting their species.

d. Location and boundaries of all existing site improvements on the site, on adjacent lands within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements. This shall include the amounts of developmental coverage, including all impervious surfaces (noting total square footage and percentage of site occupied).

e. Location of all ongoing grading activities as well as all natural and artificial drainage control facilities or systems in existence on the site, on adjacent lands within twenty-five feet of the site's property lines, and in the full width of abutting public and private rights-of-way and easements.

f. Location of all existing utilities (water, sewer, gas, electric, phone, cable, etc.), both above and below ground, on the site, on adjacent lands within twenty-five feet of the site's property lines and in the full width of abutting public rights-of-way; and

g. Additional information on existing physical elements on the site and surrounding area as required by the director to inform a complete review of a project subject to the standards of this chapter.

3. Additional Site Plan Information.
To the extent not provided in the wetlands report, the following site plan information shall also be required for sites that include wetlands and their buffers. Information related to the location and boundaries of wetlands and required buffer delineations shall be prepared by qualified professionals with training and experience in their respective area of expertise as demonstrated to the satisfaction of the director.

a. Location and boundaries of all wetlands and wetland buffer on the site and on adjacent lands within twenty-five feet of the site's property lines, noting both total square footage and percentage of site.

b. Location and identification of all wetlands within one hundred feet of the site's property lines.

c. Location and boundaries of all proposed site improvements on the site, on adjacent lands within twenty-five feet of the site's property lines, and on the full

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width of abutting public and private rights-of-way and easements. This shall include the amount of proposed land disturbing activities, including amounts of developmental coverage, impervious surfaces and construction activity areas (noting total square footage and percentage of site occupied).

d. Location of all proposed grading activities and all proposed drainage control facilities or systems on the site or on adjacent lands within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements.

e. Location of all proposed utilities (water, sewer, gas, electric, phone, cable, etc.), both above and below ground, on the site, on adjacent lands within twenty-five feet of the site's property lines, in the full width of abutting public rights-of-way, and any proposed extension required to connect to existing utilities, and proposed methods and locations for the proposed development to hook-up to these services; and

f. Such additional site plan information related to the proposed development as required by the director to inform a complete review of a project subject to the standards of this chapter.

4. Technical Reports.
To the extent not provided in the wetlands report, technical reports and other studies and submittals shall be prepared as required by the director detailing on-site soils, geology, hydrology, drainage, plant ecology and botany and other pertinent site information. The reports, studies and submittals shall be used to condition development to prevent potential harm and to protect the critical nature of the site, adjacent properties, and the drainage basin.

Date Passed: Monday, December 3, 2007

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ORD C34148 Section 73

Section 17E.070.090 Posting, Covenants and Recording Conditions

A. During construction, the director may require conditions to be posted on the site that are visible from public rights-of-way.

B. The director shall require the boundaries of wetlands and their buffers and any permanent conditions imposed be legibly shown and described in a permanent covenant with the property, which must be acceptable to the director and city attorney and shall be recorded with the Spokane County auditor's office.

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C. The covenant shall be recorded prior to the issuance of any permit or at the time a plat is recorded.

D. The covenant shall be permanent unless a revocation is applied for that includes a wetland determination by a qualified wetland scientist that provides evidence the wetland no longer exists. The revocation application must be approved by the director in writing.

E. The director may require placement of small permanent visible markers to delineate the areas described in subsection B of this section. Said markers shall be posted at intervals required by the director and must be perpetually maintained by the property owner. The markers shall be worded as follow or with alternative language approved by the director: "The area beyond this sign is a critical area or critical area buffer. This sensitive environment is to be protected from alteration or disturbance. Please call the City of Spokane for more information." The location of the markers shall be legibly shown and described in the permanent covenant.

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ORD C34148 Section 73

Section 17E.070.100 Wetlands Rating System

A. Wetlands shall be rated according to the Washington State department of ecology wetland rating system found in the Washington State Wetlands Rating System for Eastern Washington (2014) as revised. These rating system documents contain the definitions and methods for determining if the criteria in subsections B through E of this section below are met. In using the rating system the City will not consider aspen-dominated forested wetlands larger than one-fourth acre to be Category I Wetlands unless they also meet one or more of the other criteria for a Category I Wetland.

B. Category I Wetlands.

1. These wetlands are not common and make up a small percentage of wetlands in the region. Category I wetlands are those that exhibit these primary characteristics:

    a. Represent a unique or rare wetland type.

    b. Are more sensitive to disturbance than most wetlands.

    c. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; and

    d. Provide a high level of function.

2. In eastern Washington Category I Wetlands include but are not limited to the following examples:

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a. Alkali wetlands.

b. Wetlands of High Conservation Value (formerly called Natural Heritage Wetlands).

c. Bogs and Calcareous Fens.

d. Mature and old-growth forested wetlands over one-fourth acre with slow growing trees; and

e. Wetlands that perform functions at high levels (scores of twenty-two points or more).

C. Category II Wetlands.
Category II wetlands are difficult, although not impossible, to replace and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include:

1. forested wetlands in the floodplains of rivers;

2. mature and old-growth forested wetlands over one-fourth acre with fast growing trees;

3. vernal pools; and

4. wetlands that perform functions well (scores between nineteen and twenty-one points).

D. Category III Wetlands.
Category III wetlands generally have been disturbed in some ways, and are often smaller, less diverse and/or more isolated from other natural resources in the landscape than Category II wetlands and may not need as much protection as Category I and II Wetlands. Category III wetlands are:

1. vernal pools that are isolated, and

2. wetlands with a moderate level of function (between sixteen and eighteen points).

E. Category IV Wetlands.
Category IV wetlands have the lowest levels of function (less than sixteen points) and are often heavily disturbed. These are wetlands that may be replaced and in some cases improved. These wetlands may provide some important function, and also need to be protected. Category IV wetlands are comprised of one vegetative class other than the forested wetland class.

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ORD C34148 Section 73

Section 17E.070.110 Wetland Buffers

A. Standard Buffer Zone Widths.
Wetland buffer zones shall be required for all regulated activities adjacent to wetlands. Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field pursuant to the requirements of SMC 17E.070.030. The width of the wetland buffer zone shall be determined according to the rating assigned to the wetland in accordance with SMC 17E.070.100 and consistent with Wetlands in Washington State, Volume 2, Protecting and Managing Wetlands, Guidance on Buffers and Ratios (Appendix 8-D) as revised, for wetland category, intensity of impacts, wetland functions, habitat scores or special characteristics. Standard buffer widths will be determined based on an evaluation of the following:

1. Conditions of the wetland.
2. Conditions of the buffer.
3. Proposed land uses adjacent to the buffer; and
4. The functions intended to be protected.

B. Wildlife habitat function is the most susceptible to developmental change and requires the greatest buffer protection. Protection of wildlife habitat functions require twenty-five to seventy-five feet for wetlands with minimal habitat functions and low intensity land uses adjacent to the wetlands, fifty to two hundred feet for wetlands with moderate habitat function and moderate or high intensity land use adjacent to the wetlands, and one hundred fifty to two hundred fifty plus feet for wetlands with high habitat functions depending on the intensity of the adjacent land use. The width of the wetland buffer zone shall be determined from one of the following two alternatives:

1. Alternative 1.
Unless SMC 17E.070.110(3) (Table 17E.070.110-4) applies, width based solely on wetland category as follows:

Table 17E.070.110-1	
Wetland Category	**Buffer Width (feet)**

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Type I	250
Type II	200
Type III	150
Type IV	50

2. Alternative 2.
   Alternative 2 provides three buffer widths based on habitat scores. Habitat score refers to the quality of physical structures such as vegetation, open water and connections to other wildlife habitats that are necessary for a wide range of species, including birds, mammals, and amphibians. Where more than one width applies based on score for function or based on special characteristics, the calculation providing the widest buffer shall be used. Widths are based on wetland category, intensity of impacts from proposed changes in land use, and wetland functions or special characteristics. Land use intensity shall be determined as follows:

Table 17E.070.110-2. Types of proposed land use that can result in high, moderate, and low levels of impacts to adjacent wetlands.

Impact from Proposed Change in Land Use	**Types of Land Use Based on Common Zoning Designations**
High	Commercial, Industrial and Institutional Residential (more than 1 unit/acre) High-intensity Recreation (golf courses, ball fields, etc.) Conversion to High Intensity Agricultural (dairies, nurseries, greenhouses, etc.) Hobby Farms
Moderate	Residential (1 unit/acre or less) Moderate-intensity Active Open Space (parks with biking, jogging, etc.)

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	Conversion to Moderate Intensity Agriculture (orchards, hay fields, etc.) Paved Trails Building of Logging Roads Utility Corridor With Access/Maintenance Road Forestry (cutting of trees only)
Low	Passive Open Space (hiking, bird-watching, etc.) Unpaved Trails Utility Corridor Without Road or Vegetation Management

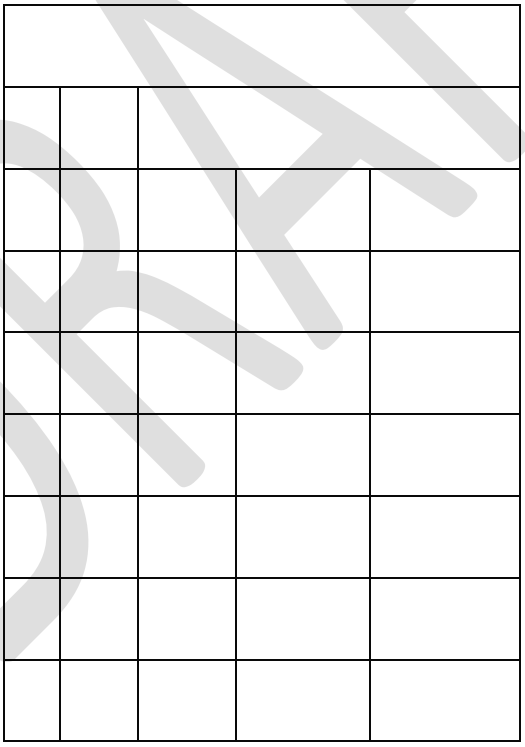

Table 17 E.070.110-3			
Category of Wetland	Land Use with Low Impact	Land Use with Moderate Impact	Land Use with High Impact
I	125 ft	190 ft	250 ft
II	100 ft	150 ft	200 ft

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III	75 ft	110 ft	150 ft
IV	25 ft	40 ft	50 ft

3. If a Type I wetland is classified with at least one of the following special characteristics the following buffer table shall apply:

Table 17E.070.110-4		
Wetland Characteristics	**Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)**	**Other Measures Recommended for Protection**
Wetlands of High Conservation Value	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft Restore degraded parts of buffer
Bogs	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
Forested	Buffer size to be based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connectivity to other natural areas Restore degraded parts of buffer
Alkali	Low – 100 ft Moderate – 150 ft High – 200 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
High level of function for habitat (score for habitat 8 – 9 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas Restore degraded parts of buffer
Moderate level of function for habitat (score for habitat 5 - 7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement (8 - 9 points) and low for habitat (less than 5 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting any of the above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time

C. Increased Wetland Buffer Zone Width.

The City may require increased buffer zone widths on a case-by-case basis as determined by the director when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

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1. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, sensitive or documented priority species or habitats, or essential or outstanding potential habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or

2. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or

3. The adjacent land has minimal vegetative cover or slopes greater than thirty percent.

D. Reduction of Standard Wetland Buffer Zone Width.
The City may reduce the standard wetland buffer zone width on a case-by-case basis as determined by the director, consistent with Wetlands in Washington State, Volume 2, Protecting and Managing Wetlands, Guidance on Buffers and Ratios (Appendix 8-D) as revised, for wetlands that score:

1. moderate or high for habitat (five points or more for the habitat functions) the width of the buffer can be reduced if the following criteria are met:

    a. a relatively undisturbed vegetative corridor of at least one hundred feet in width is protected between the wetland and any other priority habitats; and

    b. the protected area is preserved by means of easement, covenant or other measure;

    c. measures identified in SMC 17E.070.110(D)(2) (Table 17E.070.110-5) are taken to minimize the impact of any proposed land use or activity.

2. less than five points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying the following measures to minimize the impacts of the proposed land uses or activities:

Table 17E.070.110-5

Disturbance	**Examples of Measures Used to Minimize Impacts**
Light	Direct lights away from wetland
Noise	Locate activity that generates noise away from wetland
Toxic Runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered, establish covenants limiting use of pesticides within one hundred fifty feet, may apply integrated pest management

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Stormwater Runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development, prevent channelized flow from lawns that directly enters buffer
Change in Water Regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and Human Disturbance	Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract
Dust	Use best management practices to control dust

E. Standard Buffer Width Averaging.
Wetlands may contain significant variations in sensitivity due to existing physical characteristics that may justify buffer width averaging. Standard wetland buffer zones may be modified by averaging buffer widths or a combination of averaging and reduction. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following:

1. Averaging will provide the necessary biological, chemical and physical support necessary to protect the wetland in question, taking into account the type, intensity, scale and location of the proposed land use.

2. The land uses causing the least disturbance would be located adjacent to areas where buffer width is reduced and that such land uses are guaranteed in perpetuity by covenant, deed restriction, easement or other legally binding mechanism.

3. The total area contained within the wetland buffer after averaging is not less than that contained with the standard buffer prior to averaging. In no instance shall the buffer width be reduced by more than fifty percent of the standard buffer or be less than twenty-five feet.

F. Wetland Buffer Maintenance.
Except as otherwise specified wetland buffer zones shall be retained in their natural condition and free from mowing or other cutting activity, except for the removal of noxious weeds. Where buffer disturbances have occurred before or during construction, revegetation with native vegetation shall be required.

G. Permitted Uses in a Wetland Buffer Zone.
Regulated activities shall not be allowed in a buffer zone except for the following:

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1. Activities having minimal adverse impacts on buffers and no adverse impacts on wetlands. These may include low-intensity, passive recreational activities such as trails, non-permanent wildlife watching blinds, short-term scientific or education activities, and sport fishing or hunting. Pervious pedestrian trails may be allowed in a wetland for minor crossings only and with minimal impacts. Trails may be allowed in the outer twenty-five percent of a wetland buffers and should be designed to avoid removal of significant trees. Such trails are limited to no more than five feet in width.

2. Stormwater management facilities, including biofiltration swales, designed according to the City of Spokane Stormwater Management Manual as revised, and chapter 17D.060 SMC, Stormwater Facilities, if no reasonable alternative on-site location is available within the meaning of SMC 17E.070.130, and if sited and designed so that the buffer zone as a whole provides the necessary biological, chemical and physical protection to the wetland in question, taking into account the scale and intensity of the proposed land use. Biofiltration swales will take into account the scale and intensity of the proposed land use, be located in the outer twenty-five percent of a Category III or IV wetland buffer provided that no other location is feasible, and will not degrade the functions and values of the wetland or its buffer.

H. Structural Setbacks from Buffers.
Unless otherwise provided, buildings and other accessory structures shall be set back a distance of ten feet from the edges of all delineated critical area buffers protecting fish and wildlife habitat conservation and wetland protection areas. The director may reduce the structural setback limit by up to five feet if construction, operation and maintenance of the building do not create a risk of negative impacts on the adjacent buffer area. Approval of a reduction of the structural setback from the buffer line shall be provided in writing by the director. The following uses may be allowed in the structural setback area:

1. Landscaping.

2. Uncovered decks.

3. Roof eaves and overhangs, maximum of twenty-four inches.

4. Pervious unroofed stairways and steps.

5. Impervious ground surfaces, such as driveways and patios.

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ORD C34148 Section 73

Section 17E.070.120 Reasonable Use Exceptions

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A. Regulated activities shall not be authorized within a wetland or wetland buffer except where it can be demonstrated that an extraordinary hardship exists, or the impact is both unavoidable and necessary, or that all reasonable economic uses are denied, as defined below:

1. Extraordinary Hardship.
   With respect to Category I and II wetlands, an applicant must demonstrate that denial of the permit would impose an extraordinary hardship on the part of the applicant brought about by circumstances peculiar to the subject property and not as a direct result of actions taken by the current or previous owner(s).

2. Unavoidable and Necessary Impacts.
   With respect to all other wetlands, the following provisions shall apply. For water-dependent activities, unavoidable and necessary impacts can be demonstrated when there are no practicable alternatives which would not:

   a. involve a wetland or which would not have less adverse impact on a wetland;

   b. have other significant adverse environmental consequences.

3. Stormwater management facilities will be considered in wetland buffers with overflow into wetlands or wetland buffers, subject to regulation under the City of Spokane Stormwater Management Manual as revised, chapter 17D.060 SMC, Stormwater Facilities, and all other applicable provisions in this chapter.

4. Where non-water-dependent activities are proposed, the applicant must demonstrate that:

   a. the basic project purpose cannot reasonably be accomplished using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project;

   b. a reduction in the size, scope, configuration or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on a wetland of its buffer will not accomplish the basic purpose of the project; and

   c. in cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made a reasonable attempt to remove or accommodate such constraints.

B. Reasonable Use.
   If an applicant for a development proposal demonstrates to the satisfaction of the director that application of the standards of this chapter would deny all reasonable economic use of the

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property, development as conditioned shall be allowed if the applicant also demonstrates all of the following to the satisfaction of the director:

1. That the proposed development is water-dependent or requires access to the wetland as a central element of its basic function, or is not water-dependent but has no practicable alternative pursuant to this section.

2. That no reasonable use with less impact on the wetland and its buffer is possible.

3. That there is no feasible on-site alternative to the proposed development, including reduction in density, planned unit development and/or revision of road and lot layout that would allow a reasonable economic use with less adverse impacts to wetlands and wetland buffers.

4. That the proposed development will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, sensitive or documented priority species or priority habitats.

5. That any and all alterations to wetlands and wetland buffers will be mitigated as provided in SMC 17E.070.130.

6. That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property; and

7. That the inability to derive reasonable economic use of the property is not the result of actions by the applicant, or the present or prior owner of the property, in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter.

C. Mitigation will be required for impacts to a wetland or wetland buffer caused by unavoidable and necessary, extraordinary hardships, and reasonable use exceptions to standards.

D. Prior to granting any special exception under this section, the director shall make written findings on each of the items listed above.

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ORD C34148 Section 73

Section 17E.070.130 Mitigation

Wetland mitigation shall be consistent with Wetland Mitigation in Washington State, Parts 1 and 2 (2006) as amended from time to time, to provide consistency for applicants who must also apply for state and federal permits.

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A. Conditions.

As a condition of any permit or approval allowing alteration of wetlands or associated buffers, the applicant will engage in the restoration, creation, rehabilitation, enhancement or preservation of wetlands in order to offset the impacts resulting from the applicants or violators actions. The applicant will develop an appropriate mitigation plan that provides for mitigation measures as outlined below. Wetland mitigation means the use of any or all of the following action listed in descending order of preference (mitigation sequencing):

1. Avoiding the impact altogether by not taking a certain action or parts of an action.

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment.

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments; or

6. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation may include a combination of the above measures.

B. Performance Standards.

Compensatory mitigation must follow a mitigation plan which includes the components listed in subsection D of this section. All mitigation plans must meet the minimum performance standards set forth in subsection C of this section.

C. Wetlands Restoration, Creation, Rehabilitation, Enhancement and Preservation.

1. Any person who degrades wetlands must restore, create, rehabilitate, enhance, or preserve equivalent areas or greater areas of wetlands than those altered in order to compensate for loss of wetland acreage or functions.

2. Acreage Replacement Ratio.

The following standard ratios apply to compensatory wetland mitigation that is in-kind. If a proposal seeks to eliminate a functional wetland through development, that loss must be compensated through creation or restoration mitigation. This strategy meets the no net loss standard for wetland function and value. The first number specifies the acreage of wetlands requiring replacement and the second specifies the acreage of wetlands altered.

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Table 17E.070.130-1					
Category and Type of Wetland Impacts	**Type of Wetland Mitigation**				
	Re-establishment or Creation	**Rehabilitation Only [1]**	**Re-establishment or Creation (R/C) and Rehabilitation (RH) [1]**	**Re-establishment or Creation (R/C) and Enhancement (E) [1]**	**Enhancement Only [1]**
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II Forested	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1
Category II Vernal Pool	2:1 Compensation must be seasonally ponded wetland	4:1 Compensation must be seasonally ponded wetland	1:1 R/C and 2:1 RH	Case-by-case	Case-by-case
All Other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I – Based on Score	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1

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for Functions					
Category I Natural Heritage Site	Not considered possible [2]	6:1 Rehabilitation of a Natural Heritage Site	R/C not considered possible [2]	R/C not considered possible [2]	Case-by-case
Category I Alkali	Not considered possible [2]	6:1 Rehabilitation of an alkali wetland	R/C not considered possible [2]	R/C not considered possible [2]	Case-by-case
Category I Bog	Not considered possible [2]	6:1 Rehabilitation of a bog	R/C not considered possible [2]	R/C not considered possible [2]	Case-by-case

[1] These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

[2] Wetlands with a high conservation value and alkali wetlands are considered irreplaceable wetlands because they perform functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

3. Increased Replacement Ratio.
   The standard replacement ratio may be increased under the following circumstances:

   a. High degree of uncertainty as to the probable success of the proposed restoration or creation.

   b. Significant period of time between destruction and replication of wetland functions.

   c. Projected losses in functional value and other uses, such as recreation, scientific research and education, are relatively high.

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d. Not possible to create or restore same type of wetland.

e. Off-site compensation is offered.

4. Decreased Replacement Ratio.
   The standard replacement ratio may be decreased under the following circumstances: scientifically supported evidence which demonstrates that no net loss of wetland function or value is attained under the decreased ratio. In all cases, a minimum acreage replacement ratio of 1:1.5 is required.

5. Wetland Enhancement.

   a. Any applicant proposing to degrade wetlands may propose to enhance existing wetlands in order to compensate for wetland losses. Applicants proposing to enhance wetlands must identify how enhancement conforms with the overall goals and requirements of the wetlands protection program.

   b. A wetlands enhancement compensation project will be considered if enhancement for one function and value will not degrade another function or value. Acreage replacement ratios may be increased up to one hundred percent to recognize existing functional values. Category I wetlands may not be enhanced.

6. In-kind/Out-of-kind Mitigation.
   In-kind mitigation must be provided except where the applicant can demonstrate that:

   a. the wetland system is already degraded and out-of-kind replacement will result in a wetland with greater functional value;

   b. technical problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind mitigation impossible.

Where out of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functional values.

7. On-site/Off-site Mitigation.
   On-site mitigation shall be provided except where the applicant can demonstrate that:

   a. the hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be damaged by the on-site loss; and

   b. on-site mitigation is not scientifically feasible due to problems with hydrology, soils, or factors such as other potentially adverse impacts from surrounding land uses; or

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c. existing functional values at the site of the proposed restoration are significantly greater than lost wetland functional values; or

d. established goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation measures at another site.

8. Mitigation Outside of Primary Drainage Basin.
   Wetland creation or restoration must occur within the same primary drainage basin as the wetland loss occurred, unless the applicant can demonstrate that:

   a. the hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be substantially damaged by the loss within that primary drainage basin; and

   b. in-basin mitigation is not scientifically feasible due to problems with hydrology, soils or other factors such as other potentially adverse impacts from surrounding land uses; or

   c. existing functional values in a different primary drainage basin are significantly greater than lost wetland functional values; or

   d. established goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation measures in a different primary drainage basin.

9. Mitigation Site Selection.
   In selecting mitigation sites, applicants are encouraged to utilize *Selecting Wetland Mitigation Sites Using a Watershed Approach* (Eastern Washington) (Publication #10-06-07, November 2010). Applicants must pursue siting in the following order of preference:

   a. Upland sites which were formerly wetlands.

   b. Degraded upland sites generally having bare ground or vegetative cover consisting primarily of exotic introduced species, weeds or emergent vegetation; and

   c. Other upland sites.

10. Timing.
    Where feasible, mitigation projects are to be completed prior to activities that will disturb wetlands. Bonding is required if mitigation projects cannot be completed prior to project completion. Construction of mitigation projects must be timed to reduce impacts to existing wildlife and flora.

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D. Components of Mitigation Plans.
All wetland restoration, creation, rehabilitation, enhancement and/or preservation projects required pursuant to this chapter, either as a permit condition or as the result of an enforcement action, must follow a mitigation plan prepared by qualified wetland professionals meeting City requirements. The applicant or violator must receive written approval of the mitigation plan prior to commencement of any wetland restoration, creation or enhancement activity. The mitigation plan must contain at least the following components:

1. Baseline Information.

    a. A written assessment and accompanying maps of the impacted wetland including, at a minimum:

        i. Wetland delineation.

        ii. Existing wetland acreage.

        iii. Proposed wetland impacts.

        iv. Vegetative, faunal and hydrologic characteristics.

        v. Soil and substrate conditions; and

        vi. Topographic elevations.

    b. If the compensation site is different from the impacted wetland site, baseline information should also include:

        i. the watershed.

        ii. surface hydrology,

        iii. existing and proposed adjacent land uses,

        iv. proposed buffers; and

        v. ownership.

2. Environmental Goals and Objectives.
A written report must be provided identifying:

    a. goals and objectives and project description;

    b. site selection criteria;

    c. compensation goals;

    d. target evaluation species and resource functions;

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e. dates for beginning and completion; and

f. a complete description of the functions and values sought in the new wetland.

The goals and objectives must be related to the functions and values of the original wetland, or if out-of-kind, the type of wetland to be emulated. The report must also include an analysis of the likelihood of success of the compensation project at duplicating the original wetland, and the long-term viability of the project, based on the experiences of comparable projects, if any.

3. Monitoring Program.
   Specific measurable criteria approved by the director, shall be provided for evaluating whether the goals and objectives of the project are being achieved, and for determining when and if remedial action or contingency measures should be implemented. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. The mitigation plan manager must assure work is completed in accordance with the mitigation plan and, if necessary, the contingency plan. The monitoring program will continue for at least five years from the date of plant installation. Monitoring will continue for ten years where woody vegetation (forested or shrub wetlands) is the intended result. These communities take at least eight years after planting to reach eighty percent canopy closure. Reporting for a ten year monitoring period shall occur in years one, two, three, five seven and ten. Monitoring in all instances shall be bonded. Reporting results of the monitoring data to the director is the responsibility of the applicant.

4. Detailed Construction Plans.
   Written specifications and descriptions of mitigation techniques are to be provided, as specified by the director.

5. Construction Oversight.
   The construction of the mitigation project will be monitored by a qualified wetlands professional to insure that the project fulfills its goals.

6. Contingency Plan.
   The plan must identify potential courses of action that can be taken when monitoring or evaluation indicates project performance standards are not being met.

7. Permit Conditions.
   Any mitigation plan prepared pursuant to this section becomes part of the permit application or approval.

8. Performance Bonds and Demonstration of Competence.
   The applicant must provide demonstration of administrative, supervisory and technical competence, financial resources and scientific expertise of sufficient standing to

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successfully execute the mitigation plan. The applicant will name a mitigation project manager and provide the qualifications of each team member involved in preparing, implementing and supervising the mitigation plan. This includes educational background, areas of expertise, training and experience with comparable projects. In addition, bonds ensuring fulfillment of the mitigation project, the monitoring program, and any contingency measures must be posted in the amount of one hundred twenty-five percent of the expected cost of mitigation, plus a factor to be determined to allow for inflation during the time the project is being monitored. An administration fee for the mitigation project may be assessed to reimburse the City for costs incurred during the course of the monitoring program.

9. Consultation With Other Agencies.
   Applicants are encouraged to consult with federal, state, local agencies having expertise or interest in a mitigation proposal.

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ORD C34148 Section 73

Section 17E.070.140 Mitigation Banking

Mitigation banking shall be consistent with chapter 90.84 RCW. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts when the:

A. bank is certified under chapter 173-700 WAC;

B. director, in consultation with the Department of Ecology, determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and,

C. proposed use of credits is consistent with the terms and conditions of the bank's certification.

Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification. Credits from a certified wetland mitigation bank may be used to compensate for impacts located with the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

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ORD C34148 Section 73

Section 17E.070.150 Incentives and Stewardship Options

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A. On-site Density Transfer or Clustering.
For residential development proposals on lands containing potential or identified critical areas, including wetland areas and buffers, the applicant may apply for planned unit development (PUD) under chapter 17G.070 SMC. The maximum number of dwelling units (DU) for a lot or parcel that contains a wetland area and buffer is determined by the site's zoning and by the density bonus allowed in chapter 17G.070 SMC. The use of residential density transfer or clustering through the use of planned unit developments (PUDs) including bonus density is encouraged as a means to protect and preserve wetlands, wetland buffers and fish and wildlife habitat conservation areas. The provisions of chapter 17G.070 SMC shall control the use of density transfer or clustering, planned unit developments and bonus density.

B. Property Tax and Income Tax Advantages.

1. Property Tax Relief.
The Spokane County Assessor shall consider the wetland areas and associated buffers contained within this chapter when determining the fair market value of land. Any owner of a wetland area who has dedicated a conservation easement or entered into a perpetual conservation restriction with a department of the local, state or federal government or a nonprofit organization to permanently control some or all uses and activities within these areas may request that the Spokane County Assessor reevaluate that specific area consistent with those restrictions and provisions of open space land current use taxation (see RCW 84.40.030).

2. Federal Income Tax Advantages.
There are significant federal income tax advantages that can be realized by an individual or estate for gifts of real property for conservation purposes to local governments or non-profit organizations, such as land trusts. The specific rules on federal income tax deductions can be found in section 170 of the Internal Revenue Code.

C. Stewardship Options.

1. The Spokane County conservation district offers stewardship information, classes and technical assistance to property owners. Programs include shoreline stewardship, forestry, small acreage conservation agriculture, water resources, and soil information.

2. Spokane County conservation futures program, initiated in 1994, is funded by a property tax assessed for each home in the county. This tax money is earmarked solely for the acquisition of property and development rights. These funds acquire lands or future development rights on lands for public use and enjoyment. The conservation areas are defined areas of undeveloped land primarily left in its natural condition. These areas may be used for passive recreational purposes, to create secluded areas, or as buffers in urban areas. Conserved lands include wetlands, farmlands, steep hillsides, river corridors, viewpoints and wildlife habitats and corridors.

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ORD C34148 Section 73

Section 17E.070.160 Administration

A. The department director identified in chapter 17A.010 SMC ("Director") shall administer and interpret the provisions of this chapter, except as specifically provided. The director is authorized to adopt, in accordance with administrative procedures set by ordinance, such rules as are necessary to implement the requirements of this chapter and to carry out the duties of the director hereunder. Except as otherwise provided in this chapter, the administrative procedures set forth in chapter 17G.010 SMC and chapter 17G.060 SMC shall apply to this chapter.

B. The director may also consult with other City departments and state and federal agencies as necessary to obtain additional technical and environmental review assistance.

C. The director shall review and analyze all applications for all permits or approvals subject to this chapter. Such applications shall be approved only after the director is satisfied the applications comply with this chapter.

D. Every City department issuing a permit for development on parcels containing a wetland or buffer shall require the use of best management practices to prevent impacts to wetlands and buffers and to meet the intent of this chapter. Departments shall require mitigation to address unavoidable impacts. All such City departments shall maintain records documenting compliance with this subsection.

E. Except as otherwise stipulated in this chapter, the administrative procedures set forth in chapter 17A.010 SMC apply to this chapter.

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ORD C34148 Section 73

Section 17E.070.170 Violations

A. It is a violation of this chapter to fail to comply with any provision of this chapter or with any term of any permit condition or approval issued pursuant to this chapter.

B. It is a violation of this chapter to fail to comply with any order issued pursuant to this chapter or to remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter.

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C. It is a violation of this chapter to misrepresent any material fact in any application, on plans, or in any other information submitted to obtain any determination, authorization, permit condition or approval under this chapter.

D. It is a violation of this chapter to aid and abet, counsel, encourage, hire, command, induce or otherwise procure another to violate or fail to comply with this chapter.

E. Violations of this chapter are subject to the penalties set forth in chapter 1.05 SMC.

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ORD C34148 Section 73

Section 17E.070.180 Authority to Enforce

A. The director is authorized to enforce this chapter and may call upon other appropriate City departments to assist in enforcement.

B. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the wetland, buffer, land, premises, building or structure within the scope of this chapter.

C. No provision or term used in this chapter is intended to impose any duty upon the City or any of its officers or employees that would subject them to damages in a civil action.

D. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for liability on the part of the City or its officers, officials, employees or agents for any injury or damage resulting from the failure of any owner of property or land to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its officers, officials, employees or agents.

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ORD C34148 Section 73

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Title 17E Environmental Standards

Chapter 17E.070 Wetlands Protection

Section 17E.070.010 Title and Purpose

A. This chapter shall be known and may be cited as the "Spokane Wetlands Protection Code."

B. This chapter is based on and implements the City of Spokane's comprehensive plan~~,~~ and shoreline master program as amended from time to time. The purpose of this chapter is to protect the public health, safety and welfare by preserving, protecting and restoring wetlands through the regulation of development and other activities within wetlands and their buffers.~~,~~ ~~and~~ This chapter is not intended to create or otherwise establish or designate any particular person, or class, or group of persons who will or should be especially protected or assisted by the terms or provisions of this chapter. Further, it is the purpose of this chapter through the regulation of development and activities to meet the required goal of no net loss of wetland areas, functions and values.

1. The ~~city~~ City ~~council~~ Council finds that wetlands constitute important natural resources which provide significant environmental functions including:

   a. improving water quality through biofiltration, adsorption, retention and transformation of sediments, nutrients and toxicants;

   b. maintaining the water regime in a watershed (hydraulic functions) such as reducing peak flows, erosion control, stabilizing stream banks and shorelines and recharging ground water;

   c. providing general ~~habitat,~~ habitat for invertebrates, amphibians, anadromous fish and resident fish;

   d. providing habitat to aquatic birds and ~~aquatic~~ mammals ~~and~~, providing richness of food and supporting food webs; and

   e. providing a place for education, scientific study and aesthetic appreciation.

C. The provisions of this chapter shall be liberally construed to effectively carry out its purpose. If any provisions of this chapter conflict with other regulations, ordinances or other authorities, the provision that provides more protection to wetlands and wetland buffers shall apply.

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ORD C34148 Section 73

Section 17E.070.020 Applicability

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A. The requirements of this chapter apply to all activities and development occurring in a wetland or wetland buffer, as defined in this chapter. Property located in a wetland or wetland buffer as defined in this chapter is subject to both its zoning classification regulations and to the additional requirements imposed under this chapter. In any case where there is a conflict between the provisions of the underlying zone and this chapter, the provisions of this chapter shall apply.

B. Wetlands are those areas, designated in accordance with the most current edition of the federal wetland delineation manual and applicable regional supplements~~Washington State Wetland Identification and Delineation Manual~~, that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands. All areas within the City meeting the wetland designation criteria in the federal wetland delineation manual and applicable regional supplements~~Identification and Delineation Manual~~, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter.

C. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for liability on the part of the City, or its officers, officials, employees or agents for any injury or damage resulting from the failure of any owner of property or land to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its officers, officials, employees or agents.

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ORD C34148 Section 73

Section 17E.070.030 Identification, Designation and Mapping of Wetlands

A. Wetland Maps.
The approximate location and extent of wetlands in the City is compiled in the City's wetlands inventory. Their approximate location is displayed on City maps. The foregoing maps are to be

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used as a guide for the City, project applicants and/or property owners, and may be continuously updated as new wetlands are identified. The maps are references and do not provide a final wetlands designation or delineation. Wetlands of any size and state of isolation are regulated under the provisions of this ordinance. Wetlands not shown on City maps or wetlands inventory are presumed to exist in the ~~city~~ City and are protected under the provisions of this chapter. In the event that any of the wetland designations shown on the wetland inventory or maps conflict with the criteria set forth in this chapter, the criteria shall control.

B. Determination of Wetland Boundary.

1. The applicant shall, through the performance of a field investigation by a qualified professional wetland scientist applying the wetland definition provided in this chapter and in SMC 17A.020.230 and as part of the wetlands report requirement found in this chapter, provide a site analysis including: a determination of the exact location of the wetland boundary; an analysis of wetland functions and values; and a wetland rating according to the wetlands rating system criteria adopted in SMC 17E.070.100. Qualified wetland scientists shall perform wetland delineations using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1987), ~~Interim Regional Supplement:~~ Arid West ~~Wetlands Manual~~Final Regional Supplement (~~2006~~2008), ~~and Washington State Wetlands Identification and Delineation Manual~~ as revised or supplemented. The director, upon consultation with the ~~department~~ Department of ~~ecology~~Ecology, may determine that wetland identification and delineations made prior to adoption of these standards, or for a different use requiring permit changes, require a new determination by a qualified wetland scientist. Wetland determinations are subject to Corps Regulatory Guidance Letter (RGL) 05-02, 2005 and expire after five years from the date of determination and must follow requirements for review by a qualified wetland scientist upon expiration of the five-year limitation.

2. Where an applicant has provided a delineation of a wetland boundary, the department shall verify the accuracy of, and may render adjustments to, the boundary delineation. ~~and the~~The applicant may be charged by the department for costs incurred in verifying the accuracy of the delineation. In the event the adjusted boundary delineation is contested by the applicant, the department may, at the applicant's expense, obtain the services of a second wetlands scientist to perform a delineation. The second delineation shall be final, unless appealed to the hearing examiner.

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ORD C34148 Section 73

Section 17E.070.040 Regulated Activities

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A. No regulated activity shall be undertaken in a wetland or wetland buffer without submitting a critical areas checklist as provided ~~at~~ in SMC 17 E.070.080 and first obtaining required permits. Uses and activities in wetlands are only allowed as conditional use permits or planned unit developments under the provisions of the City zoning code. Unless expressly provided otherwise in this chapter, regulated activities include any of the following activities which occur in a wetland or its buffer:

1. Removal, excavation, grading or dredging of soil, sand, gravel or other similar materials.
2. Dumping, discharging or filling with any material.
3. Draining ~~or~~, flooding, or disturbing of the water level or water table.
4. Driving of pilings.
5. Placing of obstructions.
6. Construction, reconstruction, demolition or expansion of any structure.
7. The removal, cutting, clearing, harvesting, shading or intentional burning of any vegetation, including removal of snags or dead or downed woody material, or planting of non-native vegetation that would degrade the wetland, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules.
8. Activities that restrict, increase or otherwise measurably alter the hydrology, water quality or limnology of the wetland.
9. Construction or installation of streets or utilities; and
10. Construction and maintenance of pervious trails.

B. Where a regulated activity is proposed which would be partly inside and partly outside a wetland or wetland buffer, a wetland permit shall be required for the entire regulated activity. The standards of this chapter shall apply only to that part of the regulated activity which occurs inside the delineated boundaries of a wetland or a wetland buffer, provided all activities that occur outside a wetland or wetland buffer are prohibited from negatively impacting a wetland or wetland buffer.

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ORD C34148 Section 73

Section 17E.070.050 Unregulated Activities

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A. The following activities are exempt from the requirement to obtain a permit and are allowed within a wetland or wetland buffer to the extent that they are not prohibited by other local, state or federal law, ~~and~~ do not degrade a wetland or wetland buffer, and are reviewed by the City prior to any action:

1. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife including the planting of native wetland vegetation.

2. Activities having minimal adverse impacts on wetland buffers and no adverse impact on wetlands, including low-intensity, passive recreation activities such as short-term scientific or education activities and sport~~s~~ fishing or hunting.

3. Repair and maintenance of existing drainage ditches which are part of a nonconforming wetland use, provided no expansion or introduction of new adverse impact to the wetland takes place. Maintenance of existing drainage ditches should be limited to removing sediment to the depth recorded ~~at~~ during the last authorized maintenance activity. The use of current best management practices is especially encouraged to improve agricultural practices in and near wetlands.

4. Placement of navigation aids and boundary markers.

5. Placement of boat mooring buoys.

6. Site investigative work necessary for land use application submittal such as surveys, soil logs and other related activities. Disturbance shall be minimized to the greatest extent possible. Examples of minimal impact methods include, but are not limited to, hand dug test pits or hand borings. All subsurface exploration methods shall be approved in advance by the director. In every case, wetland impacts shall be minimized and disturbed areas shall be immediately restored; and

7. ~~Normal maintenance of existing utility and street systems, provided that, whenever possible, maintenance activities be confined to late summer and fall. Operation, maintenance or repair of public rights-of-way, legally existing roads, structures or facilities and associated right-of-way used in the service of the public to provide transportation, electricity, gas, water, telephone, telegraph, telecommunication, sanitary sewer, stormwater treatment and other public utility services are exempt from this chapter. Operation, maintenance or repair activities that do not require construction permits, if the activity does not further alter or increase impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance or repair. Operation and vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities, provided that such management actions are part of a regular ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility,~~

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~~and do not directly impact endangered species. These ongoing activities are not subject to new or additional mitigation when they do not expand further into the critical area, are not the result of an expansion of the structure or utility, or do not directly impact endangered species. Whenever possible, maintenance activities will be confined to late summer and fall.~~The following activities are not subject to the provisions of this chapter provided they do not expand further into the critical area, do not alter or increase the impacts to the critical area or buffer, do not directly impact endangered species and do not increase risk to life or property. Whenever possible, maintenance activities will be confined to late summer and fall.

a. Operation, maintenance or repair of public rights-of-way, legally existing roads, structures or facilities and associated rights-of-way used to provide transportation, electricity, gas, water, telephone, telecommunication, sanitary sewer, stormwater treatment and other public utility;

b. Operation, maintenance or repair activities that do not require construction permits;

~~a.~~c. Vegetation management performed in accordance with best management practices as part of the ongoing maintenance of structures, infrastructure, or utilities, provided that such management activities are not the result of an expansion of the structure or utility.

B. Forest practices and conversions shall be governed by chapter 76.09 RCW and rules promulgated thereunder. This permit exemption does not apply where such activities result in the conversion of a wetland or wetland buffer to a use requiring a permit under this chapter.

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ORD C34148 Section 73

Section 17E.070.060 Emergency Activities

A. Notwithstanding the provisions of this chapter or any other laws to the contrary, the director may allow emergency activities if the:

1. director determines that an imminent threat to public health, safety or the environment will occur if an emergency activity is not allowed; and

2. threat to or loss of wetlands may occur before the normal and usual process ~~is~~ can be followed or activities can be modified ~~under~~ pursuant to the procedures ~~otherwise~~ normally required by this chapter.

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B. The exemption for emergencies should not eliminate the need for later mitigation to offset the impacts of emergency activity. Once the immediate threat has been addressed, any adverse impacts on critical areas should be minimized and mitigated.

~~B.~~C. Any emergency activity allowed shall:

1. incorporate to the greatest extent practicable the standards and criteria required for non-emergency activities;

2. be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety days without reapplication; and

3. require the restoration of any wetland altered as a result of the emergency activity within ninety days following the emergency repair, or during the growing season after the emergency repair. Procedures otherwise required by this chapter must be followed for restoration efforts required by the emergency repair in accordance with this chapter.

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ORD C34148 Section 73

Section 17E.070.070 Prohibited Activities

Activities that are not regulated activities under SMC 17E.070.040, unregulated activities under SMC 17E.070.050, or emergency activities under SMC 17E.070.060, are prohibited. In order to conduct an otherwise prohibited activity in a wetland or wetland buffer, the applicant must satisfy the requirements for a reasonable use exception as described in SMC 17E.070.120.

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ORD C34148 Section 73

Section 17E.070.080 Application Submittal Requirements

A. A pre-development conference is required for all regulated activities proposed in potential wetland areas and associated buffers per ~~chapter~~ SMC 17G.060 ~~SMC~~. The pre-development conference is intended to acquaint an applicant with standards, requirements, investigation procedures, best management practice and potential review procedures prior to ~~making~~ submitting an application.

B. All activities identified in SMC 17E.070.040 shall meet the following application submittal requirements in addition to the application submittal requirements specified in other codes. The

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director may modify the submittal requirements based upon reasonable documentation, including BAS, needed to ensure compliance with this chapter, provided no construction activity, clearing or grading has taken place. A written summary of analysis and findings shall be included in any staff report or decision on the underlying permit.

1. Wetlands Report.
   This report shall include a written assessment and accompanying maps of the impacted wetland including, at a minimum, wetland delineation and rating as determined by SMC 17E.070.100; existing wetland acreage; proposed wetland impacts; alternatives to wetlands impacts; proposed wetland buffer; vegetative, faunal and hydrological characteristics; soil and substrate conditions and topographic elevations; and shall be submitted as a part of the permit application.

2. Topographic Survey.
   To the extent not provided in the wetlands report, a topographic site plan, prepared and stamped by a State of Washington licensed surveyor, is required for sites that include a wetland or its buffer. The topographic site plan shall include the following existing physical elements:

   a. Existing topography at two-foot contour intervals on-site, on adjacent lands within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements.

   b. Terrain and stormwater-flow characteristics within the site, on adjacent sites within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements.

   c. Location of areas with significant amounts of vegetation, and specific location and description of all trees with trunks six inches or greater in diameter at breast height (dbh) measured four feet, six inches above the ground, and noting their species.

   d. Location and boundaries of all existing site improvements on the site, on adjacent lands within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements. This shall include the amounts of developmental coverage, including all impervious surfaces (noting total square footage and percentage of site occupied).

   e. Location of all ongoing grading activities ~~in progress, and~~ as well as all natural and artificial drainage control facilities or systems in existence ~~or~~ on the site, on adjacent lands ~~on the site,~~ within twenty-five feet of the site's property lines, and in the full width of abutting public and private rights-of-way and easements.

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f. Location of all existing utilities (water, sewer, gas, electric, phone, cable, etc.), both above and below ground, on the site, on adjacent lands within twenty-five feet of the site's property lines and in the full width of abutting public rights-of-way; and

g. ~~Such a~~Additional information on existing physical elements ~~information for~~ on the site and surrounding area as required by the director to inform a complete review of a project subject to the standards of this chapter.

3. Additional Site Plan Information.
To the extent not provided in the wetlands report, the following site plan information shall also be required for sites that include wetlands and their buffers. Information related to the location and boundaries of wetlands and required buffer delineations shall be prepared by qualified professionals with training and experience in their respective area of expertise as demonstrated to the satisfaction of the director.

a. Location and boundaries of all wetlands and wetland buffer on the site and on adjacent lands within twenty-five feet of the site's property lines, noting both total square footage and percentage of site.

b. Location and identification of all wetlands within one hundred feet of the site's property lines.

c. Location and boundaries of all proposed site improvements on the site, on adjacent lands within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements. This shall include the amount of proposed land disturbing activities, including amounts of developmental coverage, impervious surfaces and construction activity areas (noting total square footage and percentage of site occupied).

d. Location of all proposed grading activities and all proposed drainage control facilities or systems on the site or on adjacent lands within twenty-five feet of the site's property lines, and on the full width of abutting public and private rights-of-way and easements.

e. Location of all proposed utilities (water, sewer, gas, electric, phone, cable, etc.), both above and below ground, on the site, on adjacent lands within twenty-five feet of the site's property lines, in the full width of abutting public rights-of-way, and any proposed extension required to connect to existing utilities, and proposed methods and locations for the proposed development to hook-up to these services; and

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f. Such additional site plan information related to the proposed development as required by the director to inform a complete review of a project subject to the standards of this chapter.

4. Technical Reports.
To the extent not provided in the wetlands report, technical reports and other studies and submittals shall be prepared as required by the director detailing on-site soils, ~~geological~~geology, hydrology~~ical~~, drainage, plant ecology and botany and other pertinent site information. The reports, studies and submittals shall be used to condition development to prevent potential harm and to protect the critical nature of the site, adjacent properties, and the drainage basin.

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ORD C34148 Section 73

Section 17E.070.090 Posting, Covenants and Recording Conditions

A. During construction, the director may require conditions to be posted on the site that are visible from public rights-of-way.

B. The director shall require the boundaries of wetlands and their buffers and any permanent conditions imposed be legibly shown and described in a permanent covenant with the property, which must be acceptable to the director and city attorney and shall be recorded ~~in~~ with the Spokane County auditor's office.

C. The covenant shall be recorded prior to the issuance of any permit or at the time a plat is recorded.

D. The covenant shall be permanent unless a revocation is applied for that includes a wetland determination by a qualified wetland scientist that provides evidence the wetland no longer exists. The revocation application must be approved by the director in writing.

E. The director may require placement of small permanent visible markers to delineate the areas described in subsection B of this section. Said markers shall be posted at intervals required by the director and must be perpetually maintained by the property owner. The markers shall be worded as follow or with alternative language approved by the director: "The area beyond this sign is a critical area or critical area buffer. This sensitive environment is to be protected from alteration or disturbance. Please call the City of Spokane for more information." The location of the markers shall be legibly shown and described in the permanent covenant.

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ORD C34148 Section 73

Section 17E.070.100 Wetlands Rating System

A. Wetlands shall be rated according to the Washington State department of ecology wetland rating system found in the Washington State Wetlands Rating System for Eastern Washington (~~2004~~2014) as revised~~, together with the Wetlands in Washington State Volume 1 and 2 (2005) as revised.~~. These rating system documents contain the definitions and methods for determining if the criteria in subsections B through E of this section below are met. In using the rating system the City will not consider aspen-dominated forested wetlands larger than one-fourth acre to be Category I Wetlands unless they also meet one or more of the other criteria for a Category I Wetland.

B. Category I Wetlands.

1. These wetlands are not common and make up a small percentage of wetlands in the region. Category I wetlands are those that exhibit these primary characteristics:

   a. Represent a unique or rare wetland type.

   b. Are more sensitive to disturbance than most wetlands.

   c. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; and

   d. Provide a high level of function.

2. In eastern Washington Category I Wetlands include but are not limited to the following examples:

   a. Alkali wetlands.

   b. Wetlands of High Conservation Value (formerly called Natural Heritage ~~Program (DNR)~~ Wetlands).

   c. Bogs and Calcareous Fens.

   d. Mature and old-growth forested wetlands over one-fourth acre with slow growing trees; and

   e. Wetlands that perform ~~many functions very well~~functions at high levels (scores of ~~seventy~~ twenty-two points or more).

C. Category II Wetlands.

Category II wetlands are difficult, although not impossible, to replace and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include:

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1. forested wetlands in the floodplains of rivers;
2. mature and old-growth forested wetlands over one-fourth acre with fast growing trees;
3. vernal pools; and
4. wetlands that perform functions well (scores between ~~fifty-one~~nineteen and ~~sixty-nine~~twenty-one points).

D. Category III Wetlands.
Category III wetlands generally have been disturbed in some ways, and are often smaller, less diverse and/or more isolated from other natural resources in the landscape than Category II wetlands and may not need as much protection as Category I and II Wetlands. Category III wetlands are:

1. vernal pools that are isolated, and
2. wetlands with a moderate level of function (between ~~thirty~~ sixteen and ~~fifty~~ eighteen points).

E. Category IV Wetlands.
Category IV wetlands have the lowest levels of function (less than ~~thirty~~ sixteen points) and are often heavily disturbed. These are wetlands that may be replaced and in some cases improved. These wetlands may provide some important function, and also need to be protected. Category IV wetlands are comprised of one vegetative class other than the forested wetland class.

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ORD C34148 Section 73

Section 17E.070.110 Wetland Buffers

A. Standard Buffer Zone Widths.
Wetland buffer zones shall be required for all regulated activities adjacent to wetlands. Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field pursuant to the requirements of SMC 17E.070.030. The width of the wetland buffer zone shall be determined according to the rating assigned to the wetland in accordance with SMC 17E.070.100 and consistent with Wetlands in Washington State, Volume 2, Protecting and Managing Wetlands, Guidance on Buffers and Ratios (Appendix 8-D) as revised, for wetland category, intensity of impacts, wetland functions, habitat scores or special characteristics. Standard buffer widths will be determined based on an evaluation of the following:

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1. Conditions of the wetland.
2. Conditions of the buffer.
3. Proposed land uses adjacent to the buffer; and
4. The functions intended to be protected.

B. Wildlife habitat function is the most susceptible to developmental change and requires the greatest buffer protection. Protection of wildlife habitat functions require twenty-five to seventy-five feet for wetlands with minimal habitat functions and low intensity land uses adjacent to the wetlands, fifty to two hundred feet for wetlands with moderate habitat function and moderate or high intensity land use adjacent to the wetlands, and one hundred fifty to two hundred fifty plus feet for wetlands with high habitat functions depending on the intensity of the adjacent land use. The width of the wetland buffer zone shall be determined from one of the following two alternatives:

1. Alternative 1.
   Unless SMC 17E.070.110(3) (Table 17E.070.110-4) applies, width based solely on wetland category as follows:

Table 17E.070.110-1	
Wetland Category	**Buffer Width (feet)**
Type I	250
Type II	200
Type III	150
Type IV	50

2. Alternative 2.
   Alternative 2 provides three buffer widths based on habitat scores. Habitat score refers to the quality of physical structures such as vegetation, open water and connections to other wildlife habitats that are necessary for a wide range of species, including birds, mammals, and amphibians. Where more than one width applies based on score for function or based on special characteristics, the calculation providing the widest buffer

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shall be used. Widths are based on wetland category, intensity of impacts from proposed changes in land use, and wetland functions or special characteristics. Land use intensity shall be determined as follows:

Table 17E.070.110-2. Types of proposed land use that can result in high, moderate, and low levels of impacts to adjacent wetlands.	
Impact from Proposed Change in Land Use	**Types of Land Use Based on Common Zoning Designations**
High	Commercial, Industrial and Institutional Residential (more than 1 unit/acre) High-intensity Recreation (golf courses, ball fields, etc.) Conversion to High Intensity Agricultural (dairies, nurseries, greenhouses, etc.) Hobby Farms
Moderate	Residential (1 unit/acre or less) Moderate-intensity Active Open Space (parks with biking, jogging, etc.) Conversion to Moderate Intensity Agriculture (orchards, hay fields, etc.) Paved Trails Building of Logging Roads Utility Corridor With Access/Maintenance Road Forestry (cutting of trees only)
Low	Passive Open Space (hiking, bird-watching, etc.) Unpaved Trails Utility Corridor Without Road or Vegetation Management

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Table 17E.070.110-3				
Wetland Category	Habitat Score	Wetland Minimum Buffer Width (in feet)		
-	-	Low Impact	Moderate Impact	High Impact
I and II	29-36	100	150	200
-	20-28	75	110	150
-	< 20	50	75	100
III	20-28	75	110	150
-	< 20	40	60	80
IV	-	25	40	50

Table 17 E.070.110-3			
Category of Wetland	Land Use with Low Impact	Land Use with Moderate Impact	Land Use with High Impact
I	125 ft	190 ft	250 ft
II	100 ft	150 ft	200 ft
III	75 ft	110 ft	150 ft
IV	25 ft	40 ft	50 ft

3. If a Type I wetland is classified with at least one of the following special characteristics the following buffer table shall apply:

Table 17E.070.110-4			
Type I Special Characteristics	Low Impact	Moderate Impact	High Impact
Vernal Pool	100	150	200

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~~Vernal Pool With Regional Plan~~	~~40~~	~~60~~	~~80~~
~~Natural Heritage Wetland~~	~~125~~	~~190~~	~~250~~
~~Bogs~~	~~125~~	~~190~~	~~250~~
~~Alkali~~	~~100~~	~~150~~	~~200~~
~~Riparian Forest~~	~~Buffer width to be based on score for habitat functions or water quality functions~~		

Table 17E.070.110-4

Wetland Characteristics	**Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)**	**Other Measures Recommended for Protection**
Wetlands of High Conservation Value	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft Restore degraded parts of buffer
Bogs	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
Forested	Buffer size to be based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connectivity to other natural areas Restore degraded parts of buffer
Alkali	Low – 100 ft Moderate – 150 ft High – 200 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
High level of function for habitat (score for habitat 8 – 9 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas Restore degraded parts of buffer
Moderate level of function for habitat (score for habitat 5 - 7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement (8 - 9 points) and low for habitat (less than 5 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting any of the above	Low – 50 ft	No recommendations at this

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characteristics	Moderate – 75 ft High – 100 ft	time

C. Increased Wetland Buffer Zone Width.
The City may require increased buffer zone widths on a case-by-case basis as determined by the director when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

1. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, sensitive or documented priority species or habitats, or essential or outstanding potential habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or

2. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or

3. The adjacent land has minimal vegetative cover or slopes greater than thirty percent.

D. Reduction of Standard Wetland Buffer Zone Width.
The City may reduce the standard wetland buffer zone width on a case-by-case basis as determined by the director, consistent with Wetlands in Washington State, Volume 2, Protecting and Managing Wetlands, Guidance on Buffers and Ratios (Appendix 8-D) as revised, ~~if~~ for wetlands that score:

1. moderate or high for habitat (~~twenty~~ five points or more for the habitat functions) the width of the buffer can be reduced if the following criteria are met:

   a. a relatively undisturbed vegetative corridor of at least one hundred feet in width is protected between the wetland and any other priority habitats; and

   b. the protected area is preserved by means of easement, covenant or other measure;

   c. measures identified in SMC 17E.070.110(~~C~~D)(2) (Table 17E.070.110-5) are taken to minimize the impact of any proposed land use or activity.

2. less than ~~twenty~~ five points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying the following measures to minimize the impacts of the proposed land uses or activities:

Table 17E.070.110-5

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Disturbance	Examples of Measures Used to Minimize Impacts
Light	Direct lights away from wetland
Noise	Locate activity that generates noise away from wetland
Toxic Runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered, establish covenants limiting use of pesticides within one hundred fifty feet, may apply integrated pest management
Stormwater Runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development, prevent channelized flow from lawns that directly enters buffer
Change in Water Regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and Human Disturbance	Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract~~plant appropriate vegetation to discourage disturbance~~
Dust	Use best management practices to control dust

E. Standard Buffer Width Averaging.

Wetlands may contain significant variations in sensitivity due to existing physical characteristics that may justify buffer width averaging. Standard wetland buffer zones may be modified by averaging buffer widths or a combination of averaging and reduction. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following:

1. Averaging will provide the necessary biological, chemical and physical support necessary to protect the wetland in question, taking into account the type, intensity, scale and ~~landscape~~ location of the proposed land use.

2. The land uses causing the least disturbance would be located adjacent to areas where buffer width is reduced and that such land uses are guaranteed in perpetuity by covenant, deed restriction, easement or other legally binding mechanism.

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3. The total area contained within the wetland buffer after averaging is not less than that contained with the standard buffer prior to averaging. In no instance shall the buffer width be reduced by more than fifty percent of the standard buffer or be less than twenty-five feet.

F. Wetland Buffer Maintenance.
Except as otherwise specified wetland buffer zones shall be retained in their natural condition and free from mowing or other cutting activity, except for the removal of noxious weeds. Where buffer disturbances have occurred before or during construction, revegetation with native vegetation shall be required.

G. Permitted Uses in a Wetland Buffer Zone.
Regulated activities shall not be allowed in a buffer zone except for the following:

1. Activities having minimal adverse impacts on buffers and no adverse impacts on wetlands. These may include low-intensity, passive recreational activities such as trails, non-permanent wildlife watching blinds, short-term scientific or education activities, and sport fishing or hunting. Pervious pedestrian trails may be allowed in a wetland for minor crossings only and with minimal impacts. Trails may be allowed in the outer twenty-five percent of a wetland buffers and should be designed to avoid removal of significant trees. Such trails are limited to no more than five feet in width.

2. Stormwater management facilities, including biofiltration swales, designed according to the City of Spokane Stormwater Management Manual as revised, and chapter 17D.060 SMC, Stormwater Facilities, if no reasonable alternative on-site location is available within the meaning of SMC 17E.070.130, and if sited and designed so that the buffer zone as a whole provides the necessary biological, chemical and physical protection to the wetland in question, taking into account the scale and intensity of the proposed land use. Biofiltration swales will take into account the scale and intensity of the proposed land use, be located in the outer twenty-five percent of a Category III or IV wetland buffer provided that no other location is feasible, and will not degrade the functions and values of the wetland or its buffer.

H. Structural Setbacks from Buffers.
Unless otherwise provided, buildings and other accessory structures shall be set back a distance of ten feet from the edges of all delineated critical area buffers protecting fish and wildlife habitat conservation and wetland protection areas. The director may reduce the structural setback limit by up to five feet if construction, operation and maintenance of the building do not create a risk of negative impacts on the adjacent buffer area. Approval of a reduction of the structural setback from the buffer line shall be provided in writing by the director. The following uses may be allowed in the structural setback area:

1. Landscaping.

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2. Uncovered decks.

3. Roof eaves and overhangs, maximum of twenty-four inches.

4. Pervious unroofed stairways and steps.

5. Impervious ground surfaces, such as driveways and patios.

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ORD C34148 Section 73

Section 17E.070.120 Reasonable Use Exceptions

A. Regulated activities shall not be authorized within a wetland or wetland buffer except where it can be demonstrated that an extraordinary hardship exists, or the impact is both unavoidable and necessary, or that all reasonable economic uses are denied, as defined below:

1. Extraordinary Hardship.
With respect to Category I and II wetlands, an applicant must demonstrate that denial of the permit would impose an extraordinary hardship on the part of the applicant brought about by circumstances peculiar to the subject property and not as a direct result of actions taken by the current or previous owner(s).

2. Unavoidable and Necessary Impacts.
With respect to all other wetlands, the following provisions shall apply. For water-dependent activities, unavoidable and necessary impacts can be demonstrated when there are no practicable alternatives which would not:

   a. involve a wetland or which would not have less adverse impact on a wetland;

   b. have other significant adverse environmental consequences.

3. Stormwater management facilities will be considered in wetland buffers with overflow into wetlands or wetland buffers, subject to regulation under the City of Spokane Stormwater Management Manual as revised, chapter 17D.060 SMC, Stormwater Facilities, and all other applicable provisions in this chapter.

4. Where non-water-dependent activities are proposed, the applicant must demonstrate that:

   a. the basic project purpose cannot reasonably be accomplished using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project;

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b. a reduction in the size, scope, configuration or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on a wetland of its buffer will not accomplish the basic purpose of the project; and

c. in cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made a reasonable attempt to remove or accommodate such constraints.

B. Reasonable Use.
If an applicant for a development proposal demonstrates to the satisfaction of the director that application of the standards of this chapter would deny all reasonable economic use of the property, development as conditioned shall be allowed if the applicant also demonstrates all of the following to the satisfaction of the director:

1. That the proposed development is water-dependent or requires access to the wetland as a central element of its basic function, or is not water-dependent but has no practicable alternative pursuant to this section.

2. That no reasonable use with less impact on the wetland and its buffer is possible.

3. That there is no feasible on-site alternative to the proposed development, including reduction in density, planned unit development and/or revision of road and lot layout that would allow a reasonable economic use with less adverse impacts to wetlands and wetland buffers.

4. That the proposed development will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, sensitive or documented priority species or priority habitats.

5. That any and all alterations to wetlands and wetland buffers will be mitigated as provided in ~~SMC 17E.070.040~~SMC 17E.070.130.

6. That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property; and

7. That the inability to derive reasonable economic use of the property is not the result of actions by the applicant, or the present or prior owner of the property, in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter.

C. Mitigation will be required for impacts to a wetland or wetland buffer caused by unavoidable and necessary, extraordinary hardships, and reasonable use exceptions to standards.

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D. Prior to granting any special exception under this section, the director shall make written findings on each of the items listed above.

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ORD C34148 Section 73

Section 17E.070.130 Mitigation

Wetland mitigation shall be consistent with Wetland Mitigation in Washington State, Parts 1 and 2 (2006) as amended from time to time, to provide consistency for applicants who must also apply for state and federal permits.

A. Conditions.
As a condition of any permit or approval allowing alteration of wetlands or associated buffers, the applicant will engage in the restoration, creation, rehabilitation, enhancement or preservation of wetlands in order to offset the impacts resulting from the applicants or violators actions. The applicant will develop an appropriate mitigation plan that provides for mitigation measures as outlined below. Wetland mitigation means the use of any or all of the following action listed in descending order of preference (mitigation sequencing):

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments; or
6. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation may include a combination of the above measures.

B. Performance Standards.
Compensatory mitigation must follow a mitigation plan which includes the components listed in subsection D of this section. All mitigation plans must meet the minimum performance standards set forth in subsection C of this section.

C. Wetlands Restoration, Creation, Rehabilitation, Enhancement and Preservation.

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1. Any person who degrades wetlands must restore, create, rehabilitate, ~~or~~ enhance, or preserve equivalent areas or greater areas of wetlands than those altered in order to compensate for loss of wetland acreage or functions.

2. Acreage Replacement Ratio.
   The following standard ratios apply to compensatory wetland mitigation that is in-kind. If a proposal seeks to eliminate a functional wetland through development, that loss must be compensated through creation or restoration mitigation. This strategy meets the no net loss standard for wetland function and value. The first number specifies the acreage of wetlands requiring replacement and the second specifies the acreage of wetlands altered.

Table 17E.070.130-1

Category and Type of Wetland Impacts	**Type of Wetland Mitigation**				
	Re-establishment or Creation	**Rehabilitation Only [1]**	**Re-establishment or Creation (R/C) and Rehabilitation (RH) [1]**	**Re-establishment or Creation (R/C) and Enhancement (E) [1]**	**Enhancement Only [1]**
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II Forested	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1
Category II Vernal Pool	2:1 Compensation must be seasonally ponded wetland	4:1 Compensation must be seasonally ponded wetland	1:1 R/C and 2:1 RH	Case-by-case	Case-by-case

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All Other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I – Based on Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage Site	Not considered possible [2]	6:1 Rehabilitation of a Natural Heritage Site	R/C not considered possible [2]	R/C not considered possible [2]	Case-by-case
Category I Alkali	Not considered possible [2]	6:1 ~~Rehabilition~~Rehabilitation of an alkali wetland	R/C not considered possible [2]	R/C not considered possible [2]	Case-by-case
Category I Bog	Not considered possible [2]	6:1 Rehabilitation of a bog	R/C not considered possible [2]	R/C not considered possible [2]	Case-by-case

[1] These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

[2] ~~Natural heritage sites~~Wetlands with a high conservation value and~~,~~ alkali wetlands are considered irreplaceable wetlands because they perform functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

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3. Increased Replacement Ratio.
   The standard replacement ratio may be increased under the following circumstances:

   a. High degree of uncertainty as to the probable success of the proposed restoration or creation.

   b. Significant period of time between destruction and replication of wetland functions.

   c. Projected losses in functional value and other uses, such as recreation, scientific research and education, are relatively high.

   d. Not possible to create or restore same type of wetland.

   e. Off-site compensation is offered.

4. Decreased Replacement Ratio.
   The standard replacement ratio may be decreased under the following circumstances: scientifically supported evidence which demonstrates that no net loss of wetland function or value is attained under the decreased ratio. In all cases, a minimum acreage replacement ratio of 1:1.5 is required.

5. Wetland Enhancement.

   a. Any applicant proposing to degrade wetlands may propose to enhance existing wetlands in order to compensate for wetland losses. Applicants proposing to enhance wetlands must identify how enhancement conforms with the overall goals and requirements of the wetlands protection program.

   b. A wetlands enhancement compensation project will be considered, if enhancement for one function and value will not degrade another function or value. Acreage replacement ratios may be increased up to one hundred percent to recognize existing functional values. Category I wetlands may not be enhanced.

6. In-kind/Out-of-kind Mitigation.
   In-kind mitigation must be provided except where the applicant can demonstrate that:

   a. the wetland system is already degraded and out-of-kind replacement will result in a wetland with greater functional value;

   b. technical problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind mitigation impossible.

Where out of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functional values.

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7. On-site/Off-site Mitigation.
   On-site mitigation shall be provided except where the applicant can demonstrate that:

   a. the hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be damaged by the on-site loss; and

   b. on-site mitigation is not scientifically feasible due to problems with hydrology, soils, or factors such as other potentially adverse impacts from surrounding land uses; or

   c. existing functional values at the site of the proposed restoration are significantly greater than lost wetland functional values; or

   d. established goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation measures at another site.

8. Mitigation Outside of Primary Drainage Basin.
   Wetland creation or restoration must occur within the same primary drainage basin as the wetland loss occurred, unless the applicant can demonstrate that:

   a. the hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be substantially damaged by the loss within that primary drainage basin; and

   b. in-basin mitigation is not scientifically feasible due to problems with hydrology, soils or other factors such as other potentially adverse impacts from surrounding land uses; or

   c. existing functional values in a different primary drainage basin are significantly greater than lost wetland functional values; or

   d. established goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation measures in a different primary drainage basin.

9. Mitigation Site Selection.
   In selecting mitigation sites, applicants are encouraged to utilize *Selecting Wetland Mitigation Sites Using a Watershed Approach* (Eastern Washington) (Publication #10-06-07, November 2010). Applicants must pursue siting in the following order of preference:

   a. Upland sites which were formerly wetlands.

   b. Degraded upland sites generally having bare ground or vegetative cover consisting primarily of exotic introduced species, weeds or emergent vegetation; and

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c. Other upland sites.

10. Timing.
    Where feasible, mitigation projects are to be completed prior to activities that will disturb wetlands. Bonding is required if mitigation projects cannot be completed prior to project completion. Construction of mitigation projects must be timed to reduce impacts to existing wildlife and flora.

D. Components of Mitigation Plans.
All wetland restoration, creation, rehabilitation, enhancement and/or preservation projects required pursuant to this chapter, either as a permit condition or as the result of an enforcement action, must follow a mitigation plan prepared by qualified wetland professionals meeting City requirements. The applicant or violator must receive written approval of the mitigation plan prior to commencement of any wetland restoration, creation or enhancement activity. The mitigation plan must contain at least the following components:

1. Baseline Information.

    a. A written assessment and accompanying maps of the impacted wetland including, at a minimum:

        i. Wetland delineation.

        ii. Existing wetland acreage.

        iii. Proposed wetland impacts.

        iv. Vegetative, faunal and hydrologic characteristics.

        v. Soil and substrate conditions; and

        vi. Topographic elevations.

    b. If the compensation site is different from the impacted wetland site, baseline information should also include:

        i. the watershed.

        ii. surface hydrology,

        iii. existing and proposed adjacent land uses,

        iv. proposed buffers; and

        v. ownership.

2. Environmental Goals and Objectives.
    A written report must be provided identifying:

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a. goals and objectives and ~~describing~~project description;

b. site selection criteria;

c. compensation goals;

d. target evaluation species and resource functions;

e. dates for beginning and completion; and

f. a complete description of the functions and values sought in the new wetland.

The goals and objectives must be related to the functions and values of the original wetland, or if out-of-kind, the type of wetland to be emulated. The report must also include an analysis of the likelihood of success of the compensation project at duplicating the original wetland, and the long-term viability of the project, based on the experiences of comparable projects, if any.

3. Monitoring Program.
   Specific measurable criteria approved by the director, ~~are~~ shall be provided for evaluating whether the goals and objectives of the project are being achieved, and for determining when and if remedial action or contingency measures should be implemented. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. The mitigation plan manager must assure work is completed in accordance with the mitigation plan and, if necessary, the contingency plan. The monitoring program will continue for at least five years from the date of plant installation. Monitoring will continue for ten years where woody vegetation (forested or shrub wetlands) is the intended result. These communities take at least eight years after planting to reach eighty percent canopy closure. Reporting for a ten year monitoring period shall occur in years one, two, three, five seven and ten. Monitoring in all instances shall be bonded. Reporting results of the monitoring data to the director is the responsibility of the applicant.

4. Detailed Construction Plans.
   Written specifications and descriptions of mitigation techniques are to be provided, as specified by the director.

5. Construction Oversight.
   The construction of the mitigation project will be monitored by a qualified wetlands professional to insure that the project fulfills its goals.

6. Contingency Plan.
   The plan must identify potential courses of action that can be taken when monitoring or evaluation indicates project performance standards are not being met.

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7. Permit Conditions.
   Any mitigation plan prepared pursuant to this section becomes part of the ~~any~~ permit application or approval.

8. Performance Bonds and Demonstration of Competence.
   The applicant must provide demonstration of administrative, supervisory and technical competence, financial resources and scientific expertise of sufficient standing to successfully execute the mitigation plan. The applicant will name a mitigation project manager and provide the qualifications of each team member involved in preparing, implementing and supervising the mitigation plan. This includes educational background ~~and~~, areas of expertise, training and experience with comparable projects. In addition, bonds ensuring fulfillment of the mitigation project, the monitoring program, and any contingency measures must be posted in the amount of one hundred twenty-five percent of the expected ~~project~~ cost of mitigation, plus a factor to be determined to allow for inflation during the time the project is being monitored. An administration fee for the mitigation project may be assessed to reimburse the City for costs incurred during the course of the monitoring program.

9. Consultation With Other Agencies.
   Applicants are encouraged to consult with federal, state, local agencies having expertise or interest in a mitigation proposal.

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ORD C34148 Section 73

Section 17E.070.140 Mitigation Banking

Mitigation banking shall be consistent with chapter 90.84 RCW. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts when the:

A. bank is certified under chapter 173-700 WAC;

B. director, in consultation with the ~~department~~ Department of ~~ecology~~Ecology, determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and,

C. proposed use of credits is consistent with the terms and conditions of the bank's certification.

Replacement ratios for projects using bank credits shall be consistent with replacement ratio~~n~~s specified in the bank's certification. Credits from a certified wetland mitigation bank may be used to compensate for impacts located with the service area specified in the bank's certification. In some cases, the service

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area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

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ORD C34148 Section 73

Section 17E.070.150 Incentives and Stewardship Options

A. On-site Density Transfer or Clustering.
For residential development proposals on lands containing potential or identified critical areas, including wetland areas and buffers, the applicant may apply for planned unit development (PUD) under chapter 17G.070 SMC. The maximum number of dwelling units (DU) for a lot or parcel that contains a wetland area and buffer is determined by the site's zoning and by the density bonus allowed in chapter 17G.070 SMC. The use of residential density transfer or clustering through the use of planned unit developments (PUDs) including bonus density is encouraged as a means to protect and preserve wetlands, wetland buffers and fish and wildlife habitat conservation areas. The provisions of chapter 17G.070 SMC shall control the use of density transfer or clustering, planned unit developments and bonus density.

B. Property Tax and Income Tax Advantages.

1. Property Tax Relief.
The Spokane County ~~assessor~~ Assessor shall consider the wetland areas and associated buffers contained within this chapter when determining the fair market value of land. Any owner of a wetland area who has dedicated a conservation easement or entered into a perpetual conservation restriction with a department of the local, state or federal government or a nonprofit organization to permanently control some or all ~~the~~ uses and activities within these areas may request that the Spokane County ~~assessor~~ Assessor reevaluate that specific area consistent with those restrictions and provisions of open space land current use taxation (see RCW 84.40.030).

2. Federal Income Tax Advantages.
There are significant federal income tax advantages that can be realized by an individual or estate for gifts of real property for conservation purposes to local governments or non-profit organizations, such as land trusts. The specific rules on federal income tax deductions can be found in section 170 of the Internal Revenue Code.

C. Stewardship Options.

1. The Spokane County conservation district offers stewardship information, classes and technical assistance to property owners. Programs include shoreline stewardship, forestry, small acreage conservation agriculture, water resources, and soil information.

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2. Spokane County conservation futures program, initiated in 1994, is funded by a property tax assessed for each home in the county. This tax money is earmarked solely for the acquisition of property and development rights. These funds acquire lands or future development rights on lands for public use and enjoyment. The conservation areas are defined areas of undeveloped land primarily left in its natural condition. These areas may be used for passive recreational purposes, to create secluded areas, or as buffers in urban areas. Conserved lands include wetlands, farmlands, steep hillsides, river corridors, viewpoints and wildlife habitats and corridors.

Date Passed: Monday, December 3, 2007

Effective Date: Sunday, January 6, 2008

ORD C34148 Section 73

Section 17E.070.160 Administration

A. The department director identified in chapter 17A.010 SMC ("Director") shall administer and interpret the provisions of this chapter, except as specifically provided. The director is authorized to adopt, in accordance with administrative procedures set by ordinance, such rules as are necessary to implement the requirements of this chapter and to carry out the duties of the director hereunder. Except as otherwise provided in this chapter, the administrative procedures set forth in chapter 17G.010 SMC and chapter 17G.060 SMC shall apply to this chapter.

B. The director may also consult with other City departments and state and federal agencies as necessary to obtain additional technical and environmental review assistance.

C. The director shall review and analyze all applications for all permits or approvals subject to this chapter. Such applications shall be approved only after the director is satisfied the applications comply with this chapter.

D. Every City department issuing a permit for development on parcels containing a wetland or buffer shall require the use of best management practices to prevent impacts to wetlands and buffers and to meet the intent of this chapter. Departments shall require mitigation to address unavoidable impacts. All such City departments shall maintain records documenting compliance with this subsection.

E. Except as otherwise stipulated in this chapter, the administrative procedures set forth in chapter 17A.010 SMC apply to this chapter.

Date Passed: Monday, December 3, 2007

Effective Date: Sunday, January 6, 2008

ORD C34148 Section 73

DRAFT

Section 17E.070.170 Violations

A. It is a violation of this chapter to fail to comply with any provision of this chapter or with any term of any permit condition or approval issued pursuant to this chapter.

B. It is a violation of this chapter to fail to comply with any order issued pursuant to this chapter or to remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter.

C. It is a violation of this chapter to misrepresent any material fact in any application, on plans, or in any other information submitted to obtain any determination, authorization, permit condition or approval under this chapter.

D. It is a violation of this chapter to aid and abet, counsel, encourage, hire, command, induce or otherwise procure another to violate or fail to comply with this chapter.

E. Violations of this chapter are subject to the penalties set forth in chapter 1.05 SMC.

Date Passed: Monday, December 3, 2007

Effective Date: Sunday, January 6, 2008

ORD C34148 Section 73

Section 17E.070.180 Authority to Enforce

A. The director is authorized to enforce this chapter and may call upon other appropriate City departments to assist in enforcement.

B. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the wetland, buffer, land, premises, building or structure within the scope of this chapter.

C. No provision ~~of~~ or term used in this chapter is intended to impose any duty upon the City or any of its officers or employees that would subject them to damages in a civil action.

D. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for liability on the part of the City or its officers, officials, employees or agents for any injury or damage resulting from the failure of any owner of property or land to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its officers, officials, employees or agents.

Date Passed: Monday, December 3, 2007

DRAFT

Effective Date: Sunday, January 6, 2008

ORD C34148 Section 73

DRAFT

Environmental Checklist

File No. City of Spokane Update to CAO Title 17E, Chapter 17E.070, Wetlands Protection

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

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

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

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

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

Use of checklist for non-project proposals:
Complete this checklist for non-project proposals, even though questions may be answered "does not apply."

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

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

A. BACKGROUND

1. **Name of proposed project, if applicable:**

   Update to City of Spokane Critical Areas Ordinance (CAO), Title 17E, Chapter 17E.070 Wetlands Protection

2. **Name of applicant:**

   City of Spokane

3. **Address and phone number of applicant or contact person:**

   Jo Anne Wright
   City of Spokane
   Planning Services Department
   808 West Spokane Falls Blvd
   Spokane, WA 99201-3329
   (509) 625-6017

4. **Date checklist prepared:**

   January 30, 2017

5. **Agency requesting checklist:**

   City of Spokane

6. **Proposed timing or schedule (including phasing, if applicable):**

   A public hearing before the City of Spokane Plan Commission is anticipated on March 8, 2017, with a City Council action to adopt occurring on or before June 30, 2017.

7. a. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

   The City of Spokane Critical Areas Ordinance will be periodically reviewed, at a minimum corresponding to the schedule in the Growth Management Act (GMA) RCW 36.70A.130. Amendments will be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations.

   b. **Do you own or have options on land nearby or adjacent to this proposal? If yes, explain.**

   Yes. The City of Spokane owns land, including parks and administrative buildings within the City limits, or "affected geographical area" of this proposal.

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

   All Critical Areas Ordinances were updated in 2007, including Aquifer Protection Title 17E, Chapter 17E.010 SMC, Fish and Wildlife Habitat Conservation Areas, Chapter 17E.020 SMC, Floodplain Management Chapter 17E.030, Geological Hazards Chapter 17E.040 SMC; and Wetlands, Chapter 17E.070 SMC.

   This proposal is to amend SMC, Title 17E, Chapter 17E.070 Wetlands Ordinance.

The Shoreline Master Program Update was completed in 2010, and added as Chapter 14 to the Comprehensive Plan and SMC 17E.060.

The Federal Emergency Management Agency (FEMA) issued a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Spokane County effective July 6, 2010. The 2010 study included mapping of flood plain boundaries of the January 1974 flood on the Spokane River, which was useful in delineating the boundaries of the 100-year and 0.02 percent Annual Chance Floods. This FIS report either supersedes or is compatible with all previous studies published on streams studied in this report and should be considered authoritative for the purposes of the NFIP. The Special Flood Hazard area, (formerly 100-year floodplain), is regulated by SMC Chapter 17E.030. Former Flood Hazard Zone designations have been changed as follows: Old Zone: A1 through A30, V1 through V30, B, and C: New Zone: AE, VE, X, X.

9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

Applications for development permit approvals subject to the CAO are likely within the City limits. Additional SEPA project-level review will be conducted at the time such proposals are submitted and will be subject to threshold determinations.

10. **List any government approvals or permits that will be needed for your proposal, if known.**

City of Spokane City Council approval and action to adopt.

11. **Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.**

The proposal is to update the critical areas regulations for Wetland Protection Areas and associated buffers of the City. Revisions were made to ensure consistency with State Department of Ecology regulations and standards, per WAC 173-22-035. It is the intent of this ordinance to ensure protection of public health and safety, public and private property, and the functions and values of ecological systems. The areas to be protected under these regulations include:

- Wetlands designated in accordance with the most current edition of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989), and applicable regional supplements (WAC 173-22-035).

- All areas within the City meeting the wetland designation criteria in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989), and applicable regional supplements, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter.

- Wetlands designated according to the Wetlands Rating System criteria adopted in SMC 17E.070.100, and found in the Washington State Wetlands Rating System for Eastern Washington 2014, as revised;; also using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989), Arid West Final Regional Supplement, 2008. **The Wetland Rating System section in the Wetland Ordinance has been updated based on revisions to State regulations**.

- The proposed ordinance applies to all land on which wetlands and/or wetland buffers are located within the City limits of the City of Spokane. The approximate location, extent, and nature of the wetlands in the City is derived from the National Wetlands Inventory 2016 map, as amended; and the Eastern Washington Wetlands 1992 study compiled in

the City Wetlands Inventory or as updated. Their *approximate* location is displayed on the City Zoning Map, however, it should be noted that the City does not map wetlands. Wetlands of any size, regardless of isolation, are regulated, and all individual projects within the City and within the wetland buffer zone require an environmental review.

- Wetlands not shown on the Zoning Map or Wetlands Inventory are presumed to exist within the City. All areas within the City meeting the wetland designation criteria in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989), and applicable regional supplements, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of the CAO Wetlands chapter. In the event that any of the wetland designations shown on the wetland inventory or zoning maps conflict with the criteria set forth in the chapter, the criteria shall control.

- This proposal amends SMC Chapter 17E.070.110, the *Standard Buffer Zone Width* tables have been updated in accordance with revisions to State regulations; and wetland buffers, including Wetland Types 1 and 2, have been re-categorized in the Wetland Ordinance.

- This proposal amends the SMC Chapter 17E.070.040 reference to '*alterations to wetlands and buffers mitigation*", has been updated to the correct statute, SMC Chapter 17E.070.130.

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

This is a city-wide non-project legislative action; it would apply to the entire area within the City of Spokane boundary. The City of Spokane is located in Spokane County.

13. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The General Sewer Service Area? The Priority Sewer Service Area? The City of Spokane? (See: Spokane County's ASA Overlay Zone Atlas for boundaries.)

Yes.

14. The following questions supplement Part A.

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

(1) Describe any systems, other than those designed for the disposal of sanitary waste, installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities). N/A, this is a non-project action.

(2) Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored? N/A, this is a non-project action.

(3) **What protective measures will be taken to insure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems.** N/A, this is a non-project action.

(4) **Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater?** N/A, this is a non-project action.

b. **Stormwater** N/A, this is a non-project action.

(1) **What are the depths on the site to groundwater and to bedrock (if known)?** N/A, this is a non-project action.

(2) **Will stormwater be discharged into the ground? If so, describe any potential impacts?** N/A, this is a non-project action.

B. ENVIRONMENTAL ELEMENTS

Evaluation for Agency Use Only

1. Earth

a. **General description of the site (circle one): flat, rolling, hilly, steep slopes, mountains, other:** N/A, this is a non-project action.

Evaluation for Agency Use Only

b. **What is the steepest slope on the site (approximate percent slope)?** N/A

c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.** N/A

d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.** N/A

e. **Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill:** N/A

f. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.** N/A

g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?** N/A

h. **Proposed measures to reduce or control erosion or other impacts to the earth, if any:** N/A

2. Air

a. **What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.** N/A, this is a non-project action.

b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.** N/A

Evaluation for Agency Use Only

c. **Proposed measures to reduce or control emissions or other impacts to air, if any:** N/A

3. **Water**

a. **SURFACE:**

(1) **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.** N/A, this is a non-project action.

(2) **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.** N/A

(3) **Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.** N/A

(4) **Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.** N/A

(5) **Does the proposal lie within a 100-year floodplain?** N/A **If so, note location on the site plan.** N/A

Evaluation for Agency Use Only

(6) **Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.** N/A

b. **GROUND:**

(1) **Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.** N/A, this is a non-project action.

(2) **Describe waste material that will be discharged into the ground from septic tanks or other sanitary waste treatment facility. Describe the general size of the system, the number of houses to be served (if applicable) or the number of persons the system(s) are expected to serve.** N/A

c. **WATER RUNOFF (INCLUDING STORMWATER):**

(1) **Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.** N/A, this is a non-project action.

(2) **Could waste materials enter ground or surface waters? If so, generally describe.** N/A

d. **PROPOSED MEASURES to reduce or control surface, ground, and runoff water impacts, if any.** N/A

Evaluation for Agency Use Only

4. **Plants**

a. **Check or circle type of vegetation found on the site:** N/A, this is a non-project action.

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

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

_____ **Shrubs**

_____ **Grass**

_____ **Pasture**

_____ **Crop or grain**

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

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

_____ **Other types of vegetation.**

b. **What kind and amount of vegetation will be removed or altered?** N/A

c. **List threatened or endangered species known to be on or near the site.** N/A

d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:** N/A

5. **Animals**

a. **Circle any birds and animals which have been observed on or near the site are known to be on or near the site:** N/A, this is a non-project action.

birds: hawk, heron, eagle, songbirds, other: _____
mammals: deer, bear, elk, beaver, other: _____
fish: bass, salmon, trout, herring, shellfish, other: _____
other: _____

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b. **List any threatened or endangered species known to be on or near the site.** N/A

c. **Is the site part of a migration route? If so, explain.** N/A

d. **Proposed measures to preserve or enhance wildlife, if any:** N/A

6. **Energy and natural resources**

a. **What kinds or energy (electric, natural gas, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.** N/A, this is a non-project action.

b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.** N/A

c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:** N/A

7. **Environmental health**

a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.** N/A, this is a non-project action.

Evaluation for Agency Use Only

(1) **Describe special emergency services that might be required.** N/A

(2) **Proposed measures to reduce or control environmental health hazards, if any:** N/A

b. **NOISE:**

(1) **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?** N/A, this is a non-project action.

(2) **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.** N/A

(3) **Proposed measure to reduce or control noise impacts, if any:** N/A

8. **Land and shoreline use**

a. **What is the current use of the site and adjacent properties?** N/A

b. **Has the site been used for agriculture? If so, describe.** N/A

Evaluation for Agency Use Only

c. **Describe any structures on the site.** N/A

d. **Will any structures be demolished? If so, which?** N/A

e. **What is the current zoning classification of the site?** N/A

f. **What is the current comprehensive plan designation of the site?** N/A

g. **If applicable, what is the current shoreline master program designation of the site?** N/A

h. **Has any part of the site been classified as a critical area? If so, specify.** N/A

i. **Approximately how many people would reside or work in the completed project?** N/A

j. **Approximately how many people would the completed project displace?** N/A

k. **Proposed measures to avoid or reduce displacement impacts, if any:** N/A

l. **Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:** N/A

Evaluation for Agency Use Only

9. **Housing**

a. **Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing.** N/A, this is a non-project action.

b. **Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing.** N/A

c. **Proposed measures to reduce or control housing impacts, if any:** N/A

10. **Aesthetics**

a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?** N/A, this is a non-project action.

b. **What views in the immediate vicinity would be altered or obstructed?** N/A

c. **Proposed measures to reduce or control aesthetic impacts, if any:** N/A

11. **Light and Glare**

Evaluation for Agency Use Only

a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?** N/A, this is a non-project action.

b. **Could light or glare from the finished project be a safety hazard or interfere with views?** N/A

c. **What existing off-site sources of light or glare may affect your proposal?** N/A

d. **Proposed measures to reduce or control light and glare impacts, if any:** N/A

12. **Recreation**

a. **What designated and informal recreational opportunities are in the immediate vicinity?** N/A, this is a non-project action.

b. **Would the proposed project displace any existing recreational uses? If so, describe.** N/A

c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:** N/A

13. **Historic and cultural preservation**

a. **Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.** N/A, this is a non-project action.

b. **Generally describe any landmarks or evidence of historic archaeological, scientific or cultural importance known to be on or next to the site.** N/A

Evaluation for Agency Use Only

c. **Proposed measures to reduce or control impacts, if any:** N/A

14. **Transportation**

a. **Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.** N/A, this is a non-project action.

b. **Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?** N/A

c. **How many parking spaces would the completed project have? How many would the project eliminate?** N/A

d. **Will the proposal require any new roads or streets, or improvements to existing roads or streets not including driveways? If so, generally describe (indicate whether public or private).** N/A

e. **Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.** N/A

f. **How many vehicular trips per day would be generated by the completed project? If known, indicate when peak would occur.** N/A

(Note: to assist in review and if known indicate vehicle trips during PM peak, AM Peak and Weekday (24 hours).)

g. **Proposed measures to reduce or control transportation impacts, if any:** N/A

Evaluation for Agency Use Only

15. **Public services**

a. **Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.** N/A, this is a non-project action.

b. **Proposed measures to reduce or control direct impacts on public services, if any:** N/A

16. **Utilities**

a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:** N/A, this is a non-project action.

b. **Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in the immediate vicinity which might be needed.** N/A

C. SIGNATURE

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

Date: January 30, 2017 **Signature:** Jo Anne Wright

Please Print or Type: **Jo Anne Wright, AICP**

Proponent: City of Spokane
Address: 808 W Spokane Falls Blvd Spokane WA 99203
Phone: 509.625.6017

Person completing form (if different from proponent): Jacqui Halvorson
Address: same as above
Phone: 509.625.6147

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: Jo Anne Wright, AICP

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

X A. There are no probable significant adverse impacts and recommends a Determination of Non-significance.

__ B. Probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Non-significance with conditions.

__ C. There are probable significant adverse environmental impacts and recommends a Determination of Significance.

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

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

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

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage or release of toxic or hazardous substances; or production of noise?**

   N/A. This proposal is a GMA regulation protecting Critical Areas, specifically, Wetlands, within the City of Spokane municipal boundary, ("affected geographic area").

   Proposed measures to avoid or reduce such increases are: N/A

2. **How would the proposal be likely to affect plants, animals, fish or marine life?**

   The proposed update to the City of Spokane Wetlands Ordinance has been reviewed under the requirements of RCW.36.70A and WAC 365-195-900 through WAC 365-195-925. Current amendments are a continuation of Best Available Science (BAS) and best management practices as required by the Department of Ecology, *Wetlands in Washington State* Vols. 1 and 2, 2005, and Wetland Mitigation and Rating System 2014.

   Proposed measures to protect or conserve plants, animals, fish or marine life are:
   Protections provided by the ordinance are a continuation of Best Available Science and management practices, determination and delineation of wetland areas, requirements for wetland reports, investigative methods, mitigation sequencing, appropriate mitigation measures, buffers and maintenance.

3. **How would the proposal be likely to deplete energy or natural resources?**

   N/A

   Proposed measures to protect or conserve energy and natural resources are: N/A

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands?**

   This proposal is a GMA regulation protecting Critical Areas, specifically, Wetlands.

   Proposed measures to protect such resources or to avoid or reduce impacts are:
   Protections provided by the ordinance area a continuation of Best Available Science and management practices, determination and delineation of wetland areas, requirements for wetland reports, investigative methods, mitigation sequencing, appropriate mitigation measures, buffers and maintenance.

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

   The intent of proposed amendments is to protect the functions and values of wetlands and their associated buffers. Amendments also provide stronger links to the City's Comprehensive Plan and Shoreline Master Program.

   Proposed measures to avoid or reduce shoreline and land use impacts are:
   Protections provided by the ordinance are a continuation of Best Available Science and management practices, determination and delineation of wetland areas, requirements for wetland reports, investigative methods, mitigation sequencing, appropriate mitigation measures, buffers and maintenance..

6. **How would the proposal be likely to increase demands on transportation or public services and utilities?** N/A

   Proposed measures to reduce or respond to such demand(s) are: N/A

7. **Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.**

   This regulation complies with the requirements of GMA and applicable federal requirements, and is consistent with local plans and ordinances.

C. SIGNATURE

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

Date: January 30, 2017 **Signature:** Jo Anne Wright

Please Print or Type: **Jo Anne Wright, AICP**

Proponent: City of Spokane
Address: 808 W Spokane Falls Blvd, Spokane, WA 99201
Phone: 509.625.6017

Person completing form (if different from proponent): JACQUI HALVORSON
Address: 808 W Spokane Falls Blvd, Spokane WA, 99201
Phone: 509.625.6147

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: Jo Anne Wright, AICP

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

A. X There are no probable significant adverse impacts and recommends a Determination of Non-significance.

B. __ Probable significant adverse impacts do exist for the current proposal and recommends a Mitigated Determination of Non-significance with conditions.

C. __ There are probable significant adverse environmental impacts and recommends a Determination of Significance.

SPOKANE ENVIRONMENTAL ORDINANCE

(WAC 197-11-970)

Determination of Nonsignificance (DNS)

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(S): Update to the City of Spokane, SMC Title 17E, Chapter 17E.070 Wetlands Protection

PROPONENT: City of Spokane Planning Services Department

DESCRIPTION OF PROPOSAL: The proposal is to update the Critical Areas regulations for Wetland Protection Areas and associated buffers within the City. Revisions were made to ensure consistency with State Department of Ecology regulations and standards, per WAC 173-22-035; and in conjunction with the City's required periodic update of the Comprehensive Plan per RCW 36.70A and WAC 365-196-610. The specific action proposed at this time is amending the Spokane Municipal Code, Title 17E, Chapter 17E.070 Wetlands Protection.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: The City of Spokane is located in Spokane County, Washington State. The Wetlands Update applies to all wetlands within the City's corporate boundary.

LEAD AGENCY: City of Spokane Planning & Development

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

[ ] There is no comment period for this DNS.

[ ] This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.

[X] This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for
At least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5:00 p.m., March 7, 2017, if they are intended to alter the DNS.

****

Responsible Official: Lisa Key

Position/Title: Planning Services Director **Phone:** (509) 625-6300

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: February 21, 2017 **Signature:** Lisa D. Key

****

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

****

Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendations
Proposed Amendment to the Wetlands Protection Code
Chapter 17E.070 of the Spokane Municipal Code

A Recommendation from the City Plan Commission to the City Council to approve proposed amendments to the Unified Development Code. The proposal amends the Wetlands Protection Code by making changes to Spokane Municipal Code (SMC) Chapter 17E.070 Wetlands Protection.

Findings of Fact:

A. The Growth Management Act (GMA) requires cities to adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170 ("Critical Area Ordinances").

B. GMA also requires cities to review and, if needed, revise their Critical Area Ordinances on or before June 30, 2017, and every eight years thereafter ("Critical Area Update").

C. Critical areas that must be designated under GMA include wetlands. The City's Critical Area Ordinance for wetlands is found in Chapter 17E.070 of the Spokane Municipal Code (SMC) (the "Wetlands Regulations").

D. The Washington State Department of Ecology recently updated their guidance documents that assist local jurisdictions with incorporating best available science (BAS) into their critical area regulations, and these updates include modifications to the Washington State Wetland Rating System and associated buffer tables, and the change that are proposed to the City's Wetlands Regulations are necessary to bring City regulations into compliance with State law.

E. The City has worked with state agencies and researched the latest reports and studies and has BAS, consistent with local needs, in developing the Critical Area Update for wetlands to protect the functions and values of wetlands, as required by GMA.

F. The sources of this BAS that were originally evaluated and included in the City's Critical Area Ordinances include: Wetlands in Washington State, Volume 1: A Synthesis of the Science; Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands; Washington State Wetland Rating System for Eastern Washington, Wetland Mitigation in Washington State Part 1: Agency Policies and Guidance; Wetland Mitigation in Washington State Part 1: Agency Policies and Guidance; Dr. Robert Quinn, EWU; Dr. Mike Folsom, EWU; Larry Dawes, qualified wetland professionals with the City of Spokane; Jeremy Sikes, Department of Ecology, wetlands professional; and City of Spokane developer services staff Kris Becker, PE.

G. The sources of BAS that have been evaluated and included in the current Critical Area Update for wetlands include: Washington State Wetland Rating System for Eastern Washington (2014 Update); the currently approved federal wetland delineation manual; the associated Arid West Final Regional Supplement (2008); Wetland

Mitigation in Washington State Parts I and II, (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006).

H. Wetlands and streams are environmentally sensitive and serve numerous natural functions and values. These functions include wildlife and fisheries habitat, water quality protection, flood protection, shoreline stabilization, stream flow, and ground water recharge and discharge. In many situations these functions cannot be adequately replicated or replaced, the scientific literature supports in the inclusion of protective buffers from wetlands to provide sediment control and nutrient inputs to wetlands, and to protect important wetland functions, wetlands are identified and rated according to the currently approved federal wetland delineation manual, the associated Arid West Final Regional Supplement (2008), and *Washington State Wetland Rating System for Eastern Washington*, prepared by the Department of Ecology, the scientific literature supports protective buffers ranging from twenty five to three hundred feet of relatively intact native vegetation to adequately protect wetland functions and values, appropriate wetland mitigation ratios – ratios of areas of wetland replacement and enhancement to that altered or destroyed – are established in *Wetland Mitigation in Washington State Parts I and II, (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006) as revised.*

I. Development may result in cumulative impacts to those functions and values of wetland critical areas that contribute to and are necessary for a healthy natural environment and perceived quality of life.

J. It is more costly to remedy the loss of wetland critical area functions and values than to conserve and protect them from loss or degradation.

K. The purpose of the Critical Area Update is to update the City's Wetlands Regulations. The Critical Area Update is also intended to ensure protection of public health and safety, public and private property, and the functions and values of ecological systems.

L. The revisions that are proposed to the City's Wetlands Regulations are to ensure consistency with State Department of Ecology regulations and standards, per WAC 173-22-035, and include:

- The Wetland Rating System section in the Wetlands Regulations has been updated based on revisions to State regulations.
- Amendments to SMC 17E.070.110, the *Standard Buffer Zone Width* tables in accordance with revisions to State regulations; and wetland buffers, including Wetlands Type 1 and 2, have been re-categorized.
- Amendments to SMC 17E.070.040 reference to, "alterations to wetlands and buffers mitigation," to the correct code section, SMC 17E.070.130.
- Updates wetlands designated in accordance with the most current edition of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989), and applicable regional supplements (WAC 173-22-035).
- Updates all areas within the City meeting the wetland designation criteria in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989),

and applicable regional supplements, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter.

- Updates wetlands designated according to the Wetlands Rating System criteria adopted in SMC 17E.070.100, and found in the Washington State Wetlands Rating System for Eastern Washington 2014, as revised; also using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989), Arid West Final Regional Supplement, 2008.

M. A public open house was held on March 2, 2017, at the West Central Community Center, to receive public feedback on the proposed amendments to the Wetlands Protection Code. The City provided a mailed letter notice of the open house and notable amendments to the Wetland Ordinance to all property owners and taxpayers of record located within 250 feet of any wetland within the City limits as shown by the most recent Spokane County Assessor's record and National Wetland Inventory Map. The City also advertised on social media channels and the City website.

N. The City has complied with RCW 36.70A.370 in processing this Critical Area Update.

O. Staff developed and presented a draft Wetlands Protection Code amendment proposal to the Plan Commission, during briefings held on February 15, and February 22, 2017.

P. A SEPA checklist was signed by the City on January 30, 2017; and a Determination of Non-significance was published on February 21, 2017.

Q. The SEPA Checklist and DNS were submitted to the Department of Commerce and other agencies on February 21, 2017. Commerce has a 60-day comment period.

R. The City provided an email notice of the open house and Wetlands Protection Code amendments to an agency contact list and other interested parties on February 21, 2017.

S. A public notice was published in the Spokesman Review and City Gazette on February 21, 2017.

T. The proposal is consistent with and implements the following provisions of the City of Spokane's Comprehensive Plan as amended:

- NE 7.1 Land Form Identification - *Define, identify, and map natural land forms that typify our region and warrant protection. Some of the natural land forms in the Spokane region include the following: pine forests, …. and* ***wetlands****, ….*
- NE 7.7 Wetlands - *Enforce regulations that achieve no overall net loss in acreage and functions of the remaining wetland base and, over the long term, increase the quantity and quality of wetlands in the city.* ***Wetland*** *policies and regulations should be monitored to ensure the function and values of wetlands are being fully protected.*
- NE 11.1 Identification of Natural Areas - *Identify natural areas throughout the city, based on neighborhood input, existing city-owned conservation lands, wildlife habitats, steep slopes,* ***wetlands****, riparian areas, adjacency to county natural areas, and proximity to state parks.*
- NE 14.3 Environments and Management Policies - *Designation Criteria: Assign a "natural" environment designation to shoreline areas if any of the following*

characteristics apply: This designation delineates those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments that are sensitive to human development. Such shoreline areas include largely undisturbed portions of shoreline areas such as ***wetlands,*** *……*

- NE 15.5 Nature Themes - *Identify and use nature themes in large scale public and private landscape projects that reflect the natural character of the Spokane region. Nature themes for Spokane include: pine forests, …and* ***wetlands****.*

U. The proposal is consistent with and implements the following provisions of the City of Spokane's Shoreline Master Program.

- Shoreline Master Program (SMP) 1.6 Policy Priorities - *Give preference to those shoreline activities which fulfill long range Comprehensive Plan goals and the Shoreline Management Act policy priorities, as listed and discussed below: Protect the resources and ecology of the shoreline. All shoreline development should be located, designed, constructed, and managed to minimize adverse impacts to wildlife and aquatic resources ….. Development should preserve environmentally sensitive* ***wetlands*** *and critical areas for use as open space or buffers and encourage restoration of presently degraded shoreline and* ***wetland*** *areas.*
- SMP 1.6 Policy Priorities - *Give preference to those shoreline activities which fulfill long range Comprehensive Plan goals and the Shoreline Management Act policy priorities, as listed and discussed below: Protect the resources and ecology of the shoreline. All shoreline development should be located, designed, constructed, and managed to minimize adverse impacts to wildlife and aquatic resources …. and natural eco-systems. Development should preserve environmentally sensitive* ***wetlands*** *and critical areas…..*
- SMP 4.2 Non-Renewable Resources - *Preserve, protect and restore unique and non-renewable resources or features such as* ***wetlands****, wildlife habitat, agricultural areas, and special natural areas.*
- SMP 6.5 Structural Flood Hazard Reduction Measures - *Allow new structural flood hazard reduction measures only: Landward of associated* ***wetlands*** *and buffer areas except where no alternative exists, as documented in a geotechnical analysis;*
- SMP 11.54 Boating Facilities and Impacts to Shorelines - *Locate and design boating facilities to minimize adverse effects upon geohydraulic processes, fragile shoreline features, natural* ***wetlands****, and aquatic and wildlife habitats.*

V. The City Plan Commission held a public hearing on March 8, 2017 to obtain public comments on the proposed amendments.

W. The Plan Commission has reviewed all written comments received by the City on this matter, and considered all public testimony provided during the public hearings.

Conclusions:

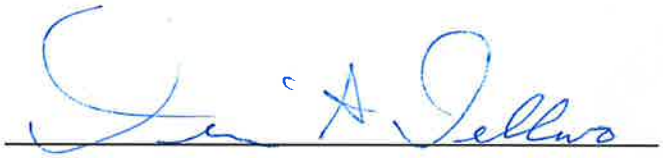
With regard as to whether the proposed amendments meet the approval criteria for text amendments to SMC 17E.070 Wetlands Protection, the Plan Commission makes the following findings:

A. The proposed amendments DO/DO NOT bear a substantial relation to public health, safety, welfare, and protection of the environment.

B. The proposed amendments ARE/ARE NOT found to be in conformance with the goals and policies of the City's Comprehensive Plan.

Recommendations:

By a vote of 8 to 0, the Plan Commission recommends to the City Council the approval of the proposed amendments to the Unified Development Code.



Dennis Dellwo, President

Spokane Plan Commission

March 8, 2017

Agenda Sheet for City Council Meeting of: 06/12/2017		Date Rec'd	5/30/2017
		Clerk's File #	ORD C35509
		Renews #	
Submitting Dept	PLANNING	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 - COMPREHENSIVE PLAN ORDINANCE		

Agenda Wording

AN ORDINANCE ADOPTING THE 2017 COMPREHENSIVE PLAN UPDATE AND AMENDING THE CITY OF SPOKANE COMPREHENSIVE PLAN, INCLUDING AMENDMENTS TO CHAPTER 1, INTRODUCTION, CHAPTER 2, COMPREHENSIVE PLAN BACKGROUND, CHAPTER 3, LAND USE, CHAPTER 4, TRANSPORTATION,

Summary (Background)

The Growth Management Act (GMA), requires the City to take legislative action on or before June 30, 2017, to review and, if needed, revise its Comprehensive Plan and development regulations to ensure compliance with GMA requirements. In February 2013, Council pursuant to Resolution 2013-0011, began the update process by adopting a Public Participation Plan. Public outreach included citizen focus groups, 21 Plan Commission workshops, ten public open houses, six City Council study sessions,

Fiscal Impact		Budget Account
Neutral	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	KEY, LISA	Study Session	
Division Director	MALLAHAN, JONATHAN	Other	PED 12-14-15 & 6-20-16
Finance	HUGHES, MICHELLE	Distribution List	
Legal	RICHMAN, JAMES	jwright@spokanecity.org	
For the Mayor	DUNIVANT, TIMOTHY	lkey@spokanecity.org	
Additional Approvals		sharshman@spokanecity.org	
Purchasing		amullerleile@spokanecity.org	
		sbishop@spokanecity.org	

Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

CHAPTER 5, CAPITAL FACILITIES AND UTILITIES, CHAPTER 6, HOUSING, CHAPTER 7, ECONOMIC DEVELOPMENT, CHAPTER 8, URBAN DESIGN AND HISTORIC PRESERVATION, CHAPTER 9, NATURAL ENVIRONMENT, CHAPTER 10, SOCIAL HEALTH, CHAPTER 11, NEIGHBORHOODS, CHAPTER 12, PARKS, RECREATION, AND OPEN SPACE, AND CHAPTER 13, LEADERSHIP, GOVERNANCE, AND CITIZENSHIP.

Summary (Background)

presentations to the Community Assembly and Neighborhood Councils, and on-going collaboration with the Department of Commerce and SRTC. Other outreach included a virtual open house, and webpage on the city's website, regular posts to the City's social media outlets, newspaper notices, and press releases. Through public outreach, staff review, and Plan Commission and City Council guidance, the city has fulfilled the requirements of the GMA and provides the edits recommended in attachments to this agenda. These recommendations include: the consolidation of chapters one and two into a single introductory chapter, the creation of a new chapter two - Implementation, the complete rewrite of chapter four - Transportation, as well as updating the entire document to reflect current conditions, improve readability and reduce redundancies.

Fiscal Impact		Budget Account
Neutral	$	#
Select	$	#

Distribution List

The full 2017 Comprehensive Plan Update & Amendments can be found at the following link:

https://my.spokanecity.org/shapingspokane/draft-plan/

City of Spokane

2017-2037 Comprehensive Plan Update

ENVIRONMENTAL IMPACT STATEMENT ADDENDUM

(To the Draft Comprehensive Plan and Draft Environmental Impact Statement – An Integrated GMA and SEPA Document 2000-2020)

Issued February 22, 2017

Non-Project Action

City of Spokane 2017-2037 Comprehensive Plan Periodic Update and Environmental Impact Statement Addendum.

Proposed Action

The City of Spokane first updated the 2001 Comprehensive Plan in 2006, and is currently undertaking the required periodic review of the Comprehensive Plan as required under the Washington State Growth Management Act (GMA, RCW 36.70A.130). The specific action proposed at this time is the adoption of the updated Comprehensive Plan by the Spokane City Council which is required by June 30, 2017. The update is based on Urban Growth Area (UGA) adjustments, two City annexations since 2006, and a revised 20-year population projection extending to 2037 that reflects an anticipated slower growth rate when compared to the previous Plan and forecast, and is more consistent with historic growth rates. The City has a sufficient supply of developable and re-developable land to accommodate projected growth, and this proposed Action does not anticipate a change in environmental impact assumptions at this time. (*See expanded discussion below*).

Alternatives

The 2001 Draft Comprehensive Plan and EIS evaluated three alternatives in addition to the No Action Alternative, which included Current Patterns, Mixed-Use Centers and Corridors, and Central City alternatives. The Centers and Corridors alternative was the preferred course of action for the Comprehensive Plan land use pattern in 2001, and was also the chosen course of action during both the 2006 and current 2017 comprehensive plan review and update process. For the purpose of this addendum, impacts considered under the 2001 draft Comprehensive Plan and EIS Preferred Alternative to land use and population growth scenarios are compared to impacts considered during the 2017 update using current population data.

Location

The City of Spokane is located in Spokane County, Washington State. The Comprehensive Plan Update applies to all property within the City's corporate boundary including two recent annexations. (See Appendix A, City of Spokane Boundary Map).

Lead Agency/Responsible Official

City of Spokane Planning Department
Lisa Key, Planning Director, SEPA Responsible Official
808 W. Spokane Falls Blvd, Spokane, WA 99201
509-625-6300

Contact Person

Jo Anne Wright, Associate Planner
509-625-6300

Expected Date of Action

The public process began in 2013 and has been continuous and extensive, including four open houses in September of 2017, as well as five open house planned in late February and early March, leading up to the Plan Commission Hearing. A Plan Commission hearing recommendation to the City Council is

anticipated in spring of 2017. City Council public hearings and adoption are expected to occur by June 30, 2017. Public notice to be provided at that time.

Adoption of Existing Environmental Documents

- 2001 Draft Comprehensive Plan and Draft Environmental Impact Statement – an Integrated GMA and SEPA Document 2000-2020; with the Final Environmental Impact Statement adopted in March, 2001 and the Comprehensive Plan adopted May of 2001.
- 2006 Comprehensive Plan Update, SEPA Checklist and Determination of Non-significance, September 2006.
- SEPA Checklist for the 2013 UGA Update.

Background Information for Update

Located in the Planning Department –Spokane City Hall – available upon request.

Addendum Distribution and Availability

A Notice of Adoption and copies of the Addendum have been distributed to affected agencies with jurisdiction including the Department of Ecology SEPA Center. The Addendum is available on the City of Spokane web site, https://my.spokanecity.org/shapingspokane, and available for review at the City of Spokane Planning and Development Services department during regular business hours.

Comment Period

There is no comment period for this addendum pursuant to WAC 197-11-625; and the 2003 Washington State Department of Ecology Publication # 98-114.

1. Proposed Action

The 2001 Comprehensive Plan and Draft Environmental Impact Statement is an integrated plan/SEPA document pursuant to the SEPA rules (WAC 197-11-210 et seq). Integration is intended to make consideration of environmental issues an early and integral part of development of plan policies, alternatives, and implementation before commitments are made to a specific course of action. The format and content of integrated plan/EIS documents requirements are specified in WAC 197-11-230, 197-11-235(4).

When the State enacted the Growth Management Act (GMA) in 1990, it changed the purposes of comprehensive plans prepared under the GMA rules. Requirements to plan for housing and private utilities were added to the existing mandates to address land use, transportation, and capital facilities. In 2001 the first Growth Management Act- compliant Comprehensive Plan was adopted by the Spokane City Council.

Comprehensive plan periodic reviews, in addition to annual amendments to the plan, ensure that the plan is consistent with changes to State and Federal laws and the desires of the community, (GMA, RCW 36.70A, and WAC 365-196-610). The Spokane 2001 Comprehensive Plan was updated in 2006, and a SEPA Checklist and Determination of Non-significance were submitted for the 2006 update.

In 2003, an additional requirement was added to include planning for shorelines and in 2010, Chapter 14, *Shorelines*, was added through the amendment process to Spokane's Comprehensive Plan. A complete list of Comprehensive Plan amendments and periodic updates is available on the City of Spokane web site, www.spokanecity.org, or available for review at the City of Spokane Planning and Development Services department during regular business hours

The Proposal

2017 Comprehensive Plan/EIS Addendum

This document is an addendum to the 2001 Comprehensive Plan Final Environmental Impact Statement, and has been prepared with the requirements consistent with the State Environmental Policy Act (RCW 43.21C) and SEPA Rules (WAC 197-11). An addendum is an environmental document which provides new or additional information about a proposal and its potential impacts, but which does not significantly change the analysis of impacts from the original document (RCW 43.21C.034). The old and new proposals need not be identical, as long as they provide a reasonable basis for comparing impacts.

Shaping Spokane is the name for the 2017 update to Spokane's Comprehensive Plan. Shaping Spokane will be the second periodic review and update to the Comprehensive Plan since 2001. Like the update completed in 2006, the 2017 version is not a major update, but reflects changing community values and compliance with updated State law. SEPA review for the 2017 Comprehensive Plan Update incorporates the 2001 EIS by reference, and provides additional information regarding potential impacts from population or other changes to the 2006 Comprehensive Plan.

The specific action proposed at this time is the City Council's adoption of the 2017 update of the Comprehensive Plan. The update uses a current 20-year population projection extending to 2037, which is based on the Spokane County Steering Committee of Elected Officials Population Forecast Recommendations, (Board of County Commissioners Resolution 16-0553 dated August 3, 2016); and the Washington State Office of Financial Management projections, all of which reflect an anticipated growth rate that is lower than indicated in the 2006 update and forecast and more consistent with historic growth rates. Other considerations include the Urban Growth Area (UGA) adjustments and annexations since 2006. Based on this information, and the fact that the population projections from the 2006 update far exceeded reasonable growth expectations, it is concluded that the City has a sufficient supply of developable and re-developable land to accommodate projected growth.

Shaping Spokane is an update to the 2006 Plan that does not include any substantial changes in policy direction and the spirit and intent of the Comprehensive Plan remains unchanged from the original. Several chapters were reviewed by Policy Focus Groups comprised of local residents, agency representatives, community organizations, and City representatives. Each Focus Group reviewed the entire chapter and provided suggested edits, additions, and deletions, giving general guidance to the update of the Comprehensive Plan.

Overall, the Comprehensive Plan was reviewed for consistency with State law, with minor changes made when necessary. Any language that was excessively descriptive or unnecessary was removed. Redundant policies were removed and, in some cases, related policies were combined. The Comprehensive Plan has been condensed and is now easier to read and understand. This addendum provides a summary of minor changes or adjustments to the Comprehensive Plan that have occurred since 2006. There are, however, two notable chapter updates:

- **LINK Spokane** is the name for the detailed effort to study and revise the Transportation Chapter. This effort involved input from many City departments and outside stakeholders. Accordingly, the most significant changes to the Comprehensive Plan are in Chapter 4, Transportation, which integrates transportation and utility components of the Comprehensive Plan. The updated *Link Spokane* Chapter 4 will address the current and future needs of all transportation users including motorized vehicles, freight, transit, bicyclists, and pedestrians, while identifying opportunities to leverage coordinated infrastructure improvements that meet the needs of the City's current and future land uses.
- The **Implementation Chapter,** Chapter 2, is a new chapter that has been added to the Comprehensive Plan. This chapter includes discussion of future plans and efforts that will accomplish the goals of the Comprehensive Plan. This chapter should also be viewed as an action plan and should be updated as progress occurs on these items. The iterative process of taking action, reporting on results, and updating priorities is necessary to respond to change and to keep the Plan current, while continuing to implement the Plan's overall policies.

The City's Planning Framework

Citywide Vision

"Spokane will be a city of people living and working together where diverse interests, including

neighborhoods, business, education, and government, build upon the community's past accomplishments and heritage to ensure an exceptional sense of community, a healthy environment, and a high quality of life."

Growth Management Act Requirements

Planning Goals, Plan Elements, and Countywide Planning Policies

The Growth Management Act (GMA) was adopted in 1990 by the State Legislature in response to rapid population growth in the Puget Sound region on the western side of the state. A few years later, Spokane County also experienced unprecedented growth and was required to plan under the Growth Management Act. The GMA goals are used exclusively for the purpose of guiding the development of comprehensive plans and development regulations. The following fourteen GMA goals are consistent with the community's vision for its future, and reflect what the City of Spokane must address in, and achieve through, the implementation of its Comprehensive Plan:

- Urban Growth
- Reduce Sprawl
- Transportation
- Housing
- Economic Development
- Property Rights
- Permits
- Natural Resource Industries
- Open Space and Recreation
- Environment
- Citizen Participation and Coordination
- Public Facilities and Services
- Historic Preservation
- Shorelines (In 2003, an additional requirement was added by the State Legislature to include planning for shorelines as the 14th GMA goal).

Discussion:

In 2010, Chapter 14, the *Shorelines Chapter* was added through the amendment process to Spokane's Comprehensive Plan. The GMA Goal is to: *"Manage Shorelines Wisely*, *protect, preserve, and enhance the Spokane River and Latah Creek, which are designated as shorelines of statewide significance."*

Urban Growth Areas (UGA)

A major focus of the Growth Management Act (GMA) and the Countywide Planning Policies (CWPPs) is the planning for the Urban Growth Area (UGA). Counties are given the responsibility of designating "urban growth areas" (UGAs) in their comprehensive plans. These are areas already characterized by, or adjacent to, areas experiencing urban growth, within which future urban growth will be encouraged. Services and facilities must be currently available or planned to be available in the UGAs. A region's designated urban growth area must be large enough, and planned housing densities high enough, to accommodate the next 20 years of population growth forecasted by the State.

The Countywide Planning Policies call for the review of UGA boundaries at least once every eight years per RCW 36.70A.130(5). The first review is to occur five years following the Board of County Commissioners' adoption of the final UGA boundary in the County's Comprehensive Plan. The County Commissioners will initiate a review process approximately one year before the eight-year anniversary date. This process involves a re-evaluation of the population allocation, land quantity analysis, and urban service delivery. The Steering Committee of Elected Officials may request that the Board of County Commissioners initiate a review of the UGA boundaries before the scheduled time if sufficient circumstances dictate an earlier adjustment.

Discussion:

The UGA goal in the Land Use Chapter states: "*Maintain an urban growth area that includes areas and densities sufficient to accommodate the city's allocated population, housing and employment growth for the succeeding twenty-year period, including the accommodation of the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, but that does not exceed the areas necessary to accommodate such growth*." The updated Comprehensive Plan retains this goal.

Spokane UGA Summary: The Spokane County Board of County Commissioners designated Interim Urban Growth Areas (IUGAs), and adopted interim development regulations in April 1997. Population allocations for those IUGAs were revised in May 1999; however, the boundaries of the IUGAs were not changed. In December 1999, Spokane County notified all cities and towns that it was considering adoption of a revised comprehensive plan and a final Urban Growth Area. The County requested that any jurisdiction wishing to change its interim urban growth boundaries notify them and provide supporting data. The City of Spokane submitted a request for an expanded UGA along with the requested information in January 2000. The City's request for an expanded UGA boundary was to be considered by the Regional Steering Committee of Elected Officials and the Spokane County Board of Commissioners. The review process included a Land Quantity Analysis - conducting an inventory of buildable land supply using data gathering and mapping techniques, including Geographical Information System (GIS). The result was the UGA that was referenced in the 2001 Comprehensive Plan.

Since 2006, various public and non-profit organizations and individuals appealed four Spokane County land use decisions that expanded the County's Urban Growth Area or amended the Comprehensive Plan. Rather than continue in litigation, in early 2015, the Spokane County Commissioners requested mediation services from the Growth Management Hearings Board to resolve the appeals. The Settlement Agreement is the result of one year of the parties working to resolve their differences over past urban growth area expansions. The Settlement Agreement now establishes a predictable and certain process to plan for and manage development for future residential, commercial, and industrial growth. It provides an agreed base line and process for the County's required Comprehensive Plan update in 2017.

On June 20, 2016, Spokane County submitted the Proposed Settlement Agreement for Spokane County on Growth Management Hearings Board Cases which stated, "*Urban Growth Area, (UGA) Boundaries: Substantially retains adopted UGA boundaries as a legally valid urban growth area in Spokane County. Allows for continued economic growth. Accommodates preferences of school districts and other*

jurisdictions. Establishes a policy to guide future UGA amendments and a policy of no UGA expansion until 2025 unless certain existing triggers are met. The new policy remains flexible to accommodate changing growth patterns."

On August 3, 2016, the Spokane County Commissioners approved the Growth Management Steering Committee of Elected Officials recommendation on population forecasts and allocations for jurisdictions within Spokane County, dated November 10, 2015. The City used the proposed UGA boundary for its Comprehensive Plan Update, which is based on the recommendation, "*substantially retains adopted UGA boundaries as a legally valid urban growth area in Spokane County.*"

Mixed-Use Centers and Corridors

The hope to economically re-integrate the urban area is directly related to the growth strategy presented in the Comprehensive Plan. The flight of higher incomes to the unincorporated suburbs removes investment and tax revenues that are needed to maintain a high quality of life in the city. The various types of centers planned as the primary venues of growth are key to attracting higher incomes back to the city.

Land use designations that attempt to focus growth are meant to result in a more compact urban form. New policies, regulations, and incentives were required to allow mixed-use in designated centers and corridors and to assure that these areas were designed to be compatible with surrounding lower density residential areas.

Centers and Corridors focus a portion of the projected growth at higher densities in planned, mixed-use activity centers and corridors of different scales, (Neighborhood, District, and Employment). The centers and corridors are designated on the Comprehensive Plan Land Use Plan Map and include a mix of land uses, including high density residential, commercial, industrial, public and institutional, and open space. The uses and proportions of uses vary by center. Downtown Spokane is to remain the economic and cultural center of the region with an emphasis on new housing choices and services.

Relatively little change is expected in existing single-family neighborhoods. Outside centers, the average gross density of new development is expected to be 4.2 du/acre for single-family and 12 du/acre for multifamily. Gross housing densities in designated centers average 15 to 32 in neighborhood centers, and 15 to 44 du/acre in district and employment centers. Medium density housing around centers, approximately 22 du/acre, is to create a transition to lower density residential neighborhoods. Building height is limited to be consistent with the scale of the surrounding neighborhood.

The following centers and corridors were designated on the 2006 Comprehensive Plan Land Use Map. Additional centers are to be defined in the future through the Neighborhood Subarea Planning process, and two suggested centers were added to the Land Use Map in early 2017 as centers to be evaluated through subarea planning in the future: Five Mile Center at Francis and Ash, and NorthTown Center and Division and Wellesley. Neither of these potential centers will undergo land use or zoning changes prior to the future subarea analysis and planning process. Prior to any land use plan or zone changes, each center would undergo its own SEPA process.

Neighborhood Centers
Located at Indian Trail and Barnes; South Perry; Grand Boulevard/12th to 14th; Garland; West Broadway; Lincoln and Nevada; and Fort George Wright Drive and Government Way. Each is to be 15 to 25 square blocks in area.

District Centers
Located at Shadle – Alberta and Wellesley; Lincoln Heights – 29th and Regal; 57th and Regal; Grand District; and Southgate. These serve the needs of a larger area and contain a broader array of services. Each is approximately 30 to 50 blocks in area. Suggested new district centers include the Five Mile Center and NorthTown Center, as described above.

Employment Centers
Designated at East Sprague – Sprague and Napa; North Foothills Employment Center; Maxwell and Elm; Holy Family; North Nevada, between Westview and Magnesium; and Trent and Hamilton. Each are approximately 30 to 50 blocks in area.

Mixed-Use Corridor
Designated along Monroe between downtown and Garland; Hillyard Business Center; and Hamilton Street Corridor. Development mix and densities are comparable to district and or employment centers.

Discussion:
The goals, objectives, and policies of the Comprehensive Plan are intended to mitigate potential adverse land use impacts of future growth within the City. The Plan seeks to achieve a balance between multiple needs, including maintaining growth consistent with infrastructure capacity, reducing patterns of sprawl within the UGA, enhancing neighborhood structure, and preserving important open space and resources.

As part of plan implementation, major development controls, including the zoning code, subdivision ordinance, and resource protection ordinances should be reviewed regularly to maintain external consistency with state policies, achieve internal consistency between the land use plan and development regulations, and provide reasonable protections for property owners and the community at large.

Future growth within the City of Spokane will continue to result in increased development and urbanization.

Comprehensive Plan Amendments and Periodic Updates

The 2001 Spokane Comprehensive Plan was the result of a change in planning law when Washington adopted the Growth Management Act (GMA) in 1990. The GMA also requires the City to review and, if needed, update the Comprehensive Plan at certain time intervals.

The GMA specifies that amendments to a comprehensive plan cannot be made more frequently than once per year. The purpose for this is to give the plan stability over time, avoiding spontaneous changes in response to development pressures; and it groups all proposed amendments into a common process for consideration, providing the opportunity to examine their collective effects on the plan. Proposed amendments to the Comprehensive Plan follow a prescribed process in the City's municipal code.

Discussion:

Previous Amendments: The City of Spokane conducts an annual amendment process to consider changes to the Comprehensive Plan. Numerous amendments have been requested every year since 2001. However, no Comprehensive Plan amendment applications were processed in 2017 due to the Comprehensive Plan Update already in process. Amendment applications will be accepted again after October 31, 2017.

Periodic Updates: The Comprehensive Plan was updated in 2006 to meet the changing needs of the community and to fulfill GMA requirements for comprehensive plan reviews. The second update occurred in 2017, again to reflect changing community values and to comply with updated State law. The 2006 and 2017 updates, in addition to annual amendments to the Plan, have kept the Plan consistent with changes in State and Federal laws, and reflective of the community's vision. State law now requires that the Comprehensive Plan Periodic Review and Update occur every eight years, with the next update scheduled in 2025. A complete list of amendments and periodic updates is included in the Appendix of the 2017 Comprehensive Plan Update.

Updated City Plans

The City's Six-Year Capital Improvement Program is annually updated and presented to the City Plan Commission for recommendation and to the City Council for adoption. Staff works directly with the departments within Public Works, Utilities, and Integrated Capital Management to identify and coordinate capital projects and to scope projects. The Integrated Capital Management Department performs strategic infrastructure planning, conducts special studies, and provides general planning and maintenance functions to support the Public Works and Utilities Departments. Staff seeks, develops and administers grants, loans and other revenue sources for the City's capital projects.

Recent updates to City of Spokane department programs and plans include Capital Facilities, (police, fire, schools, etc), and Utilities, City of Spokane Stormwater Management Program, City of Spokane Integrated Clean Water Plan, City of Spokane Water System Plan, City of Spokane Wastewater Facilities Plan, Spokane County Solid Waste and Moderate Risk Waste Management Plan, the City of Spokane Parks and Open Spaces Plan - *Roadmap to the Future*, *Fast Forward Spokane* Downtown Plan, Spokane Public Library Facilities and Future Service Plan, the Citywide Six-Year Capital Improvement (CIP) program; and the 2016-2021 Six-Year Street Program. Other updated plans since 2006 include the 2014 Annual Action Plan, a component of the 2010 Consolidated Community Development and Housing, and the 2015 -2020 Consolidated Plan, along with the 2015 -2020 Strategic Plan to End Homelessness; and the 2011 Shoreline Master Program. These plans and programs were prepared or updated in tandem with the 2017 update, and provide additional information about environmental impacts. These plans are adopted by reference as part of the Comprehensive Plan.

Transportation

The transportation system is designed to provide a complete transportation network for all users, as noted in the adopted Complete Streets Ordinance. The network for each mode is outlined in the Master Bike Plan, Pedestrian Master Plan, and the Arterial Street Plan Map. Every street or facility will not always provide dedicated facilities for each mode, but the overall networks have been designed to provide a complete system for each mode. As called for in these various plans, streets and pathways will

be designed, operated, and maintained to accommodate and promote safe and convenient travel for all users, while acknowledging that not all streets must provide the same type of travel experience. The goal is to make transportation decisions based upon the adopted goals, policies, and design standards and guidelines in the plans noted above.

Discussion:

Link Spokane – One Vision, One Plan

Link Spokane is the integrated transportation and utility component of the Comprehensive Plan. The updated Link Spokane Chapter 4 addresses the current and future needs of all transportation users, including motorized vehicles, freight, transit, bicyclists, and pedestrians; while identifying opportunities to leverage coordinated infrastructure improvements that meet the needs of the City's current and future land uses.

Link Spokane efforts include:

- The Pedestrian Master Plan - adopted 2015. The Plan supports a more walkable Spokane, encouraging a high-quality walking environment that supports increased levels of physical activity, important connections to transit, and more transportation options for all.
- Update of the Master Bike Plan. The Plan creates a vision for enhancing bicycling opportunities for all residents of Spokane, with goals establishing actions intended to make Spokane a more bicycle-friendly city.
- Updated Street Design Standards to support the City's adopted Complete Streets policy.

The Link Spokane Goals include:

- Promote Sense of Place
- Provide Transportation Choices
- Accommodate Access to Daily Needs and Regional Destinations
- Promote Economic Opportunity
- Respect Natural and Community Assets
- Enhance Public Health and Safety
- Maximize Public Benefits and Fiscal Responsibility.

This process establishes a single unified vision to ensure every public dollar supports community goals. It is designed to be fully integrated with other City investments in utilities and infrastructure.

Shorelines

Under the Washington State Shoreline Management Act (SMA) of 1971, each city and county with "shorelines of the state" and "shorelines of state-wide significance" must adopt a Shoreline Master Program (SMP) that is based on state laws and rules but tailored to the specific geographic, economic, and environmental needs of the community.

Discussion:

In 2005, The City of Spokane Planning Services Department received a grant from the Washington State Department of Ecology to update the 1976 SMP. The process included a comprehensive inventory and analysis of the Spokane River and Latah Creek and the development of shoreline environmental designations and accompanying management policies; goals and policies for each of the ten elements of

the SMP; regulations that address shoreline use, modifications, and development; and a restoration plan. The SMA, 1976 SMP, and 1994 draft SMP served as the framework upon which the current updated SMP was developed.

Under the Act, the City's Shoreline Master Program governs shoreline use; and the Shorelines Chapter contains goals and policies that set the direction for the preservation, restoration, use, modifications, and development of the shoreline areas of the Spokane River and Latah Creek within the City limits. Development of these goals and policies were one of several steps undertaken in the 2006-2011 update process of the 1976 City of Spokane Shoreline Master Program (SMP). The goals and policies also supplement, and are consistent with, the goals and policies of the Comprehensive Plan, Natural Environment Chapter, (Chapter 9), Section NE 3, *Shorelines*. The public participation process and agency review of the Shoreline Master Program occurred prior to final approval of the SMP by the Department of Ecology in 2011. The final adoption of the SMP by City Council occurred in July of 2011, along with Shoreline code and regulation updates.

2. ENVIRONMENTAL CONSIDERATIONS

2001 Comprehensive Plan/Draft EIS

In 2001, the City prepared a Draft Comprehensive Plan and Draft Environmental Impact Statement – An Integrated GMA and SEPA Document 2000-2020 pursuant to the SEPA rules (WAC 197-11-210 et seq), for comprehensive plans. The 2001 EIS presented environmental information about potential adverse impacts and mitigation measures associated with the comprehensive plan land use alternatives and policies.

Spokane volunteers working to develop the 2001 Comprehensive Plan identified important themes in relation to Spokane's current and future growth. A series of visions and values was crafted for each element or chapter of the Comprehensive Plan that described specific performance objectives. From the Visions and Values document, adopted in 1996 by the City Council, the Comprehensive Plan's goals and policies were generated. The City's *action*, adoption of a new Comprehensive Plan, provided a policy and regulatory framework within which future growth could occur. Measures to implement the Plan occurred concurrent with adoption of the Plan, and included:

- Adoption of policies in the Comprehensive Plan organized in specific elements or chapters.
- Adoption of a generalized land use map showing the location of various land uses.
- Adoption of initial development regulations to implement the Comprehensive Plan (initial development regulations made available at the release of the Final Comprehensive Plan/EIS).

The Draft Comprehensive Plan and Final EIS were adopted in March of 2001.

1. Zoning Code

The City created regulations to ensure that development occurs consistent with the goals and policies embodied in the Comprehensive Plan. These implementing regulations include zoning and subdivision ordinances, environmental laws, building codes, historic preservation laws, and design review procedures.

The City's official zoning code is part of the Spokane Municipal Code, which includes all the local laws that citizens and the City government must follow. The zoning code consists of definitions, descriptions of zoning classifications and allowed uses, dimensional standards for development, and maps that show how the zone classifications divide the entire City into land use districts. Since zoning is a device to implement the Comprehensive Plan, its rules must be consistent with the Plan.

In order to follow the 2001 Plan's intent, the City has made sure that regulations and zoning are kept up-to-date:

2. Unified Development Code

After the adoption of the Comprehensive Plan in 2001, the City created and adopted a Unified Development Code Title 17A, which consolidated all of the City's regulations for development and street standards. The Ordinance (C33969) effective date was March 4, 2007. The overall purpose of Title 17 was to provide a vehicle to implement the City's Comprehensive Plan, and by reference, the requirements of the Washington State Growth Management Act (GMA). This Title contains regulations to manage the community's growth in a manner that ensures efficient use of land, preserves natural resources, and encourages good design. Specifically, the Code is designed to implement adopted policies. The effective date was June 3, 2011. (ORD C34716).

3. Shaping Spokane

SEPA review for the 2017 Comprehensive Plan Update, *Shaping Spokane*, incorporates the 2001 EIS by reference, and provides additional information regarding potential impacts from population or land use changes from the 2006 Comprehensive Plan.

Following input from City staff, policy focus groups and the Plan Commission, no substantial changes have been made to the vision, values, or the intent of goals and policies of any chapter of the 2017 Comprehensive Plan. The policy intent of the Plan has been retained and is embodied in the planned land use model of Centers and Corridors. Minor revisions made for clarity or due to redundancy were made to the Plan, and all modifications can be viewed in the track-change version of each chapter on the City's web page noted above.

The Shorelines chapter was recently updated following a complex and thorough public process. Therefore, that chapter was not reviewed as part of this update, and no changes to the text will occur.

Discussion:

The SEPA review for the 2017 Comprehensive Plan incorporates relevant information from the 2001 EIS and cites recently updated plans and technical reports as noted above under, *Updated City Plans*. These plans are adopted by reference as part of the Comprehensive Plan.

As was the determination in the 2006 SEPA Checklist, with the inflated 20-year population forecast, and based on updated department plans and programs; all facilities and services within the City limits will have adequate capacity to accommodate the recently forecasted 2037 reduced population forecast.

Population

The Growth Management Act requires that a region's designated urban growth area must be large enough, and planned housing densities high enough, to accommodate the next 20 years of population growth forecasted by the State.

Spokane County has tentatively allocated to the City of Spokane for, "initial planning purposes", a twenty year (to 2037) population forecast of 20,859 people. The recommended forecast is based in part on OFM's, *Projections of the Resident Population for the Growth Management Medium Series, May 2012*, which contains a high, medium, and low forecasted growth rate. The City's previous comprehensive plans utilized a higher growth rate which has not materialized. Therefore, original planning efforts have described a future need for development, services, and other factors that exceeds the need of current growth projections. The newly adopted growth rate forecasts a population that is less than what was used to inform the 2006 Plan, resulting in facility and service capacity at buildout that is beyond what is needed to serve the newly forecasted population growth within the 2037 planning horizon.

Historic Growth Patterns

In 1980 the population of Spokane was 171,300, and in 1990 was 177,165; a three percent increase over this ten-year period. During the years between 1990 and 1995, the City's population growth was more rapid, increasing to 188,800, which represented a growth rate of more than one percent per year. After 1995, the population remained relatively stable, decreasing to an estimated 188,300 in 1998.

By 2006 the City's population was estimated to be 201,600, with the City planning to accommodate a County allocation increase of 68,800 persons by 2026, which would have brought the population to 270,400 by 2026. The 2010 Census recorded a population of 208,916**,** a net gain from 2006 of only 7,316 people in four years, representing a population growth of less than 1% per year. The slowed growth in this period suggested that an increase of 68,800 people by 2026 was likely unrealistic. It suggested that the population target for 2026 was somewhat inflated, compared to historic growth rates for the City.

Because the annual growth rates anticipated in the 2006 Comprehensive Plan and 2006 SEPA Checklist did not materialize, the population projections are now viewed as unrealistically high. The 2017 Comprehensive Plan updated the annual growth rate to 0.5 percent, resulting in a 2037 population projection of 236,698 persons. The 2037 population projection contemplated in the 2017 Comprehensive Plan Update is considerably lower than the 2006 Spokane County Steering Committee of Elected Officials Population 20-year Forecast for 2027, which was 285,800 persons (City only) – a projected *decrease* of 49,102 persons from the 2027 population forecasted in 2006.

This decrease in the population forecast is important to point out, in that the City's 2006 Comprehensive Plan has resulted in planning efforts that exceed the realized growth. The newly adopted growth rate forecasts a population that is less than what was used to inform the 2006 Plan, resulting in facility and

service capacity beyond what is needed to serve the newly forecasted population growth within the 2017 twenty-year planning horizon.

GMA Interlocal Agreement

On November 10, 2015, as required by the Spokane County Interlocal Agreement titled*, Growth Management Act, Interlocal Agreement, Section 3D*; the Steering Committee of Elected Officials (SCEO) provided the City with Spokane County's population forecast and allocation for the required GMA periodic update for the planning period to 2025.

The SCEO held a public hearing on the population forecast and allocation on November 4, 2015, at which time SCEO voted 6-3 to recommend a population forecast and allocation consistent with the Washington State Office of Financial Management medium forecast for 2037, and to allocate population to cities and towns consistent with the recommendation of the Planning Technical Advisory Committee. The PTAC recommended a population forecast equivalent to the 2037 medium Washington State Office of Financial Management (OFM) forecast of 583,409 with growth for cities and towns based on historic growth patterns. Details of the Committee's recommendation can be found in Appendix B – *Planning Technical Advisory Committee Population Forecast and Allocation, et al*. and Appendix C - *Board of County Commissioners Findings of Fact and Decision No. 16-0553*.

The City of Spokane **2017** population estimate based on the Spokane County Steering Committee of Elected Officials Population Forecast Recommendations, and Board of County Commissioners Resolution 16-0553, dated August 3, 2016 was **215,839;** with the 20-year growth forecast placed at **236,698** people by 2037. The City of Spokane Comprehensive Plan Update is informed by an increase of approximately 20,859 people by 2037*.

TABLE 1 POPULATION GROWTH 2017-2037

Geographic Area	2017 Estimate	2037 Forecast	Total Change (#)	Growth Per Year	Percentage Change 2017-2037
City of Spokane	215,839**	236,698**	20,859	0.462%	9.66%
Spokane County	499,348**	583,409**	84,061	0.781%	16.83%
Washington State	7,277,299†	8,772,012†	1,494,713	0.938%	20.54%
2000 Census Spokane City Pop. 195,629					

* 2016 Update to the Spokane City Comprehensive Plan.

** Spokane County Steering Committee of Elected Officials Population Forecast Recommendations; and Board of County Commissioners Resolution 16-0553 dated August 3, 2016.

† OFM

Urban Growth Area

Comprehensive plan goals and policies are intended to mitigate the potential adverse impacts of increased growth in the city. To ensure an orderly transition of services to joint planning areas and proposed UGAs, the City, Spokane County, and special districts need to establish interlocal agreements to establish how and when to finance improvements, and to support adopted level-of-service and planned land use. Compact development and infill development would be promoted to fully utilize the capacity of existing service facilities. The cost and resources used by consuming more land to extend new water systems into undeveloped areas would be weighed against goals and policies for the preservation of neighborhood character, protection of the aquifer, and environmental quality.

Discussion:
The City is planning to accommodate 20 years of population and employment growth, and, based upon the inflated population forecast contained in the 2006 Comprehensive Plan with, the City still has sufficient developable land to accommodate anticipated growth to 2037 with the reduced population forecast. The 2037 growth target is derived from the Spokane County Commissioners approved recommendation of population forecasts and allocations for jurisdictions within Spokane County, by the Growth Management Steering Committee of Elected Officials, dated November 10, 2015; as well as being derived from historical growth trends and the City's Vision. The Plan update accommodates growth at urban densities and is intended to help relieve development pressure on rural lands outside the UGA. This approach is consistent with the GMA policy to eliminate sprawl and protect rural lands. (*Also see UGA discussion under "Population*.)"

Future Demand

For the majority of services, the level-of-service is based on population. Per RCW 43.62.035 the Washington State Office of Financial Management (OFM) provides each county with a population projection range. The county chooses a population growth rate within this range and then allocates the population to the municipalities within its jurisdiction. In 2016 the Spokane County Steering Committee of Elected Officials recommended that the OFM Median 20-year population projection be used for Spokane.

Discussion:
Spokane County has tentatively allocated for "initial planning purposes," a twenty year (to 2037) population growth of 20,859 people to the City of Spokane. This is far less than the County's 68,800 person growth forecast recommended in 2006. The level-of-service standards and capacity analysis are based on population projections recommended to the Steering Committee of Elected Officials for Spokane County by the Planning Technical Advisory Committee (PTAC) and adopted by the Board of County Commissioners in June of 2016. Details of the Committee's recommendation can be found in Appendix B – *Planning Technical Advisory Committee Population Forecast and Allocation, et al*.

Annexations

A minor change in land area has occurred since 2006 with two small annexations for a total land increase of 6,122 acres; and a population gain of 1,388 people. These two annexations followed the Office of Financial Management Annexation Certification Process. Note that the annexation areas were already part of the UGA prior to annexation, and services were previously allocated for those areas.

West Plains Annexation
The West Plains Annexation area was a portion of the Urban Growth Area/Joint Planning Area located to the west of the Spokane city limits, and annexed into the City in 2013. The annexed area is comprised of **6,080 acres** and is located north of I-90, east of Craig Road and the City of Airway Heights, and includes Spokane International Airport. The population of the annexed area was **526 people** at the time of the 2010 Federal Census.

Spokane Housing Ventures (SHV) Annexation

This annexation area consists of 13 parcels on approximately 42 acres located within what was known as the Moran/Glenrose area in south Spokane. It is a mix of developed and undeveloped property located between 53rd and 55th Avenues east of Regal. The 2016 OFM annexation census counted **857 people** in the annexed area. The OFM Census Enumeration Procedures were complied with for the Spokane Housing Ventures annexation.

Capital Facilities & Utilities

Where possible, the information provided in the Capital Facilities Plan utilizes the recently updated population projections as a basis for level of service standards, in order to estimate future demand, (e.g. police). However, some service providers' plans were developed using other methodology such as service area projections. In those cases, the service providers accounted for a higher growth rate than what has currently been adopted by the City, and still concluded that they would have adequate level-of-service (LOS) for those higher population projections. Because the LOS for those service providers were made in anticipation of a higher population than what is currently expected, those services will most certainly be prepared and equipped to accommodate the lower, County adopted 2017 population growth allocations, without additional services and/or capital facility capacity requirements.

Capital Facilities and Utilities Chapter

The *Capital Facilities and Utilities* Chapter includes an updated inventory of facilities and services; contains level-of-service standards; identifies facility needs/upgrades based on the 2037 population projection; includes a policy requiring provision of services concurrent with growth; and, identifies the locations and capacities of expanded or new facilities. Plan Update policies explicitly link capital investments in infrastructure to the Plan's overall growth strategy, to the City's high quality of life, and to stimulating the local economy.

Capital Facilities Plan

The Comprehensive Plan Update recognizes that the City's provision of efficient and affordable services and facilities are the backbone of the community's quality of life. Providing essential services and facilities – including water, wastewater treatment, schools, fire and police service, and other - concurrent with development and consistent with adopted levels-of-service, are fundamental requirements of the GMA (RCW 36.70A.070), and key objectives of Spokane's strategy for accommodating growth. High quality and cost effective services and facilities are also strategic requirements to foster economic growth. The City also has an Annual Adoption Ordinance (7.17.010), that states, "*The City Council shall adopt on an annual basis a Citywide Six-Year Capital Improvement Program*."

Integrated Capital Management (ICM) facilitates the development and implementation of sewer, water and street infrastructure projects and programs in support of the City's Comprehensive Plan. Capital Programs maintains the Six Year Capital Program Plans for:

- Streets Department
- Water and Hydro Utility
- Wastewater Utility
- Stormwater Utility

Staff works directly with the departments within Public Works and Utilities to identify and coordinate capital projects and to scope projects. ICM performs strategic infrastructure planning, conducts special studies, and provides general planning and maintenance functions to support the Public Works and Utilities Departments. Staff seeks, develops, and administers grants, loans and other revenue sources for the City's capital projects.

City of Spokane Flood Protection Measures

The Federal Emergency Management Agency (FEMA) issued a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Spokane County effective July 6, 2010. The 2010 study included mapping of flood plain boundaries of the January 1974 flood on the Spokane River, which was useful in delineating the boundaries of the 100-year and 0.02 percent Annual Chance Floods. This FIS report either supersedes or is compatible with all previous studies published on streams studied in this report and should be considered authoritative for the purposes of the NFIP.

Discussion:

The length of the Spokane River within the City was studied in detail, except for a small portion of the stream where supercritical flow exists; and the length of Hangman Creek, (also known as Latah), was studied in detail within the corporate limits. Former Flood Hazard Zone designations have been changed as follows: Old Zone: A1 through A30, V1 through V30, B, and C: New Zone: AE, VE, X, X.

The FIS and FIRM are used to identify areas of Special Flood Hazard, which are areas that have a 1.0 percent or greater chance of flooding any given year, (previously known as the 100 year floodplain). Development within the areas of Special Flood Hazard is regulated by Spokane Municipal Code Chapter 17E.030, *Floodplain Management*, as required by FEMA.

Flood Hazard Management includes:

- Flood Protection: Protect life and property from flooding and erosion by directing development away from flood hazard areas.
- Capital Facilities: Stormwater - Flood Hazard Reduction.
- Channel Migration Zone Management: Determine the channel migration zone of streams and rivers in the city that have a history of flooding.
- 100-Year Flood Plain Reassessment: Conduct a reassessment of the 100-year flood plain in areas with a history of flooding.
- Land Acquisition/Home Relocation Program: Consider the purchase of homes and lands that are in the 100-year flood plain and maintain those areas as natural area corridors.
- Discourage Development in 100-Year Flood Plain: Discourage development and redevelopment of habitable structures that are within the 100-year flood plain.

The 2010 FIRM maps generally remain the same as the 1976 maps except for very minor revisions made based on field studies identifying specific geography that could impact flood levels at certain locations.

The City enforces floodplain protection measures through the Development Sensitive Overlay Zone (Section 11.19.255), which includes the Flood Damage Prevention Ordinance (1980), the Spokane Municipal Code, the Official Updated FEMA Map, and the Critical Areas Ordinance.

3. ELEMENTS OF THE PROPOSAL

The proposal is the Spokane City Council adoption of the updated 2017 to 2037 Comprehensive Plan – *Shaping Spokane*, consistent with the requirements of the GMA. This update is a result of the periodic review of the 2001 Draft Comprehensive Plan, most recently updated in 2006.

Each chapter of the Comprehensive Plan has its own defining vision statement, with subsequent goals and policies focused on achieving that vision. Generally speaking, growth within the City limits will be directed towards the designated Centers and Corridors development model. Downtown will continue to grow commercially, offer a variety of residential choices and activities, and serve as the heart of the City.

A more compact pattern of growth will create a future that is affordable physically, environmentally, socially and economically. A wide variety of housing types will serve all lifestyles and economic segments of the community. The City will become more contiguous in annexing portions of UGA land where it makes sense from a geographical or service/utility standpoint. The City will reflect greater diversity in age, lifestyle, household type, ethnicity, income and housing; and economic activity will increase. Improved street and pedestrian connectivity among places of living, shopping, services, recreation, and employment will increase mobility, convenience, and transportation options.

Based on the updated population forecasted by the County and OFM, the main elements of the Comprehensive Plan Update that may be impacted by population and/or land use changes are summarized in the Conclusion of this addendum; with a continued focus on strategies for managing growth and guiding land uses within the City, and providing efficient, cost effective services concurrent with growth.

Growth Framework

The updated Comprehensive Plan retains the goal to maintain an **urban growth area** that includes areas and densities sufficient to accommodate the City's allocated population, housing, and employment growth for the succeeding twenty-year period. This includes the accommodation of the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, but that does not exceed the areas necessary to accommodate such growth.

Land Use Plan Map

The Land Use Plan Map current land use designations are not proposed to change at this time. Two suggested centers were added to the Land Use Map in early 2017 as areas to be planned as district centers through a future subarea planning process: Five Mile Center at Francis and Ash, and Northtown Center. However, neither of these potential centers will undergo land use or zoning changes at this time; and, the Land Use Plan Map designations remain the same. Two annexations, previously discussed, are reflected on the updated Spokane Municipal Boundary Map.

Mixed-Use Centers and Corridors

The goals, objectives, and policies of the Comprehensive Plan are intended to mitigate potential adverse

land use impacts from future growth within the City. The Plan seeks to achieve a balance between multiple needs, including maintaining growth consistent with infrastructure capacity, reducing patterns of sprawl within the UGA, enhancing neighborhood structure, and preserving important open space and resources.

As the Comprehensive Plan is further refined, and as implementing regulations are developed, they should reflect, and should seek to resolve, issues of potential incompatibility between adjacent uses and adjacent districts, through development of design standards and guidelines, buffering requirements, and/or transitional uses and standards. Future growth within the City of Spokane will continue to result in increased development and urbanization.

As part of Plan implementation, major development controls, including the zoning regulations, subdivision code, and resource protection ordinances will be reviewed regularly to maintain external consistency with state policies, achieve internal consistency between the land use plan and development regulations, and provide reasonable protections for property owners and the community at large.

City of Spokane Comprehensive Plan Amendments

Since 2001 a number of amendments have been added to the Comprehensive Plan each year and can be accessed at the City of Spokane Planning and Development Services department. Each of these addendums underwent environmental reviews, both separately and as a part of the larger Comprehensive Plan review process.

Neighborhood Plans

The City of Spokane is committed to enhancing its neighborhoods and, to this end, has a long tradition of neighborhood-based planning. Neighborhood planning is an important tool promoting collaboration between the City and neighborhoods to help guide their future.

In 2007, the City Council allocated $550,000 for another opportunity to initiate neighborhood planning. This process is designed as a way for neighborhoods to identify their issues and resolve them through a neighborhood planning process. A planning process was adopted by City Council resolution in October 2008, Resolution 2008-0100. City Council amended the 2008 Resolution in December 2011, and adopted Resolution 2011-0100; which improved on the neighborhood planning process. Twenty-two neighborhoods have gone through the planning process.

Implementation

Implementation refers to measures, programs, and systems that make the Comprehensive Plan work. The Growth Management Act requires that jurisdictions adopt development regulations, such as zoning, that are consistent with and carry out the Comprehensive Plan's policies and objectives. Similarly, the Plan's Capital Facilities and Transportation elements, adopted levels-of-service, functional plans (such as for parks), and annual capital budgeting process will help ensure that services and facilities are coordinated with growth. In addition, growth and change will need to be monitored to ensure that targets and expectations are being achieved.

In order to ensure that the Comprehensive Plan functions as a living document, evolving to meet the needs of the community, a *strategic action guide* has been developed to help direct the actions and

priorities of elected officials and City staff. The guide has been designed to provide actionable projects to implement the goals and policies of the Comprehensive Plan. These actionable projects are reflected in the new Implementation Chapter and Matrices.

The 2017 Comprehensive Plan Chapter 2, *Implementation* was added in order to provide a "living" connection between the Comprehensive Plan goals and policies and the everyday work of the City to improve the health, safety, and welfare of its citizens. Chapter 2 is both a snapshot of how the City has implemented the Comprehensive Plan and how it will continue to do so in the future. It discusses many of the goals and policies of the other chapters and provides a detailed matrix for each indicating where the City has started or completed implementation, as well as where additional work is needed. The purpose of the Implementation Chapter is to:

- Provide a generalized list of programs and actions that can be helpful in accomplishing the goals and policies of the Comprehensive Plan.
- Identify goals or policies that call for direct, measurable, and/or terminable action.
- Identify corresponding actions, plans, or projects that directly implement those policies, either in the past or in the future.

Without viable, realistic mechanisms for implementation, the community's vision and goals outlined in the Comprehensive Plan would be difficult to realize. The implementation matrices serve as that mechanism, ensuring that City projects and initiatives are specifically targeted to achieve the goals stated in this Plan. The intended outcomes of these matrices are:

1. The strategic and coordinated execution of the goals and policies in the Plan.
2. Ensure the Plan is a living document, capable of responding to changing conditions and expanding information.
3. Information and progress on Plan implementation is documented and disseminated through bi-annual reports to the community, (matrix update).

Energy Conservation

Energy conservation is discussed in the Natural Environment Chapter 9 of the Plan. The Chapter 9 update contains a policy framework that works in tandem with development regulations to protect environmental resources including streams, wetlands, groundwater, wildlife species and habitat, and native vegetation. Policies promote the use of Low Impact Development (LID) approaches to site design and stormwater management, preserving natural vegetation and re-using water. Energy-related policies focus on preserving solar access, considering solar orientation and energy efficiency/conservation in subdivision design, and promoting alternative transportation methods such as neighborhood electric vehicles.

4. Conclusion

The City has reviewed the 2001 Draft City of Spokane Comprehensive Plan EIS and 2006 City of Spokane Comprehensive Plan Update SEPA Checklist and Determination of Non-significance, and concluded that they provide relevant information and an accurate basis for identifying potential impacts associated

with the 2017 Comprehensive Plan Update. Potential environmental impacts, as identified and analyzed in this addendum, would be similar to, or less than, those identified in 2006 SEPA Checklist and DNS, based on the revised *reduced* population forecast and allocations provided by the Washington State Office of Financial Management, and recommended by the Growth Management Steering Committee of Elected Officials and approved by the Spokane County Commissioners.

The analyses for a SEPA non-project action such as a comprehensive plan is based on the amount and type of growth that is forecasted and planned for, the location of that growth, and its form and character. Although more than ten years have passed since the 2001 EIS environmental conditions were evaluated, the 2001 Comprehensive Plan EIS and 2006 Plan Update SEPA Checklist description and analysis of existing conditions and impacts, are still relevant for evaluating the amount, type and location of growth that is expected to occur between 2017 and 2037 under the Mixed-use Centers and Corridors development model, which was the preferred alternative chosen during the 2001 EIS analyses process, and continues as a mechanism to guide development within the City.

Potential impacts to the built environment would be similar to, or less than, those identified in the 2006 SEPA Checklist due to the reduced population forecast and anticipated growth rate incorporated into the 2017 Comprehensive Plan Update. Also, the Land Quantity Analysis prepared in August 2010 for the City of Spokane, and October 2010 for Spokane County, indicated the City has adequate land and meets the forecasted demand for housing; that conclusion was reached using the *higher* population forecast in the 2010 analysis. Additionally, the Plan is not anticipated to result in direct impacts to the *natural* environment. If any impacts were to occur they would be indirect.

The 2017 Spokane Comprehensive Plan provides a policy framework that, when implemented, will guide future development and change through 2037. Most of the mitigation measures identified in the 2001 Plan EIS were based on regional plans and policies such as the Spokane Countywide Planning Policies, the policies of the 2001 Comprehensive Plan, and existing or recommended development regulations, to address the impacts of forecasted growth. Many of the implementation measures and policies from the 2001 and 2006 Plans have been implemented, and these and future implementation strategies are listed in the Comprehensive Plan – Chapter 2 Implementation Matrix.

Implementation measures and additions to the Spokane Municipal Code based on the 2001/2006 Comprehensive Plan have reduced adverse impacts considerably over the past ten years, and will continue to do so as new implementation measures are considered, developed and implemented. Additionally, an amendment to the Countywide Planning Policies in 2008 established criteria for monitoring population growth and mandating land quantity and population capacity studies when certain growth triggers are met. This strategy provides a mechanism for adjusting the Urban Growth Area in order to maintain an adequate supply of developable land throughout the 20-year planning horizon.

The above actions complete the City of Spokane Comprehensive Plan SEPA Update for 2017.

ORDINANCE NO. C35509

AN ORDINANCE ADOPTING THE 2017 COMPREHENSIVE PLAN UPDATE AND AMENDING THE CITY OF SPOKANE COMPREHENSIVE PLAN, INCLUDING AMENDMENTS TO CHAPTER 1, INTRODUCTION, CHAPTER 2, COMPREHENSIVE PLAN BACKGROUND, CHAPTER 3, LAND USE, CHAPTER 4, TRANSPORTATION, CHAPTER 5, CAPITAL FACILITIES AND UTILITIES, CHAPTER 6, HOUSING, CHAPTER 7, ECONOMIC DEVELOPMENT, CHAPTER 8, URBAN DESIGN AND HISTORIC PRESERVATION, CHAPTER 9, NATURAL ENVIRONMENT, CHAPTER 10, SOCIAL HEALTH, CHAPTER 11, NEIGHBORHOODS, CHAPTER 12, PARKS, RECREATION, AND OPEN SPACE, AND CHAPTER 13, LEADERSHIP, GOVERNANCE, AND CITIZENSHIP.

WHEREAS, the Growth Management Act ("GMA", in RCW 36.70A.130(5), requires the City of Spokane to take legislative action on or before June 30, 2017, to review and, if needed, revise its Comprehensive Plan and development regulations to ensure the Plan and regulations comply with GMA's requirements (the "2017 Update"); and

WHEREAS, on February 4, 2013, pursuant to Resolution 2013-0011, the City Council initiated the official update process by adopting a Public Participation Plan, consistent with GMA's public participation requirements; that Plan was updated in 2014 and 2016; and

WHEREAS, pursuant to the adopted Public Participation Plan the City's engagement efforts included citizen focus groups, twenty-one (21) Plan Commission workshops, ten (10) public open houses, six (6) City Council study sessions, numerous presentations to the Community Assembly and Neighborhood Councils, and on-going collaboration with the Washington State Department of Commerce and the Spokane Regional Transportation Council; and

WHEREAS, the City of Spokane also sought community participation in the Comprehensive Plan Update by creating a virtual open house on the City's website, maintaining and updating a webpage dedicated to the update process, and regular posts to the City's social media outlets, newspaper notices, and press releases; and

WHEREAS, as a result of the City's efforts, the public has had extensive opportunities to participate throughout the Comprehensive Plan amendment process and all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, in cooperation with Spokane County, other cities in Spokane County, and the Steering Committee of Elected Officials, the City of Spokane has prepared a land quantity analysis that addresses the 20-year population allocation to the City of Spokane for planning purposes as established in the settlement agreement accepted by the Board of County Commissioners on June 20, 2016; and

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WHEREAS, consistent with the requirements of RCW 36.70A.130(8), the City of Spokane has reviewed its Critical Areas Ordinances and updated its Wetlands Protection Ordinance to include Best Available Science and reflect local conditions and opportunities in accordance with the GMA; and

WHEREAS, the City issued a State Environmental Policy Act (SEPA) Addendum to the original 2001 Environmental Impact Statement, for the proposed Comprehensive Plan Amendments on February 20, 2017; and

WHEREAS, a combined notice of the SEPA addendum and the Plan Commission Public Hearing was published in the Spokesman-Review and the Official Gazette on February 21, and February 28, 2017; and

WHEREAS, the City's Plan Commission conducted a public hearing on March 8, completed their deliberations on March 22, 2017, and through their Findings and Conclusions, unanimously recommended the adoption of the proposed Comprehensive Plan Amendments to the City Council; and

WHEREAS, a public notice was published in the Spokesman-Review and the Official Gazette in accordance with SMC 17G.020.070 and SMC 17G020.075 giving notice of the City Council public hearing on the Comprehensive Plan Update and encouraging public participation, thus fulfilling public noticing requirements; and

WHEREAS, state agencies received 60 day notice of City of Spokane's proposed Comprehensive Plan amendments on March 28, 2017 and no formal comments were received; and

WHEREAS, the City Council has reviewed and considered the Plan Commission's Finding and Conclusions and recommendation dated March 22, 2017, public testimony made at the public hearings, and other pertinent material regarding the proposed amendments; and

WHEREAS, the City Council further finds as follows:

A. The 2017 Update is consistent with the Growth Management Act, and is consistent with the existing Comprehensive Plan Policies.

B. The 2017 Update is consistent with the Countywide Planning Policies for Spokane County.

C. The 2017 Update was developed through an open and public process, and the City satisfied all public notice and participation requirements.

D. The 2017 Update will protect and promote the health, safety and welfare of the citizens of Spokane and the general public.

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E. The City has complied with State Environmental Policy Act requirements in the review and processing of the 2017 Update.

WHEREAS, this ordinance is adopted pursuant to and completes the RCW 36.70A.130(5)(c) growth management comprehensive review and evaluation update; and NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF SPOKANE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1: Findings, Analysis and Conclusions. The City Council hereby adopts the findings and conclusions contained in the City's Plan Commission recommendation dated March 22, 2017.

Section 2: Comprehensive Plan. The City of Spokane Comprehensive Plan, adopted by Ordinance No. C32847, as amended from time to time, shall remain in full force and effect except as amended by this Ordinance.

Section 3: Adoption of 2017 Update. The City of Spokane Comprehensive Plan is amended as set forth in Exhibit 1 attached to this Ordinance and incorporated herein by reference.

Section 4: Amendment of Land Use Plan Map. The City of Spokane Land Use Plan Map is amended to reflect the addition of two proposed District Centers and the relocation of an existing Neighborhood Center, as shown in Exhibit 2. This map amendment does not alter existing land use or zoning designations which will be determined on a site specific basis upon the completion of a subarea planning process, including a robust public outreach and engagement effort.

Section 5: Transmittal to State. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

Section 6: Preparation of Final Comprehensive Plan Document. City Staff are hereby directed to complete preparation of the final Comprehensive Plan documents, as amended by this Ordinance, including correction of any typographical edits, and inclusion of appropriate graphics and illustrations.

Section 7: Severability/Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this Ordinance, including those parts adopted by reference, is for any reason held to be unconstitutional or invalid by the Growth Management Hearings Board or any other body or court with authority and jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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Section 8: Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its enactment.

Passed by City Council _____

_____
Council President

Attest:

_____
City Clerk

Approved as to form:

_____
Assistant City Attorney

_____ _____
Mayor Date

_____
Effective Date

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Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendations
Proposed 2017 Periodic Review and Update to the City of Spokane
Comprehensive Plan and Accompanying Maps

A Recommendation from the City Plan Commission to the City Council to approve the proposed 2017 Comprehensive Plan Update. These changes will amend the Spokane Comprehensive Plan text in chapters 1-13, the Comprehensive Plan Glossary, Comprehensive Plan Maps and includes a new Volume V – Technical Appendices to the 2016 Update to the Comprehensive Plan.

Findings of Fact:

A. The Growth Management Act ("GMA"), in RCW 36.70A.130(5), requires the City of Spokane to take legislative action on or before June 30, 2017, to review and, if needed, revise its Comprehensive Plan and development regulations to ensure the Plan and regulations comply with the requirements of the Growth Management Act (the "2017 Update").

B. In anticipation of the 2017 Update, on February 4, 2013, pursuant to Resolution 2013-0011, the City Council adopted a Public Participation Plan, consistent with GMA's public participation requirements; that Plan was updated in 2014 and 2016.

C. In 2013, pursuant to the City's Public Participation Plan, the City began a robust, inclusive, and ongoing public participation and review process that included staff, agency, and citizen focus group review and amendment to six chapters of the plan; 21 Plan Commission workshops; six City Council Study sessions; numerous updates to the Community Assembly and neighborhood councils; ten public open houses; a virtual open house; a frequently updated web page; social media posts; newspaper notices and press releases; correspondence with the Washington State Department of Commerce and the Spokane Regional Transportation Council, and other outreach efforts to keep the update process transparent and accessible. The City's public engagement efforts in processing the 2017 Update have been consistent with, and in many cases, exceeded the identified engagement activities identified in the adopted Public Participation Plan.

D. Review and amendment items during the 2017 Update included GMA requirements to:

1) Amend the plan and codes to reflect changes to applicable state laws;
2) Utilize the most recent population projections from the Washington State Office of Financial Management (OFM) *Projections of the Resident Population for the Growth Management Medium Series, May 2012*; and, the new population allocation recommended by the *Planning Technical Advisory Committee – Population Forecast and Allocation, November 4, 2015* (as recommended by the Steering Committee of Elected Officials on November 10, 2015 to the Spokane County Commissioners, and as approved by the Spokane County Commissioners on August 3, 2016), to ensure that the Comprehensive Plan provides for the City's ability to accommodate its projected growth in population, housing, and employment;

- Urban Design and Historic Preservation
- Natural Environment
- Social Health
- Neighborhoods
- Parks, Recreation and Open Spaces
- Leadership, Governance, and Citizenship

H. Prior to the beginning of the Update process, the City determined that *Shorelines Chapter 14*, would not be reviewed and updated, as it had been recently adopted in 2011.

I. The 2017 Comprehensive Plan Update was guided by a variety of sources including analyses from the following documents and background reports: updated GMA statutory requirements; 2016 population allocations approved by Spokane County Commissioners; 2015 *Land Quantity Analysis Result and Methodology*; updated Capital Facilities Plans – Police, Fire, Schools, Parks, Water, etc.; updated codes and Critical Areas Ordinance - updated Wetlands Ordinance. All update sources and background documents are listed by reference in the Comprehensive Plan.

J. While work on the 2017 Update was underway, the City Council proposed amending the City's Land Use Plan Map to designate two potential new District Centers – one centered on the commercial areas in the vicinity of Division Street and Wellesley Avenue in the Nevada Heights neighborhood, and one in the vicinity of Ash and Francis in the Five Mile Neighborhood, as based upon the following factors:

- The mix of retail, service, and multifamily land uses in these areas;
- The existence of well-established transit service to these areas;
- The proximity of public facilities and amenities in these areas; and,
- The fact that both commercial centers already serve a customer base that goes well beyond the immediate neighborhood.

No changes to land use or zoning within these potential centers are proposed as part of the 2017 Comprehensive Plan Update, and will not be contemplated until such time as a subarea planning process can be completed in these areas. Notices were sent to property owners and tenants within 400 feet of these proposed centers on February 21, 2017, notifying them of the designation on the Comprehensive Plan Land Use map of these new, potential centers. Presentations were made to the Community Assembly and Neighborhood Councils of the affected neighborhoods; an e-mail was sent to the Comprehensive Plan Update Distribution List; a presentation was made to the Plan Commission; and consultation with the Spokane Regional Transportation Council and Department of Commerce Staff occurred.

K. As a result of neighborhood planning in the West Hills, staff proposed to amend the Land Use Plan Map by moving the Neighborhood Center located at the intersection of Fort George Wright Drive and North Government Way, to a location east along Fort George Wright Drives near Spokane Falls Community College, consistent with the recently adopted neighborhood plan for that area.

L. In 2013, and in addition to the 2017 Comprehensive Plan Update process, the City initiated an update to the Comprehensive Plan's Transportation Chapter through a separate, but concurrent process branded as LINK Spokane. The LINK update included a review of transportation and integrated infrastructure best practices; review and participation by staff and agencies in a technical advisory group, and a citizen

V. During deliberations the Plan Commission considered the 2017 Update using the criteria requirements set forth in SMC 17G.020, "Comprehensive Plan Amendment Procedures", to ensure that the updated Comprehensive Plan meets those requirements.

W. The Department of Commerce and Spokane Regional Transportation Council will review the Comprehensive Plan pursuant to the requirement of GMA which requires a 60-day comment period prior to adoption by City Council in April, following Plan Commission review and recommendation of the 2017 Comprehensive Plan Update, and prior to scheduling a hearing before Spokane City Council for review and adoption of the 2017 Comprehensive Plan Update, as may be amended.

Conclusions:

The City Plan Commission concludes that the 2017 Update, as modified by the Plan Commission during its public hearing, was developed through an open and public process, that the proposed amendments are consistent with the Growth Management Act and will protect and promote the health, safety and welfare of the general public.

With regard as to whether the 2017 Update, as modified, meets the approval criteria for text amendments to the Comprehensive Plan, the Plan Commission makes the following findings:

A. The 2017 Update **IS** consistent with the Growth Management Act, and is consistent with the existing Comprehensive Plan Policies.

B. The 2017 Update **IS** consistent with the Countywide Planning Policies for Spokane County.

C. The 2017 Update **WAS** developed through an open and public process, and the City satisfied all public notice and participation requirements.

D. The 2017 Update **WILL** protect and promote the health, safety and welfare of the citizens of Spokane and the general public.

E. The City **HAS** complied with State Environmental Policy Act requirements in the review and processing of the 2017 Update.

Recommendations:

By a vote of 8 to 0, the Plan Commission unanimously recommended to the City Council the approval of the proposed 2017 Update to the City of Spokane Comprehensive Plan, as modified by the Plan Commission.

These findings and conclusions were approved on April 26, 2017.

Dennis Dellwo
Spokane Plan Commission
March 22, 2017