

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

- D. The open forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City. No person shall be permitted to speak regarding items on the current or advance agendas, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.
- E. To encourage wider participation in open forum and a broad array of public comment and varied points of view, no person shall be permitted to speak at open forum more often than once per month. However, there is no limit on the number of items on which a member of the public may testify, such as legislative items, special consideration items, hearing items, and other items before the City Council and 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

- A. 5.4.1 The City Council shall take public testimony on all matters included on its legislative agenda, with those exceptions stated in Rule 5.4(B). Public testimony shall be limited to the final Council action. Public testimony shall be limited to three (3) minutes per speaker, unless, at his or her discretion, the Chair determines that, because of the number of speakers signed up to testify, less time will need to be allocated per speaker in order to accommodate all of the speakers. The Chair may allow additional time if the speaker is asked to respond to questions from the Council.
- B. No public testimony shall be taken on consent agenda items, amendments to legislative agenda items, or procedural, parliamentary, or administrative matters of the Council.
- C. For legislative or hearing items that may affect an identifiable individual, association, or group, the following procedure may be implemented:
 1. Following an assessment by the Chair of factors such as complexity of the issue(s), the apparent number of people indicating a desire to testify, representation by designated spokespersons, etc., the Chair shall, in the absence of objection by the majority of the Council present, impose the following procedural time limitations for taking public testimony regarding legislative matters:
 - a. There shall be up to fifteen (15) minutes for staff, board, or commission presentation of background information, if any.
 - b. The designated representative of the proponents of the issue shall speak first and may include within his or her presentation the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. Up to thirty (30) minutes shall be granted for the proponent's presentation. If there be more than one designated representative, they shall allocate the 30 minutes between or among themselves.

- c. Three minutes shall be granted for any other person not associated with the designated representative who wishes to speak on behalf of the proponent's position.
 - d. The designated representative, if any, of the opponents of the issue shall speak following the presentation of the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. The designated representative(s) of the opponents shall have the same time allotted as provided for the proponents.
 - e. Three minutes shall be granted for any other person not associated with the designated representative who wishes to speak on behalf of the opponents' position.
 - f. Up to ten minutes of rebuttal time shall be granted to the designated representative for each side, the proponents speaking first, the opponents speaking second.
- 2. In the event the party or parties representing one side of an issue has a designated representative and the other side does not, the Chair shall publicly ask the unrepresented side if they wish to designate one or more persons to utilize the time allotted for the designated representative. If no such designation is made, each person wishing to speak on behalf of the unrepresented side shall be granted three minutes to present his/her position, and no additional compensating time shall be allowed due to the fact that the side has no designated representative.
 - 3. In the event there appears to be more than two groups wishing to advocate their distinct positions on a specific issue, the Chair may grant the same procedural and time allowances to each group or groups, as stated previously.
- D. The time taken for staff or Council member questions and responses thereto shall be in addition to the time allotted for any individual or designated representative's testimony.

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, JANUARY 29, 2018

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 KATE BURKE

CITY COUNCIL CHAMBERS
CITY HALL

808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201

CITY COUNCIL BRIEFING SESSION

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

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

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

ADDRESSING THE COUNCIL

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

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

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

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6383, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or msteinolfson@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 Chambers Lower Level of City Hall)

(No Public Testimony Taken)

Council Reports

Staff Reports

Committee Reports

Advance Agenda Review

Current Agenda Review

ADMINISTRATIVE SESSION

Roll Call of Council

CONSENT AGENDA

REPORTS, CONTRACTS AND CLAIMS

RECOMMENDATION

- | | | |
|---|---------|------------------------------|
| 1. Value Blanket Purchase of Sodium Hydroxide 50% Membrane (Caustic Soda) for the Waste to Energy Facility from February 1, 2018 through January 31, 2021—\$40,250 per year (excl. tax).
David Paine | Approve | OPR 2018-0038
RFB 4418-17 |
| 2. Value Blanket Renewal for purchase of Grizzly Feed Belt from Applied Industrial Technologies (Spokane, WA) for the Waste to Energy Facility—\$50,375.50 (excl. tax). (Second of four one-year renewal options).
David Paine | Approve | OPR 2015-0908
RFB 4168-15 |
| 3. Contract Renewal with Helfrich Brothers Boiler Works, Inc., (Lawrence, MA) for scheduled and unscheduled outages and related boilermaker services for the Waste to Energy Facility from April 1, 2018, through March 31, 2020—\$1,200,000.
David Paine | Approve | OPR 2017-0210
RFB 4309-17 |

- | | | |
|---|------------------------------------|---------------|
| 4. Report of the Mayor of pending: | Approve &
Authorize
Payments | CPR 2018-0002 |
| a. Claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2018, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____. | | |
| b. Payroll claims of previously approved obligations through _____, 2018: \$_____. | | |
| 5. City Council Meeting Minutes: _____, 2018. | Approve
All | CPR 2018-0013 |

EXECUTIVE SESSION

(Closed Session of Council)

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

CITY COUNCIL SESSION

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

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

LEGISLATIVE SESSION

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

WORDS OF INSPIRATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

ANNOUNCEMENTS

(Announcements regarding Changes to the City Council Agenda)

BOARDS AND COMMISSIONS APPOINTMENTS

(Includes Announcements of Boards and Commissions Vacancies)

APPOINTMENTS**RECOMMENDATION****Spokane Park Board: Two Appointments and One Re-Appointment.****Confirm****CPR 1981-0402****Spokane Human Rights Commission: One Appointment.****Confirm****CPR 1991-0068****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)

OPEN FORUM

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

Note: No person shall be permitted to speak at Open Forum more often than once per month (Council Rule 2.2.E).

LEGISLATIVE AGENDA**NO SPECIAL BUDGET ORDINANCES****NO EMERGENCY ORDINANCES****RESOLUTIONS & FINAL READING ORDINANCES**(Require Four Affirmative, Recorded Roll Call Votes)

- RES 2018-0007** Adopting City of Spokane Transition Plan under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, 2014-2019.
Chris Cavanaugh
- RES 2018-0008** Providing for establishing an interfund loan for the purpose of the retirement and refinance of debt previously guaranteed by the Spokane Park Board in connection with construction financing for the Southside Senior Activity Center.
Gavin Cooley

- ORD C35579 (To be considered under Hearings Item H1.b.)
- ORD C35575 (To be considered under Hearings Item H2.)
- ORD C35576 (To be considered under Hearings Item H3.)
- ORD C35577 (To be considered under Hearings Item H4.)
- ORD C35578 Relating to Urban Utility Installation Program; amending sections SMC 08.10.230 of the Spokane Municipal Code.
Council President Stuckart

NO FIRST READING ORDINANCES

NO SPECIAL CONSIDERATIONS

HEARINGS

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

RECOMMENDATION

- | | | | |
|-----|--|-------------------------------------|------------|
| H4. | a. Vacation of the West 3 feet of Conklin Street South of 8th Avenue, as requested by Stacy Bjordahl. | Approve
Subject to
Conditions | |
| | b. First Reading Ordinance C35579 vacating the West 3 feet of Conklin Street South of 8th Avenue.
Eldon Brown | Further
Action
Deferred | ORD C35579 |
| H1. | Final Reading Ordinance C35575 to relating to cottage housing, pocket residential development, and compact lot standards, amending Spokane Municipal Code (SMC) sections 17A.020.010, 17A.020.030, 17A.020.040, 17A.020.130, 17A.020.190, 17C.110.030, 17C.110.115, 17C.110.200, 17C.110.350, 17C.110.360, 17C.230.130, 17G.080.065; adopting a new section 17C.110.209 to chapter 17C.110 SMC; and repealing SMC section 17C.110T.002.
Nathan Gwinn | Pass upon
Roll Call
Vote | ORD C35575 |
| H2. | Final Reading Ordinance C35576 relating to sign standards amending SMC 17C.340.110, 17C.370.030, 17A.020.010, 17A.020.020, 17A.020.030, 17A.020.040, 17A.020.050, 17A.020.060, 17A.020.090, 17A.020.130, 17A.020.140, 17A.020.160, 17A.020.190 to title 17C of the Spokane Municipal Code and setting and effective date.
Lisa Key | Pass upon
Roll Call
Vote | ORD C35576 |

- H3. Final Reading Ordinance C35577 relating to sign standards amending SMC 17C.240.010, 17C.240.060, 17C.240.070, 17C.240.090, 17C.240.120, 17C.240.130, 17C.240.140, 17C.240.150, 17C.240.180, 17C.240.220, 17C.240.230, 17C.240.240, 17C.240.250, 17C.240.260, 17C.240.270, 17C.240.280; adopting new sections 17C.240.015, 17C.240.025, 17C.240.241, 17C.240.242, 17C.240.243, 17C.240.244, 17C.240.245, 17C.240.246, 17C.240.247, 17C.240.310 to chapter 17C.240; repealing SMC 17C.240.020, 17C.240.080, 17C.240.100, 17C.240.160, 17C.240.190, 17C.240.200, 17C.240.290, and 17C.240.300 to title 17C of the Spokane Municipal Code and setting and effective date.

Pass Upon
Roll Call
Vote

ORD C35577

Lisa Key

Motion to Approve Advance Agenda for January 29, 2018
(per Council Rule 2.1.2)

OPEN FORUM (CONTINUED)

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

Note: No person shall be permitted to speak at Open Forum more often than once per month (Council Rule 2.2.E.).

ADJOURNMENT

The January 29, 2018, Regular Legislative Session of the City Council is adjourned to February 5, 2018.

NOTES

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

01/29/2018

Date Rec'd

1/17/2018

Clerk's File #

OPR 2018-0038

Renews #Submitting Dept

SOLID WASTE DISPOSAL

Cross Ref #Contact Name/Phone

DAVID PAINE 625-6878

Project #Contact E-Mail

DPAINE@SPOKANECITY.ORG

Bid #

RFB #4418-17

Agenda Item Type

Purchase w/o Contract

Requisition #

VALUE BLANKET

Agenda Item Name

4490 - VALUE BLANKET PURCHASE OF SODIUM HYDROXIDE 50% MEMBRANE FOR THE WTE

Agenda Wording

Value blanket purchase of Sodium Hydroxide 50% Membrane (Caustic Soda) for the waste to energy. February 1, 2018, through January 31, 2021, for a cost of \$40,250.00 per year excluding taxes.

Summary (Background)

50% Sodium Hydroxide Solution, Membrane Grade, is required for boiler feedwater treatment at the WTE. The City issued Request for Bids #4418-17 for transportation and delivery of this material. Four responses were received. Northstar Chemical was the lowest cost bidder.

Fiscal Impact

Grant related? NO

Budget Account

Public Works? NO

Expense \$ 40,250.00

4490-44100-37148-53203

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil NotificationsDept Head

CONKLIN, CHUCK

Study Session

PIES 1/22/18

Division Director

SIMMONS, SCOTT M.

OtherFinance

CLINE, ANGELA

Distribution ListLegal

SCHOEDEL, ELIZABETH

ttauscher@spokanecity.org

For the Mayor

DUNIVANT, TIMOTHY

jsalstrom@spokanecity.org

Additional Approvals

tprince@spokanecity.org

Purchasing

PRINCE, THEA

mdoval@spokanecity.org

mdorgan@spokanecity.org

Briefing Paper

Public Infrastructure, Environment and Sustainability Committee

Division & Department:	Public Works Division; Solid Waste Disposal
Subject:	Value Blanket Purchase of Sodium Hydroxide 50% Membrane (Caustic Soda) for the WTE
Date:	January 22, 2018
Contact (email & phone):	David Paine, dpaine@spokanecity.org , 625-6878
City Council Sponsor:	
Executive Sponsor:	
Committee(s) Impacted:	Public Infrastructure, Environment and Sustainability Committee
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	
Strategic Initiative:	
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	
Background/History:	
<p>50% Sodium Hydroxide Solution, Membrane Grade, is required for boiler feedwater treatment at the WTE. The City issued Request for Bids #4418-17 for transportation and delivery of this material. Four responses were received. Northstar Chemical was the lowest cost bidder.</p>	
Executive Summary:	
<ul style="list-style-type: none"> Provide delivery of Sodium Hydroxide 50% Membrane (Caustic Soda) for use in the WTE Each delivery to be approximately 13,000 lbs. Delivery frequency is approximately every 27 days. Cost is \$575.00 per ton, for a total cost of \$40,250.00 per year, excluding taxes. Term February 1, 2018, through January 31, 2021, with the option to extend for 2 additional 1-year terms. 	
Budget Impact:	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Annual/Reoccurring expenditure <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If new, specify funding source: Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impact:	
Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Requires change in current operations/policy? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Specify changes required: Known challenges/barriers:	

BID #4418-17 SODIUM HYDROXIDE 50% MEMBRANE (CAUSTIC SODA)			BHS SPECIALTY CHEMICAL PRODUCTS 1717 E Fargo Avenue Nampa ID 83687 steve@bhsmarketing.com Steve Rudd (208) 466-8437		OXARC INC. 4003 E Broadway Ave Spokane WA 99202 swolf@oxarc.com Shay Wolf (360) 975-1069	
ITEM	QTY	DESCRIPTION	UNIT PRICE/ton	TOTAL	UNIT PRICE	TOTAL
1	70	Sodium Hydroxide 50% Liquid Caustic Soda - Membrane Grade	\$ 838.00	\$ 58,660.00	\$ 578.00	\$ 40,460.00
SUB TOTAL				\$ 58,660.00		\$ 40,460.00
SALES TAX - 8.8%				\$ 5,162.08		\$ 3,560.48
GRAND TOTAL				\$ 63,822.08		\$ 44,020.48

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

01/29/2018

<u>Date Rec'd</u>	1/17/2018
<u>Clerk's File #</u>	OPR 2015-0908
<u>Renews #</u>	

Submitting Dept	SOLID WASTE DISPOSAL	Cross Ref #	
Contact Name/Phone	DAVID PAINE 625-6878	Project #	
Contact E-Mail	DPAINE@SPOKANECITY.ORG	Bid #	RFB #4168-15
Agenda Item Type	Purchase w/o Contract	Requisition #	RE 18869
Agenda Item Name	4490 - RENEWAL OF VALUE BLANKET PURCHASE OF GRIZZLY FEED BELT FOR		

Agenda Wording

Renewal of value blanket for purchase of Grizzly Feed Belt for the waste to energy facility. \$50,375.50 excluding taxes.

Summary (Background)

The waste to energy ash handling system utilizes a conveyor belt that is 72 inches wide by 370 feet long. If this belt fails, the ash system must be shut down, resulting in the waste to energy being shut down. To minimize the downtime, the City issued a request for bids to be able to purchase a replacement belt while the current belt is still in place.

<u>Fiscal Impact</u>	Grant related? NO	<u>Budget Account</u>
	Public Works? NO	

Expense	\$ 50,375.50	# 4490-44100-37148-54850
Select	\$	#
Select	\$	#
Select	\$	#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	CONKLIN, CHUCK	<u>Study Session</u>	PIES 1/22/18
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u>	
<u>Finance</u>	CLINE, ANGELA	Distribution List	
<u>Legal</u>	SCHOEDEL, ELIZABETH	ttauscher@spokanecity.org	
<u>For the Mayor</u>	DUNIVANT, TIMOTHY	jsalstrom@spokanecity.org	
<u>Additional Approvals</u>		tprince@spokanecity.org	
<u>Purchasing</u>	PRINCE, THEA	mdoval@spokanecity.org	
		mdorgan@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

There was only one response received to Request for Bids #4168-15. The bidder, Applied Industrial Technologies, provided the belt that is currently in use, and had previously provided belts to the WTE. Applied Industrial Technologies also has local facilities to be able to store the belt until it needs to be installed. The bid called for 4 one-year renewals. This is the 2nd of those renewals. The current estimated delivery time is 18-22 weeks. Purchasing this belt and having it on site at a local facility will help minimize down time. This is for purchase of the belt only. Installation will be provided under a separate contract.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

Briefing Paper

Public Infrastructure, Environment and Sustainability Committee

Division & Department:	Public Works Division, Solid Waste Disposal
Subject:	Renewal of Value Blanket for Purchase of Grizzly Feed Belt for the WTE
Date:	January 22, 2018
Contact (email & phone):	David Paine, dpaine@spokanecity.org , 625-6878
City Council Sponsor:	
Executive Sponsor:	
Committee(s) Impacted:	Public Infrastructure, Environment and Sustainability Committee
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	
Strategic Initiative:	
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	
Background/History: <p>The waste to energy ash handling system utilizes a conveyor belt that is 72 inches wide by 370 feet long. If this belt fails, the ash system must be shut down, resulting in the waste to energy being shut down. To minimize the downtime, the City issued a request for bids to be able to purchase a replacement belt while the current belt is still in place.</p> <p>There was only one response received to Request for Bids #4168-15. The bidder, Applied Industrial Technologies, provided the belt that is currently in use, and had previously provided belts to the WTE. Applied Industrial Technologies also has local facilities to be able to store the belt until it needs to be installed. The bid called for 4 one-year renewals. This is the 2nd of those renewals.</p> <p>Cost of the belt is \$50,375.50 excluding taxes.</p>	
Executive Summary: <ul style="list-style-type: none"> This Grizzly Feed Belt is a required component of the ash handling system at the WTE If this belt fails, the ash handling system, and subsequently the WTE, must be shut down until it is repaired or replaced. Current estimated time to delivery after order is 18-22 weeks Purchasing this belt and having it on site at a local facility minimizes the downtime. This is for equipment purchase only. Installation will be provided under a separate contract. 	
Budget Impact: Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Annual/Reoccurring expenditure? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If new, specify funding source: Other budget impacts: (revenue generating, match requirements, etc.)	

Operations Impact:

Consistent with current operations/policy?

☒

Yes

☐

No

☐

N/A

Requires change in current operations/policy?

☐

Yes

☒

No

☐

N/A

Specify changes required:

Known challenges/barriers:

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

01/29/2018

<u>Date Rec'd</u>	1/17/2018
<u>Clerk's File #</u>	OPR 2017-0210
<u>Renews #</u>	

Submitting Dept	SOLID WASTE DISPOSAL	Cross Ref #	
Contact Name/Phone	DAVID PAINE 625-6878	Project #	
Contact E-Mail	DPAINE@SPOKANECITY.ORG	Bid #	RFB#4309-17
Agenda Item Type	Contract Item	Requisition #	CR 18885
Agenda Item Name	4490 - CONTRACT FOR BOILERMAKER SERVICES FOR THE WTE		

Agenda Wording

Contract Renewal with Helfrich Brothers Boiler Works, Inc., of Lawrence, MA, for scheduled and unscheduled outages and related boilermaker services for the WTE. April 1, 2018, through March 31, 2020.

Summary (Background)

Each year two outages on each boiler are performed. Based on the historical quality and quantity of boiler work experienced in the 25 plus years the WTE has been in operation a detailed request for bids (RFB) was issued in 2017 for boilermaker services. This competitive bid process required that boiler makers have the skills and technical expertise to perform all work described in the RFB.

<u>Fiscal Impact</u>	Grant related? NO	<u>Budget Account</u>
	Public Works? YES	
Expense \$ 1,200,000.00		# 4490-44100-37148-54201
Select \$		#
Select \$		#
Select \$		#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	CONKLIN, CHUCK	<u>Study Session</u> PIES 1/22/18
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u>
<u>Finance</u>	CLINE, ANGELA	Distribution List
<u>Legal</u>	SCHOEDEL, ELIZABETH	ttauscher@spokanecity.org
<u>For the Mayor</u>	DUNIVANT, TIMOTHY	jsalstrom@spokanecity.org
<u>Additional Approvals</u>		tprince@spokanecity.org
<u>Purchasing</u>	PRINCE, THEA	mdoval@spokanecity.org
		mdorgan@spokanecity.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Contract cost is \$600,000.00 per year, totaling \$1,200,000.00 for the life of the contract, plus a 10% administrative reserve for a total contract of \$1,320,000.00 plus taxes of \$116,160.00 for a total of \$1436,160.00 for the 2-year term of the contract.

Summary (Background)

Three responses were received to RFB#4309-17. All 3 companies were determined to be responsible bidders. Helfrich Brothers Boiler Works, Inc., was the lowest cost bidder. The RFB specified a one year contract with one 2-year extension. This is the extension specified in the RFB. This is a time and materials contract with all labor being subject to WA State Prevailing Wage regulations.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

Briefing Paper

Public Infrastructure, Environment and Sustainability Committee

Division & Department:	Public Works Division; Solid Waste Disposal
Subject:	Extension of Contract for Boilermaker Services at the WTE
Date:	
Contact (email & phone):	David Paine, dpaine@spokanecity.org , 625-6878
City Council Sponsor:	
Executive Sponsor:	
Committee(s) Impacted:	Public Infrastructure, Environment and Sustainability Committee
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	
Strategic Initiative:	
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	
Background/History: Each year two outages on each boiler are performed. Based on the historical quality and quantity of boiler work experienced in the 25 plus years the WTE has been in operation a detailed request for bids (RFB) was issued for boilermaker services. This competitive bid process required that boiler makers have the skills and technical expertise to perform all work described in the RFB. During 2017, an RFB was issued and three responses were received. All 3 companies were determined to be responsible bidders. Helfrich Brothers Boiler Works, Inc., was the lowest cost bidder	
Executive Summary: <ul style="list-style-type: none"> This is Extension #1 of 1 as specified in the RFB. Extension term is April 1, 2018, to March 31, 2019. This is a time and materials contract with all labor being subject to WA State Prevailing Wage regulations The WTE has four scheduled outages per year (2 outages for each of 2 boilers) with an anticipated duration of 7 to 12 days each, with two 12-hour shifts per day. In addition to scheduled outages, there may be emergency boiler outages of up to 10 events with 3 to 5 days per event For unscheduled outage events, Contractor must mobilize workers within 12 hours of a call for service Apprentices will be utilized as outlined in SMC 07.06. 	
Budget Impact: Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Annual/Reoccurring expenditure? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If new, specify funding source:	

Other budget impacts: (revenue generating, match requirements, etc.)

Operations Impact:

Consistent with current operations/policy?

☒

Yes

☐

No

☐

N/A

Requires change in current operations/policy?

☐

Yes

☒

No

☐

N/A

Specify changes required:

Known challenges/barriers:



City of Spokane

CONTRACT RENEWAL

**Title: BOILERMAKER SERVICES FOR WASTE
TO ENERGY FACILITY (WTE)**

This Contract Renewal is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **HELFRICH BROTHERS BOILER WORKS, INC.**, whose address is 39 Merrimack Street, Lawrence, MA 01843 as ("Contractor"). Individually hereafter referenced as a "party", and together as the "parties".

*WHEREAS, the parties entered into a Contract wherein the Contractor agreed to perform **BOILERMAKER SERVICES FOR SCHEDULED OUTAGES AND EMERGENCY OUTAGES AT THE CITY'S WASTE TO ENERGY FACILITY (WTE)**; and*

WHEREAS, the original Contract needs to be formally renewed by this written Contract Renewal document; and

-- NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:

1. CONTRACT DOCUMENTS.

The original Contract, dated June 5, 2017, any previous amendments, renewals and / or extensions / thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE TERM.

This Contract Renewal shall become effective on April 1, 2018 and shall run through March 31, 2020.

3. COMPENSATION.

The City shall pay an estimated maximum annual cost not to exceed **SIX HUNDRED THOUSAND AND 00/100 (\$600,000.00)**, per year, for everything furnished and done under this Contract Renewal. This is the maximum annual amount to be paid under this Renewal, and shall not be exceeded without the prior written authorization of the City, memorialized with the same formality as the original Contract and this Renewal document.

4. DEBARMENT AND SUSPENSION.

The Contractor has provided its certification that it is in compliance with and shall not contract with individuals or organizations which are debarred, suspended, or otherwise excluded from or

ineligible from participation in Federal Assistance Programs under Executive Order 12549 and “Debarment and Suspension”, codified at 29 CFR part 98.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract Renewal by having legally-binding representatives affix their signatures below.

HELFRICH BROTHERS BOILER WORKS, INC. CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Agreement:

Contract Renewal - Scope of Work document
Certificate of Debarment

18-010

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION**

1. The undersigned (i.e., signatory for the Subrecipient / Contractor / Consultant) certifies, to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - b. Have not within a three-year period preceding this contract been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
 - c. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and,
 - d. Have not within a three-year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.
2. The undersigned agrees by signing this contract that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
3. The undersigned further agrees by signing this contract that it will include the following clause, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

1. The lower tier contractor certified, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
2. Where the lower tier contractor is unable to certify to any of the statements in this contract, such contractor shall attach an explanation to this contract.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded, as used in this exhibit, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. The undersigned may contact the City for assistance in obtaining a copy of these regulations.
5. I understand that a false statement of this certification may be grounds for termination of the contract.

<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Name of Subrecipient / Contractor / Consultant (Type or Print)	<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Program Title (Type or Print)
<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Name of Certifying Official (Type or Print)	<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Signature
<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Title of Certifying Official (Type or Print)	<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Date (Type or Print)

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

01/29/2018

Date Rec'd

1/9/2018

Clerk's File #

CPR 1981-0402

Renews #Submitting Dept

MAYOR

Cross Ref #Contact Name/Phone

BRANDY COTE 6256774

Project #Contact E-Mail

BCOTE@SPOKANECITY.ORG

Bid #Agenda Item TypeBoards and Commissions
AppointmentsRequisition #Agenda Item Name

0520 APPOINTMENTS TO THE SPOKANE PARK BOARD

Agenda Wording

Appointment of two new members to the Spokane Park Board. Jamie SiJohn for a term of February 6, 2018 - February 7, 2023, and Gerry Sperling to fill a vacated term from February 6, 2018 - February 5, 2019.

Summary (Background)

Appointment of two new members to the Spokane Park Board. Jamie SiJohn for a term of February 6, 2018 - February 7, 2023, and Gerry Sperling to fill a vacated term from February 6, 2018 - February 5, 2019.

Fiscal Impact

Grant related? NO

Budget Account

Public Works? NO

Select \$

#

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil NotificationsDept Head

COTE, BRANDY

Study SessionDivision DirectorOtherFinanceDistribution ListLegal

bcote@spokanecity.org

For the Mayor

DUNIVANT, TIMOTHY

pclarke@spokanecity.org

Additional Approvals

leadie@spokanecity.org

Purchasing

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

01/29/2018

Date Rec'd

1/9/2018

Clerk's File #

CPR 1981-0402

Renews #Submitting Dept

MAYOR

Cross Ref #Contact Name/Phone

BRANDY COTE 6256774

Project #Contact E-Mail

BCOTE@SPOKANECITY.ORG

Bid #Agenda Item TypeBoards and Commissions
AppointmentsRequisition #Agenda Item Name

0520 RE-APPOINTMENT TO THE SPOKANE PARK BOARD

Agenda Wording

Re-appointment of Greta Gilman to the Spokane Park Board, to serve a term of February 6, 2018 - February 7, 2023.

Summary (Background)

Re-appointment of Greta Gilman to the Spokane Park Board, to serve a term of February 6, 2018 - February 7, 2023.

Fiscal Impact

Grant related? NO

Budget Account

Public Works? NO

Select \$

#

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil NotificationsDept Head

COTE, BRANDY

Study SessionDivision DirectorOtherFinanceDistribution ListLegal

bcote@spokanecity.org

For the Mayor

DUNIVANT, TIMOTHY

pclarke@spokanecity.org

Additional Approvals

leadie@spokanecity.org

Purchasing

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

01/29/2018

Date Rec'd

1/9/2018

Clerk's File #

CPR 1991-0068

Renews #Submitting Dept

MAYOR

Cross Ref #Contact Name/Phone

BRANDY COTE 6256774

Project #Contact E-Mail

BCOTE@SPOKANECITY.ORG

Bid #Agenda Item TypeBoards and Commissions
AppointmentsRequisition #Agenda Item Name

0520 RE-APPOINTMENT TO THE SPOKANE HUMAN RIGHTS COMMISSION

Agenda Wording

Re-appointment of Ronald Toston to serve a second, three year term on the Spokane Human Rights Commission. The second term dates are from February 23, 2018 - 2021.

Summary (Background)

Re-appointment of Ronald Toston to serve a second, three year term on the Spokane Human Rights Commission. The second term dates are from February 23, 2018 - 2021.

Fiscal Impact

Grant related? NO

Budget Account

Public Works? NO

Select \$

#

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil NotificationsDept Head

COTE, BRANDY

Study SessionDivision DirectorOtherFinanceDistribution ListLegal

bcote@spokanecity.org

For the Mayor

DUNIVANT, TIMOTHY

areynolds@spokanecity.org

Additional Approvals

aayars@spokanecity.org

Purchasing

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

01/29/2018

Date Rec'd

1/11/2018

Clerk's File #

RES 2018-0007

Renews #Submitting Dept

HUMAN RESOURCES

Cross Ref #Contact Name/PhoneCHRIS CAVANAUGH 625-6383
625-6383Project #Contact E-Mail

CCAVANAUGH@SPOKANECITY.ORG

Bid #Agenda Item Type

Resolutions

Requisition #Agenda Item Name

0620 CITY OF SPOKANE TRANSITION PLAN

Agenda Wording

CITY OF SPOKANE TRANSITION PLAN UNDER THE AMERICANS WITH DISABILITIES ACT AND SECTION 504 OF THE REHABILITATION ACT OF 1973 2014-2019

Summary (Background)

This Update will be used to help guide future planning and implementation of necessary accessibility improvements. The City will update the plan every five years and public comments will be accepted on this Update through December 2015.

Fiscal Impact

Grant related? NO

Budget Account

Public Works? NO

Select \$

#

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil NotificationsDept Head

CAVANAUGH, CHRISTINE

Study SessionDivision Director

CAVANAUGH, CHRISTINE

Other

12/18/17 Finance/Admin

Finance

HUGHES, MICHELLE

Distribution ListLegal

DALTON, PAT

For the Mayor

DUNIVANT, TIMOTHY

Additional ApprovalsPurchasingCITY COUNCIL

MCDANIEL, ADAM

RESOLUTION NO. 2018-0007

A Resolution adopting the City of Spokane Transition Plan under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, 2014-2019.

WHEREAS, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 require the City to develop and adopt a Transition Plan every five years, and

WHEREAS, this Self-Evaluation Update and Transition Plan Update establishes the City's ongoing commitment to provision of equal access to all of its public programs, services, and activities for citizens with disabilities, and

WHEREAS, a team of City employees, headed by the City's Human Resources Director, conducted an internal assessment of the accessibility of City facilities, programs, services and activities, including parks and roads, and

WHEREAS, key stakeholder groups and the general public were invited to review and provide input on the Plan,

NOW, THEREFORE,

The CITY COUNCIL of the CITY OF SPOKANE resolves that the attached City of Spokane Transition Plan is hereby adopted as the City's Plan as required by the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

Adopted by the City Council this _____ day of January 2018.

City Clerk

Approved as to form:

Assistant City Attorney

**CITY OF SPOKANE TRANSITION PLAN
UNDER THE AMERICANS WITH DISABILITIES ACT
AND
SECTION 504 OF THE REHABILITATION ACT OF 1973
2014 -2019**

CHRISTINE CAVANAUGH, HUMAN RESOURCES DIRECTOR

Gita S. George-Hatcher, HR Analyst, ADA/Section 504

Designee – 2012-2014

**Meghann Steinolfson, Labor Relations Manager, ADA/Section
504 Designee – 2015 - 2019**

Committee Members Between 2012 and 2014:

Kay Bisaro, Clerk II, Business and Developer Services

Lloyd Brewer, Environmental Programs Manager

Captain Judi Carl, Spokane Police Department

Brian Coddington, Director of Communications

Dan Daling, Human Resources Analyst

John Delay, Director, Channel 5

Jennifer De Ruwe, Senior Police Officer

Jan Doherty, Public Fire Education Officer

Joan Hamilton, Computer Operations Manager

Erin Jacobson, Chief Labor Assistant City Attorney

Lisa Jones, Fire Marshal

Louis Meuler, Principal Planner

Katherine Miller, Principal Engineer

Art Nichols, Fire Facilities and Logistics Officer

Gerald Okihara, Senior Traffic Engineer

Lieutenant Rex Olson, Spokane Police Department

Richard Proszek, Associate Engineer

Darren Stageberg, Safety Coordinator

Kyle Twohig, Engineering Operations Manager

Albert Vorderbrueggen, Director, Recreation

Michael Werner, Director Asset Management

CHRISTINE CAVANAUGH, HUMAN RESOURCES DIRECTOR

Committee Members Between 2016 -2019

Meghann Steinolfson, Labor Relations Manager

Brian Coddington, Director of Communications

Jennifer Saxon, Human Resources Analyst

Lisa Richards, Human Resources Analyst

John Delay, Director, Channel 5

Brian Schaeffer, Fire Chief

Michael Sloon, IT Director

Mike Piccolo, Assistant City Attorney

Mike Miller, Division Chief/Fire Marshall

Katherine Miller, Principal Engineer

David Stockdill, Division Chief/Logistics

Gerald Okihara, Senior Traffic Engineer

Richard Proszek, Senior Engineer

Matthew Lowmaster, Safety Coordinator

Kyle Twohig, Engineering Operations Manager

Albert Vorderbrueggen, Director, Recreation

Ed Lucas, Director Asset Management

|

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INTRODUCTION AND BACKGROUND

The Americans with Disabilities Act Self Evaluation Update and Transition Plan Update establishes the City of Spokane's ongoing commitment to provision of equal access to all of its public programs, services and activities for citizens with disabilities. In order to develop this plan, the City of Spokane completed a comprehensive evaluation of its facilities and programs to determine what barriers might exist for individuals with disabilities. Ms. Christine Cavanaugh is the City's ADA/Section 504 Coordinator. **The Streets portion of the Plan was completed under the leadership of Mr. Kyle Twohig, Engineering Operations Manager and the input of Planning and Engineering staff**

This Update will be used to help guide future planning and implementation of necessary accessibility improvements. The City will update the plan every five years and public comments will be accepted on this Update through December 2015.

FEDERAL REQUIREMENTS

This document is being developed in accordance with federal requirements outlined in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and recent amendments.

Section 504 of the Rehabilitation Act of 1973

Often referred to as the civil rights act for people with disabilities, the Rehabilitation Act requires that all organizations receiving federal funding make their programs accessible and available to all people. It states: ***No otherwise qualified (disabled) individuals in the United States shall, solely by reason of (disability), be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.***

City departments or divisions that receive federal funding must identify a Section 504 Coordinator on its staff who will ensure that the program, service or activity receiving the funding meets the requirements of the law, and respond to any complaints from citizens or requests for information from a funding agency.

Americans with Disabilities Act (ADA) – Titles I and II

The U.S. Congress signed the ADA in 1990, and it went into effect in 1992. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in access to jobs, public accommodations, government services and programs, public transportation and telecommunications.

Title I of the ADA prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training and other terms, conditions, and privileges of employment. The City of Spokane is an Equal Opportunity Employer (EEO) and adheres to the requirements of Title I. For more information on the City's policies against Discrimination and on Reasonable Accommodation, please visit the City's website at www.spokanecity.org The City's policies are located under the Services tab, under Documents and Forms and then under Policies and Procedures.

Title II of the ADA adopts the general prohibitions against discrimination contained in Section 504 of the Rehabilitation Act of 1973, but applies to all state and local governments whether or not they receive federal funding. It prohibits the City from denying persons with disabilities the equal opportunity to participate in its services, programs or activities, either directly or indirectly through contractual agreements.

The administrative requirements contained in Title II that apply to the City of Spokane are:

- Designation of an ADA Coordinator for overseeing Title II compliance.
- Development of an ADA grievance/complaint procedure.
- Completion of a self evaluation of facilities, programs and services; and
- Development of a transition plan if the self evaluation identifies any accessibility deficiencies.

ADA COORDINATOR

The Office of the Mayor has designated the Human Resources Director or designee as the ADA/Section 504 Coordinator. The Coordinator is:

Meghann Steinolfson
City of Spokane

808 W. Spokane Falls Boulevard

Spokane, WA. 99201

Email: msteinolfson@spokanecity.org

Phone: (509) 625-6903, or 7-1-1 (WA Relay); FAX: (509) 625-6379

REQUESTING ACCOMMODATIONS IN ALTERNATE FORMATS

Instructions about how to request accommodations (e.g. interpreters, barrier removal, etc.) or documents/materials in alternate formats may be included in a letter, email, newsletter, public announcement, or website used to announce, invite or promote the City's program, service or activity. **If the information is not provided in the avenues listed above, please contact the City's ADA Coordinator to make your request (see contact information provided above).**

Request for **accommodation** at a City meeting or event must be provided no later than 48 hours before the scheduled event and should include:

- The requestor's name, address, email and telephone numbers (if any)
- A description of the program, service or activity
- The location of the program, service or activity
- Reason for the accommodation

Requests for materials in **alternate formats** should include:

- The requestor's name, address, email and telephone numbers (if any)
- The name or description of the City document or materials to be reformatted
- What type of format is desired (e.g. Braille, audio recording, computer disk, etc.)
- Reason for the need for alternative formatting

The City's ADA Coordinator and/or the responsible City department will attempt to respond to the request in advance of a scheduled meeting or event. If no response is received or the response does not satisfactorily resolve the issue, the requestor may file a formal complaint with the City. All requests for accommodations and alternate formats will be kept on file for at least three years.

The City of Spokane has a formal complaint procedure which is outlined in the City's policy titled – Americans with Disabilities Act/Section 504 of the Rehabilitation Act of 1973 (ADMIN 0620-13-64). The policy is posted on the City of Spokane's website under Services and then under Documents and Forms.

ADA SELF EVALUATION AND TRANSITION PLAN PROCESS

The Self Evaluation is the City's internal assessment of the accessibility of its facilities, programs, services and activities. It included site assessment surveys of all City of Spokane public facilities and parks in which programs, services and activities are provided to the public, as well as roads owned by the City of Spokane. The assessment included a written survey of all City departments about the accessibility of their programs, services and activities.

According to the requirements of the ADA, a Transition Plan must include a list of necessary improvements to be made based on the results of the Self Evaluation, including estimated time frames.

The City should attempt to update the Transition Plan once every **five** years to reflect completed accessibility projects or other changes.

PUBLIC OUTREACH

Key stakeholder groups and the general public are in the process of being invited to review and provide input on it through December 31, 2015. Comments may be directed to the ADA Coordinator (contact information on page 5).

ADA PROGRAM WEB PAGE

www.spokanecity.org/accessibility

IDENTIFIED STAKEHOLDER GROUPS

- Acces4All
- General Public
- City and County citizen advisory boards/commissions/committees
- Coalition of Responsible Disabled
- Disabled American Veterans
- Hearing Loss Association
- Lilac Services for the Blind

- Nexus (Hearing Loss Center)
- State of Washington Service for the Blind
- The ARC of Spokane
- The Lighthouse for the Blind

STATE AND LOCAL REQUIREMENTS

The State of Washington officially adopted the International Building Code (IBC) as its building code in 2004 (RCW19.27 and 70.92). The IBC includes provisions ensuring that public facilities are accessible to and usable by persons with disabilities.

The City utilizes the ADAAG (Americans with Disabilities Act Accessibility Guidelines) to ensure compliance with accessibility requirements for persons with disabilities for building projects. The City consistently elects to utilize PROWAG (Public Right of Way Accessibility Guidelines) which exceed the standards of the ADAAG, for Street projects.

RELATIONSHIP TO OTHER PLANS

This Transition Plan pertains only to City owned or administered facilities, programs, services and activities. Spokane County and other cities and towns are responsible for developing and implementing their own self evaluation and transition plans. The City of Spokane's Transition Plan is available on the website at: www.spokanecity.org/accessibility

FUNDING SOURCES

At this time, when a remodel or new construction is undertaken, and accessibility related work improvements are scheduled, the primary sources of funding for accessibility-related improvement projects on City buildings/facilities are bonds, levies and/or the General Fund. Utility funds and taxes may also be used. The City continues to remove barriers when new construction or remodeling takes place as well as at other times when possible and economically feasible.

UNDUE BURDEN

According to the ADA, the City does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, would be considered technically infeasible or would represent an undue financial and administrative burden. This determination can only be made by the ADA Coordinator in consultation with the

department head or designee and must be accompanied by a statement citing the reasons for reaching that conclusion.

The determination that an undue financial and/or administrative burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

PROGRAMS, SERVICES AND ACTIVITIES

SELF EVALUATION:

In the fall of 2013, the City of Spokane conducted a self evaluation survey of all its programs in order to ensure that people with disabilities have equal access to programs, services and activities. The following is a summary of the citywide improvements that are recommended in the transition plan.

PUBLIC MEETINGS/HEARINGS AND EVENTS

The City of Spokane continues to take steps to ensure that its public meetings, hearings and events are accessible to the public. The City has provided training in 2013 to all personnel responsible for setting public meetings/hearings to ensure that they are aware of the requirements of Section 504 and the ADA. In 2013, the City created a statement that is inserted in all public meeting notices, news releases, advertisements or mailed invitations sent out about a City sponsored meeting or event to ensure that contact information and directions are provided to individuals who wish to request accommodations for a public meeting/hearing.

The statement is as follows:

FOR MEETINGS TAKING PLACE IN CITY HALL

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Council Chambers and the Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., are both wheelchair accessible. The Council Briefing Center is equipped with an audio loop system for persons with hearing loss. The Council Chambers currently has an infrared system and headsets may be checked out by contacting the meeting organizer. Individuals requesting reasonable

accommodations or further information may call, write, or email Meghann Steinolfson at (509) 625-6903, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or msteinolfson@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Steinolfson at (509) 625-6903 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

OUTSIDE CITY HALL

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. Individuals requesting reasonable accommodations or further information may contact Meghann Steinolfson 48 hours before the meeting date at (509) 625-6903, 808 W. Spokane Falls Blvd., Spokane WA, 99201, or msteinolfson@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Steinolfson at (509) 625-6903 through the Washington Relay Service at 7-1-1.

In 2013, the City of Spokane updated the audio loop system as part of a remodel in the Council Briefing Room and will be undertaking a remodel of the City Council Chambers in 2014 at which time a new audio loop system will be installed in that location as well.

PRINTED MATERIALS

The City produces a variety of informational and promotional materials for public use, including maps, brochures, forms, newsletters, fact sheets, reports, plans, etc. Recommendations of this Transition Plan are:

- All departments must be able to provide documents and other printed material in alternate formats when such accommodation is requested. This includes Braille, audio recordings, enlarged print and computer disks at no charge to the individual making the request. Instructions about how to provide these alternate formats should be provided to all City employees.

WEBSITE (www.spokanecity.org)

In 2013 the City began a comprehensive re-design of its website and it is currently still in the construction phase. The new design will include a variety of accessibility related

improvements including text size and color, providing alternate text on photos and other graphics consistently and providing accessible PDF documents. Recommendations of this Transition Plan are:

- Ensure that the City has a web page for ADA/ Section 504 Accessibility.
- Post the City's ADA policy, notice and complaint procedure on the web page.
- Post the City's draft Transition Plan on the website.
- Ensure that complaint forms are available on the web page.
- Ensure ability for all citizens to provide feedback to the ADA Coordinator on the Transition Plan draft directly from the website.
- Ensure that all fillable electronic forms anywhere on the City's website are accessible by computer screen reading software for those with sight limitations.

CITY CABLE 5

City Cable 5 provides programming regarding City business including City Council Meetings and City projects of interest to the citizens. Real time captioning utilizes audio feed of meeting sent via phone line to captioners at a remote location. As a result there is an approximately 2-3 second delay by the time viewers see it at home.

Most captioning companies require a minimum of 2 hours. Lengthy meetings would pose some problems and could create some additional costs. Decoder equipment must also be installed on site in order to insert signal into line 21 of the TV video signal. This would require a one-time equipment purchase of approximately \$5,000, plus the ongoing annual costs of approximately \$36,050, additional costs of \$800 per year for 2 analog phone lines and captioning costs of \$175 – 350 per ½ hour for produced programs. This is too cost prohibitive to complete at this time.

The City posts its meetings and videos that are on City Cable 5 to You Tube and/or Vimeo and well as on www.spokanecity.org . The recommendations of this Transition Plan are:

- Continue posting meetings and videos on You Tube, Vimeo and on the City's website.
- Continue to research opportunities for captioning.
- Test automated captioning processes and implement where possible.

CONTRACTING/PURCHASING

The City of Spokane does not discriminate on the basis of disability when selecting contractors, consultants or vendors for City projects or services. Federal regulations require that any outside contractors receiving City funding, or receiving federal funding through the City, comply with the requirements and regulations of Title II of the ADA and Section 504 of the Rehabilitation Act.

Recommendations of the Transition Plan are:

- Include a statement in all Request for Proposals, contracts or other bid solicitation documents, or web pages explaining that businesses, organizations, or individuals contracting with the City of Spokane must comply with Title II of the ADA and Section 504 of the Rehabilitation Act of 1973.
- Require all City contractors, consultants or vendors to sign a statement attesting to their intent to comply with Title II of the ADA and Section 504 of the Rehabilitation Act of 1973. The statement can be added to existing contract documents or can be a separate form.

STAFF TRAINING

The City has provided training to organizers of public meetings on ADA and Section 504 requirements. The City has also continued to provide Respectful Workplace training to employees including information on disabilities, culture and etiquette and reasonable accommodation. The City has also sought out and sent City employees to ADA/Section 504 training provided by external agencies, for example Right of Way Training provided by the Washington State Department of Transportation. Engineering field staff also receive training on ADA compliant sidewalks and curb ramps every three years.

The City has implemented a working ADA/Section 504 Committee to provide insight and recommendations. The committee members have also received training on the requirements of the ADA and Section 504.

Recommendations of the Transition Plan are:

- Connect with local disability resources to provide training on disability groups and use of the 7-1-1 Washington third party Relay system.
- Provide training on responding to requests for material in alternate formats.
- Provide training to department heads and managers about the ADA and Section 504 and their legal requirements and how they differ from each other.

ADDITIONAL OVERALL RECOMMENDATIONS

- The City's Emergency Evacuation Procedures pertaining to Evacuation of Persons with Disabilities from City owned facilities needs to be reviewed and updated.
- City Facilities outside of City Hall should ensure that they have procedures in place for emergency evacuation of persons with disabilities.
- Departments who are contacted for public information to be provided in alternate formats should notify the ADA Coordinator if guidance or assistance is required.
- Emergency Response and other information broadcasted by the City of Spokane to the general public must be provided in an accessible format.
- Ensure adequate funds in division budgets to address accessibility needs.
- Ms. Gita George-Hatcher served as the Section 504/ADA Designee from 2012-2014 during the period of the self evaluation and as a result, the self evaluation and draft transition plan were originally completed containing contact information that was current at the time. The information in the Transition Plan only has been updated. Ensure future updating of the policy, forms and documents for personnel changes.

In addition to providing this information to all existing employees, and new hires, the City should provide all employees with annual reminders about the ADA requirements with links to instructional information.

CITY FACILITIES AND PARKS

SELF EVALUATION SURVEY:

The City of Spokane evaluated its facilities in which programs, services and activities are provided to the public, as well as its Parks. The following are the recommendations of this Transition Plan pertaining to physical accessibility:

City Clerk

Counters are higher than 38". If a remodel or construction occurs, these will be rectified. In the meantime, assistance will be provided to persons with disabilities on a case by case basis.

City Hall

Third Floor public entry is not accessible. However, the third floor is accessible via ground floor entry and elevator. A sign has been posted to indicate the location of accessible entrances.

East Central Community Center

1. Soap and paper dispensers to be lowered to no more than 40" from the floor.
2. Identify one already existing accessible desk by the front counter with an accessibility sticker sign.

Spokane Fire Department Facilities and Stations

1. Disabled Parking areas have been identified and repainted.
2. Need Accessibility symbol on door of accessible bathroom at Station 7.
3. Address trip hazard in front of east apparatus door at Station 15.

Fleet

New ADA accessible facility is currently under construction.

Parks

1. Qualchan Golf Course needs one additional disabled parking slot.
2. Esmeralda Golf Course needs one additional disabled parking slot.
3. Need signage on van accessible parking at Finch Arboretum and additional parking upon expansion of upper parking area.

4. Indian Canyon Golf Course needs 2 additional disabled parking slots.
5. Peaceful Valley Community Center parking needs to have signage and van accessibility.
6. Witter Pool needs one additional disabled parking slot.

Police

1. ADA/Section 504 Notice is required to be posted at all COP Shops for participants.

Prosecutor

1. Update parking information.
2. Place a bell at the entrance for persons to alert the reception area staff so that individual assistance may be provided as the current counter height is over the required limit. If remodeling occurs, this issue will be addressed at that time.

Public Defender

1. Update parking information.

Riverpark Water Reclamation Facility – No recommendations following self evaluation.

Sewer Maintenance – No recommendations following self evaluation.

Solid Waste Management and Waste to Energy Facility – No recommendations following self evaluation.

Water

Currently the building is not Section 504 or ADA compliant but if a remodel or new construction occurs, it will be brought into compliance. Alternate arrangements may be made upon request.

STREETS

SELF EVALUATION:

Summary: City's Streets, Curb Ramps and Walk Signals

The City has over 273 miles of arterial streets, 798 miles of local public streets and over 6,900 street intersections to maintain and upgrade. Of the total 1,071 miles of public streets, over 994 miles is paved. The City's Transportation Plan and six year capital program outlines and prioritizes the facilities planned to be constructed and/or upgraded for all travel modes including pedestrians and the accessible sidewalk network.

The City has implemented several operating policies and developed funding mechanisms and strategies to address the tremendous backlog of accessibility needs on the public street system. A summary of these policies includes:

- Ensuring that the Comprehensive Plan and specifically the Transportation Chapter and capital facility project lists include projects and policies that guide the City regarding meeting the requirements of the ADA.
- Amending the City's Transportation Design Standards as needed to address changes and clarifications on ADA design from the federal Access Board and to better incorporate pedestrian facilities where needed.
- Ensuring that all new City transportation capital projects that include pedestrian access meet current ADA design standards and guidelines
- Requiring that all new developments and site expansions or other qualifying improvements include ADA compliant facilities.
- Using various funding options when available, such as the Community Development City Sidewalk Program within designated lower income neighborhoods to repair existing or place missing pedestrian facilities such as curb ramps and sidewalks.
- Providing funding in all pavement management overlay projects (grind/inlay and overlay or more substantial rehabilitation) for building missing, or repairing existing ADA sidewalk ramps.
- Continuing to seek a funding program to complete the projects identified in the Capital Facilities Plan.

- Annual “lessons learned” meetings between City Design and Construction staff which includes extensive review of ADA issues and how to better plan for and incorporate pedestrian facilities.

System Inventory

The City in cooperation with the Spokane Regional Transportation Council (SRTC) continues to update and augment an inventory of sidewalks and curb ramps for all public streets within the City. SRTC maintains the sidewalk inventory that was completed in cooperation with Washington State University and the City of Spokane in 2008. The City of Spokane has additional GIS data on sidewalks and the presence or lack of curb ramps. Additional curb ramp inventory data will be collected as resources are available to further assist in prioritization of future capital projects.

The sidewalk, curb-ramp and pedestrian facility geographic information system inventory (GIS) was compiled from several sources to identify which streets have pedestrian facilities and complete ADA accessible facilities. This inventory is being used as the City continues transportation system planning and as the pedestrian plan is incorporated into the transportation needs and prioritization of capital projects lists. Additional detailed curb ramp metrics and data needs are being evaluated for future sidewalk and curb ramp data collection.

Sidewalk Inventory and Needs

Of the 1,071 total roadway miles of public streets within the City, approximately 981 miles of roadway are not within a street intersection and potentially could accommodate a sidewalk along one or both sides of the roadway depending on local site conditions.

Out of the 981 roadway miles that could potentially accommodate a sidewalk there are a total of 381 miles (over 38%) of public streets with no sidewalk. Over 55% of all City public streets have sidewalks on both sides of the street and over 6% have sidewalks on only one side of the street.

Approximately 52% of the arterial street system has sidewalks on both sides of the roadway, and another 19% has a sidewalk on only one side of the arterial. A priority will be to add pedestrian facilities to the 76.5 miles of arterial with no sidewalks.

While over 61% of the City’s total street network has a sidewalk on at least one side of the street, there is still a substantial need for additional pedestrian transportation system facilities. Arterial sidewalk projects are included in the City’s adopted Transportation Capital Facilities Plan. The cost to complete all the priority arterial sidewalk projects included in the City’s adopted Transportation Capital Facilities Plan is substantial and is estimated at over \$40 million.

Curb Ramp Inventory

The curb ramp inventory covers all streets and street intersections within the City. Over 6,928 intersections and approximately 27,700 corners are included in the inventories.

For each intersection, data was collected showing whether or not there were any existing curb ramps, and whether or not existing curb ramps met ADA standards, including slope, lip, ramp width, and landing area. The current curb ramp inventory cannot determine if the curb ramp meets full current ADA compliance as it does not include a few data elements needed to determine full compliance. This inventory will be updated as resources are available, but the current inventory does provide assistance in prioritizing projects. This inventory shows:

- Over 1,700 arterial and highway street intersections are missing at least one curb ramp.
- Over 4,000 local street intersections are missing at least one curb ramp

Public Involvement in Capital Project Planning and Curb Ramp Project Prioritization

Public involvement in the Transportation Chapter update is extensive with specific stakeholder groups participating in a Public Policy Group to ensure that all transportation system users are represented in the planning and project prioritization process. After the completion of the Transportation Chapter update, the chapter and capital facility priority project lists will be annually updated as needed.

Identified stakeholder groups that are participating in the Transportation Plan and Pedestrian Plan include:

- Access4AllCoalition of Responsible Disabled (C.O.R.D.)
- Disabled American Veterans
- Lilac Services for the Blind
- City and County citizen advisory boards/commissions/committees
- Hearing Loss Association
- Nexus (Hearing Loss Center)
- State of Washington Services for the Blind
- The ARC of Spokane
- The Lighthouse for the Blind
- General public

The Comprehensive Plan Transportation Chapter update within the Pedestrian Plan includes a map of priority pedestrian infrastructure areas. Updating the Pedestrian Plan over time will provide further detail related to sidewalk and curb ramp implementation.

The City's primary focus for larger capital projects is maintaining and upgrading the arterial network and improving intersections on arterial roadways without existing curb ramps. Transit routes and access to bus stops is included within the arterial curb ramp prioritization.

Subsequently, the following criteria are used to help determine which intersections are completed first:

- Transportation network within the Downtown and Comprehensive Plan identified Centers and Corridors
- Streets with public transit service
- Streets with higher traffic volumes and the arterial system
- Streets with pedestrian attractors like schools, parks and shopping
- Proximity to medical facilities
- Proximity to government facilities
- Locations that improve system connectivity or fill in gaps in an existing system
- Streets within priority areas identified within the Pedestrian Plan

This list of criteria was further refined into a Pedestrian Priority map for the City. The Pedestrian Plan which includes the map can be reviewed via the following link: <https://my.spokanecity.org/projects/pedestrian-master-plan/>

This plan is the City's guiding document for prioritizing pedestrian and ADA improvements. After the work is accomplished within the priority areas, the City will develop a new priority area to continue addressing pedestrian and ADA needs.

The City does allow exceptions to the prioritization criteria if it helps ensure public safety, is more efficient, or maximizes the overall benefit. A list of capital projects that include curb ramp projects is included in the City's 6 Year Transportation Program. The program includes total project costs and a project description.

Funding

The magnitude of ADA transportation network projects on the priority project list is large, including curb ramp and new sidewalk improvements estimated to be well over \$40 million. This figure does not include other related upgrades, like sidewalk repair, driveway replacement or installation of audible crossing signals.

The City is continually seeking funding from all available sources to complete projects on the priority transportation network project lists. A complete overview of transportation funding sources is available in the City's Six Year Comprehensive Street Program. One

example of a specific project to address ADA needs is the \$900,000 allocated to focus strictly on priority ADA ramps within the Downtown and in other priority areas. This is in addition to ADA and sidewalk facilities included in other individual capital projects.

The City also continues to coordinate ADA facility construction on Washington state facilities and state routes with WSDOT. An example of project coordination is the large number of ADA ramps being constructed within the City by WSDOT on state highways in 2016.

Over the last ten years the City has completed many projects on the priority list for an ADA compliant transportation network. The City's most recent \$117 million 10-Year street bond completed projects through the end of 2014 that addressed the curb ramp needs of almost 30% of the City's arterial intersections between 2004 and 2015. The 2004 street bond along with other funding sources addressed over 13% of the needs of the residential street curb ramp needs.

On residential streets and other non-arterial streets the City has allocated a minimum of 10% of Transportation Benefit District revenue to maintaining and adding to the pedestrian network and ADA facilities.

The City also continually looks for and has successfully obtained additional funding for these projects from sources such as Federal Community Block Grant funding, grants from local, state and federal programs. The City's 6 Year Street Capital Program includes the City's lists of projects and project descriptions. City funding directly allocated to standalone sidewalk and curb ramp priority improvement projects the last four years is as follows: \$395,800 in 2010, \$206,000 in 2011, \$619,000 in 2012 and \$442,000 in 2013.

The City also constructs new sidewalks and curb ramps as a part of other capital improvement projects, though the amount allocated to pedestrian facilities as a part of these other public utility and street improvement projects is not tracked separately from the overall project cost. By committing to build fully compliant Pedestrian facilities, the City also dedicates significant funds towards acquiring right of way access agreements following federal real estate guidelines.

APPENDIX A (TRANSITION PLAN)
SELF EVALUTION QUESTIONNAIRE

INTRODUCTION

THE CITY OF SPOKANE IS CONDUCTING A SELF EVALUATION UPDATE AS REQUIRED UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE AMERICANS WITH DISABILITIES ACT OF 1990 TO ENSURE THAT ALL CITY FACILITIES THAT ARE ACCESSED BY THE PUBLIC ARE ACCESSIBLE TO PERSONS WITH DISABILITIES AND ALL CITY PROGRAMS SERVICES AND ACTIVITIES ARE ACCESSIBLE TO PERSONS WITH DISABILITIES.

Your department's Section 504/ADA Liaison will be providing you with the attached form to complete for each facility/program area within your area of responsibility and return to your department liaison **NO LATER THAN OCTOBER 31, 2013.**

You do not have to complete the sections on General Requirements and Employment and Reasonable Accommodation. They have already been completed for you.

Complete the Program Access portion by checking or marking an X under the Yes, No or N/A headings.

Complete the Physical Accessibility Section by first consulting the "Quick Look" Barriers Checklist **on page 8 of the form.**

Information on Accessible Parking is provided on **page 10 of the form.** The appendix provides more detailed information and diagrams regarding parking spaces.

Print your name, date and phone number after completing the questionnaire.

If you have questions while completing this questionnaire, please contact your department liaison or the Section 504/ADA Coordinator at 625-7083.

Your department liaison is responsible for obtaining your department head's signature **ON PAGE 13**

The City's Section 504/ADA Coordinator, Ms. Gita George-Hatcher may be reached at 625-7083 in Human Resources, Fourth Floor City Hall

THANK YOU FOR YOUR COOPERATION

CITY OF SPOKANE - 504/ADA SELF-EVALUATION AND ASSURANCE OF COMPLIANCE

Instructions (RETURN COMPLETED FORM BY OCTOBER 31, 2013)

504/ADA Self Evaluation Questionnaire Form

This form will help you evaluate your services, programs and activities to ensure they are accessible to persons with disabilities. **When complete, please return it to the 504/ADA Coordinator through your Department Liaison.**

“Quick Look” Barriers Checklist

Consult the “Quick Look” Barriers Checklist on Page 7 to answer the questions in the self evaluation form. Physical access must also be reviewed in light of hiring an individual with a disability or accommodating a current employee who becomes disabled.

504/ADA Assurance of Compliance Form

The form must be completed by all City Departments and by all contractors. Other governmental agencies and contracts for the direct purchase of goods are exempt.

- **Complete this form.** If your department is out of compliance with any of the 504/ADA requirements, indicate on the 504/ADA Disability Assurance of Compliance form the corrective actions that will be taken to achieve compliance.
- **Sign the Assurance of Compliance form and send the original back to the 504/ADA Coordinator.**

Keep a copy of the form on file in your office for use during on-site reviews. You will be notified at least one week in advance of any scheduled review. (Note: This form may be used as an exhibit with City of Spokane contracts.)

If you have questions regarding this process or if you require this material in an alternate format, please contact the City of Spokane Section 504/ADA Coordinator at (509) 625-6903, or the Washington Relay Service at 7-1-1 or msteinolfson@spokanecity.org.

504/ADA General Information

Federal and State laws prohibit discrimination based on disability. Section 504 of the Rehabilitation Act of 1973 as amended and the Americans with Disabilities Act require that the City of Spokane and all organizations and firms contracting with the City of Spokane except those providing tangible goods, comply with Section 504/ADA accessibility requirements.

Under 504 and ADA, a “qualified individual with a disability” is anyone who has a history of, or is perceived as having, a physical or mental impairment which substantially limits one or more major life activities. Disabilities include, but are not limited to: mobility, visual, hearing, or speech disabilities; mental illness; epilepsy; learning disability;; brain injury; HIV/AIDS; arthritis; cerebral palsy; multiple sclerosis; developmental disability, etc.

504/ADA SELF-EVALUATION QUESTIONNAIRE

NAME OF DEPARTMENT AND PROGRAM:

General Requirements

Please check the appropriate answers. If necessary, attach additional pages of explanation.

YES NO N/A

1. 504/ADA Liaison for your department

Name_____

Title_____Phone_____

YES NO N/A

2. Do you have an internal grievance procedure that allows for quick and prompt solutions for any complaints based on alleged noncompliance with 504/ADA? _____

3. Do you have a policy that provides for notifying participants, applicants, employees, unions, and professional organizations holding collective bargaining or professional agreements that you do not

General Information (Continued)

YES NO N/A

discriminate on the basis of disability? _____

4. Have you notified these individuals of your non-discrimination policy? _____

5. Do you provide ongoing staff training to ensure that staff fully understand your policy of non-discrimination on the basis of disability and take all appropriate steps to facilitate the participation of individuals with disabilities in agency programs and activities? _____

Program Access**YES NO N/A**

1. Do you notify the public and other interested parties that agency meetings, board of director meetings, hearings, and other programs, services and activities will be held in accessible locations? (sample notice in Appendix 2)

2. Do you notify the public and other interested parties that auxiliary aids (sign language interpreters, readers) will be provided, upon request to participants with disabilities?

3. Do you have a Teletype (TTY) or do you use the Statewide Relay Service to facilitate communication with Individuals who use TTY's for communications purposes?

Program Access (Continued)**YES NO N/A**

4. Do you provide ongoing training to familiarize appropriate staff with the operation of the TTY (or Relay Service) and other effective means of communicating over the telephone with people with disabilities? _____
5. Do you make available, upon request, written material in alternate formats for people who have disabilities? (Alternate formats include large print, Braille, and

audiocassette tapes) _____

6. Are printed posters, announcements, and printed materials (including graphics) clearly legible and placed in physically accessible locations where print can be read from a wheelchair? _____

7. If you have a mailing list for the purposes of information, dissemination, does it include various disability groups? _____

8. Are your accessible numbers and procedures for accessing services printed on all materials distributed to the public? _____

9. Do you have a policy and procedure for safe emergency evacuation of people with disabilities from your facility? _____

Employment and Reasonable Accommodation

YES NO N/A

1. When gathering Equal Employment data regarding disabilities, Do you make it clear that:

- the information requested is intended for use solely in connection with reporting requirements; _____
- that the information is voluntary; _____

- the information will be kept confidential; and
- refusal to provide or providing the information will not subject the applicant or employee to any adverse treatment?

2. If you make pre-employment medical enquiries or conduct pre-employment medical examinations:

- is the inquiry related to the applicant's ability to Perform the job? _____
- do you condition offers of employment on the results of these examinations? _____
- Is the examination required for all employees in the same job classification? _____
- Are all applicants in the same job classification asked the same medical and/or interview questions? _____

3. During the application, interviewing, hiring, and employment process, do you provide reasonable accommodations to persons with disabilities? _____

Employment and Reasonable Accommodations (continued)

YES NO N/A

4. Do you have a written policy stating the following?
504/ADA states that information concerning an applicant's medical condition or history must be kept separate from personnel records and may be shared in only two (corrected 8/14/14) ways:

(1) Supervisors and managers may be informed of restrictions

on the work or duties of individuals with disabilities and informed of necessary work accommodation (s);

- (2) First aid and safety personnel may be informed if the condition might require emergency treatment; and government officials investigating compliance with Section 504/ADA shall be provided with relevant Information upon request.

Physical Accessibility

YES NO N/A

Complete the “Quick Look” Barriers Checklist and then answer the following questions:

1. Is your building(s) where your business is located barrier free?
2. Did you check NO to any of the items on the Employment and Reasonable Accommodation preventing an individual with a disability from accessing your program(s) or services?

If access would be impacted, describe on the Corrective Action Plan what steps will be taken to eliminate the barrier(s). If there are extenuating circumstances which would make the barrier removal a financial or administrative burden, please explain in the Corrective Action Plan.

This 504/ADA Self Evaluation Plan was completed by:

Print Name

Date

Phone Number

“QUICK LOOK” BARRIERS CHECKLIST

This checklist may be used to conduct a quick appraisal of potential problem areas for accessibility. You may also refer to the federal ADA Accessibility Standards or the Washington Administrative Code (WAC) 51-50.

Check “Y” if YES, “N” if NO

Building Access

- Garage/lot has required number of accessible parking spaces?
- Are accessible parking spaces near main building entrance?
- Walkways are level (44” wide min) or ramped(max 1:12)?

- Does the entrance doorway have at least 32" wide clearance?
- Is the door threshold maximum ¼" high (1/2" if beveled)?
- Door hardware is lever handles, pulls or push-pull activating bars?
- Are the doors easy to open (exterior doors max. 8.5 lbs. opening force, Interior doors 5 lbs max.)?
- If revolving doors used, alternate accessible entrance available?

Building Corridors

- Is path of travel free of obstruction and at least 36" wide?
- Is floor surface stable, firm and slip resistant?
- Do obstacles (phones, fountains, etc.) protrude no more than 4"?
- If provided, minimum one public phone or water fountain accessible?
- Are elevator controls no higher than 48"?
- Are elevator markings in Braille and raised letters/numbers?
- Does elevator provide audible and visible signals?
- Floor of elevator cab is min, 51"x68" (door offset) or 51"x0" (door centered)?

Restrooms

- Door hardware is lever handles, pulls, or push-pull activating bars?
- Do restroom entrance doors have at least 32" wide clearance?
- Are grab bars provided in accessible toilet stalls?
- Toilet seat top is 17-19" above floor?
- Sink has clear knee space under basin; exposed pipes are insulated?
- Faucets are lever operated or push type?
- Are soap and towel dispensers no more than 40" from the floor?

Reception and Personnel Office

- Lower counter space in reception, customer service areas?
- Do doors have at least 32" wide clearance?
- Is the door easy to open (max. 5 lbs. opening force)?
- Door threshold is maximum ¼" high (1/2" if beveled)?

- Is the path of travel between furniture at least 36"?

Required Number of Accessible Parking Spaces

Total Garage/Lot Parking Spaces	Minimum Number of Accessible Spaces
1-25	1 (van accessible)
26-50	2 (including one van space)
51-75	3 (including one van space)
76-100	4 (including one van space)

101-150	5 (including one van space)
151-200	6 (including one van space)
201-300	7 (including one van space)
301-400	8 (including one van space)
401-500	9 (including one van space)
501-1000	2% of total spaces (every 6 accessible spaces include one van space)
More than 1000	20, plus 1 for each 100 over 1000 (every six accessible spaces include one van space)

Locate accessible parking spaces on the shortest accessible route of travel to an accessible building entrance (where practical, not crossing traffic lanes).

Car and van parking spaces shall have an adjacent accessible aisle. Two parking spaces may share an accessible aisle. Van parking spaces that are angled shall have access aisles located on the passenger side of the vehicle.

If there is only one accessible parking space, then it shall meet the codes for a van accessible parking space: 11' wide vehicle parking space plus a 5' access aisle. (an 8' vehicle parking space with an 8' access aisle is acceptable under code. For more detail consult WAC 51-50)

Diagram attached as appendix to the document

SECTION 504/ADA ASSURANCE OF COMPLIANCE

This assurance is in compliance with Section 504 of the Rehabilitation Act of 1973, as amended and the Americans with Disabilities Act of 1990, which are two federal laws which prohibit discrimination against qualified people with disabilities,

I understand that federal and state laws prohibit discrimination in public accommodations and employment based solely on disability. In addition, I recognize that Section 504 requires recipients of federal funds (either directly or through contracting with a governmental entity receiving federal funds) to make their programs, services and activities, accessible to qualified and/or eligible people with disabilities. I agree to comply with, and to require that all subcontractors comply with the Section 504/ADA requirements. I understand that reasonable accommodation is required in both program services and employment, except where to do so would cause an undue hardship or burden.

YES NO

**According to the responses to the questions in the
Section 504/ADA Self Evaluation Questionnaire, this
Department is in compliance with 504/ADA.**

**If the response is NO
the actions outlined in the Corrective Action Plan below
will be undertaken.**

City Department

Street Address

City

State

Zip

Corrective Action Plan

The following Corrective Action Plan is submitted to comply with Section 504 and ADA requirements.

General

Requirements

Actions to be Taken

Program Access

Actions to be Taken

Employment and Reasonable Accommodation

Actions to be Taken

Physical Accessibility

Actions to be Taken

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signature of authorized individual

Date

Print name of authorized individual

Title

APPENDIX 1 (Questionnaire)– PARKING SPACE DIAGRAM

APPENDIX 2 (Questionnaire)

Language to be inserted into informational materials provided to the public on programs, services and activities:

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. Individuals requesting reasonable accommodations or further information may contact Meghann Steinolfson 48 hours before the start date of the program/service/activity at (509) 625-6903, 808

W. Spokane Falls Blvd., Spokane WA, 99201, or msteinolfson@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Steinolfson at (509) 625-6903 through the Washington Relay Service at 7-1-1.

APPENDIX B (TRANSITION PLAN)
CITY OF SPOKANE POLICY ON THE AMERICANS WITH
DISABILITIES ACT/SECTION 504 OF THE REHABILITATION
ACT OF 1973

RECEIVED
June 4, 2013
CITY CLERK'S OFFICE
SPOKANE, WA

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE	ADMIN 0620-13-64 LGL 2013-0014
TITLE: AMERICANS WITH DISABILITY ACT / SECTION 504 OF THE REHABILITATION ACT OF 1973 EFFECTIVE DATE: April 1, 1985 REVISION EFFECTIVE DATE: July 3, 2013	

1.0 GENERAL

- 1.1 The purpose of this policy is to reaffirm the City of Spokane's policy and practice that physical facilities, programs, services and activities of the City of Spokane government are accessible to members of the public, including qualified individuals with disabilities.

1.2 TABLE OF CONTENTS

- 1.0 GENERAL
- 2.0 DEPARTMENTS/DIVISIONS AFFECTED
- 3.0 REFERENCES
- 4.0 DEFINITIONS
- 5.0 POLICY
- 6.0 PROCEDURE
- 7.0 RESPONSIBILITIES
- 8.0 APPENDICES

2.0 DEPARTMENTS/DIVISIONS AFFECTED

- 2.1 American With Disabilities Act (ADA) - All City divisions and departments.
- 2.2 Section 504 of the Rehabilitation Act of 1973 – City departments receiving funding for specified programs, services and activities.
- 2.3 The provisions of this policy do not supersede the provisions of any collective bargaining agreements or Civil Service rules, and when in conflict, the specific terms and conditions of the collective bargaining agreement or Civil Service rules will prevail.

3.0 REFERENCES

Americans with Disabilities Act of 1990 as amended (ADA)
Section 504 of the Rehabilitation Act of 1973, as amended,
Chapters 2.42, 49.60 and 70.84 of the Revised Code of Washington (RCW)
Washington State Building Code: International Building Code as adopted by the
City of Spokane

Regulations promulgated under Section 504 include those by the U.S. Departments of Agriculture (7 CFR 15.3), Education (34 CFR 104), Health and Human Services (45 CFR 84), Justice (28 CFR 41 and 42), Interior (43 CFR 17), Housing and Urban Development (24 CFR 8), Labor 29 CFR 32), and Transportation (49 CFR 27) implementing the ADA and Section 504 Requirements

Regulations promulgated by Washington State agencies implementing state disability non-discrimination laws

4.0 DEFINITIONS

- 4.1 "Barrier-free design" means design that gives users the opportunity for movement without restriction. By using principles of barrier-free design, people with disabilities will be able to participate fully and avail themselves equally of the opportunities to benefit from City programs and services.
- 4.2 "City" means the City of Spokane, Washington.
- 4.3 "Disability Transition Plan for Physical Facilities" means a written plan which outlines identified physical barriers and a schedule of activities to remove those barriers and improve program accessibility. By definition, a transition plan must:
 - 4.3.1 Identify physical barriers that limit accessibility to City programs, activities or services;
 - 4.3.2 Outline of the methods which will be used to remove the barriers and make the facility more accessible;
 - 4.3.3 Contain the schedule for the necessary steps to achieve improved compliance; and
 - 4.3.4 Include the name of the management staff responsible for the plan's implementation.
- 4.4 "Overall Program Accessibility" means that programs as a whole be accessible to people with disabilities, and requires the City to account how the program's elements work together as a whole and how services are delivered.
- 4.5 "Qualified individual with a disability": means an individual with a disability who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided to the public by the City, with or without reasonable modifications to rules, policies, or practices, the removal of architectural or communication barriers, or the provision of auxiliary aids and services (Section 504 of the Rehabilitation

Act of 1973, as amended, 42 U.S.C. Section 12131 et seq., 28 CFR part 35, the Americans with Disabilities Act of 1990, and RCW 49.60).

- 4.6 "Reasonable accommodation" means an adaptation or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. Reasonable accommodations may include, but are not limited to, adjustments or modifications to buildings, facilities, dwellings, and may also include provision of auxiliary aids, such as readers, interpreters, and materials in accessible formats.
- 4.7 "Self-evaluation" means the evaluation of policies, practices, and physical facilities to identify potential barriers to accessibility and corrective actions to reduce or eliminate those barriers.
- 4.8 "Service Animal" means an animal that is individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks.
- 4.9 "Usability" means that within facilities constructed prior to the passage of the ADA, some architectural elements may not meet current codes and requirements for accessibility. If a barrier to access by people with disabilities does not result, the facility is usable and complies with this policy. In other cases, though requirements of the applicable laws, codes, and regulations have been met, a barrier may exist to a qualified individual with a disability. In such cases, it may be necessary to modify the element in the facility to make the facility usable by qualified individuals with disabilities providing that such change and/or alteration does not result in an undue financial burden.

5.0 POLICY

- 5.1 In accordance with Title II of the ADA and its implementing regulations, Section 504, WAC 51-50 and RCW 49.60 (collectively called the "disability non-discrimination laws"), no qualified individual with a disability shall, on the basis of such a disability, be subjected to discrimination or be excluded from participation in, or denied the benefits of the services, programs, activities or physical facilities which the City of Spokane provides to the public.
- 5.2 City departments shall comply with the provisions of the disability nondiscrimination laws regarding access to applicable programs, activities, services, and physical facilities.

- 5.3 To the extent possible, City departments will ensure that physical facilities are usable by qualified individuals with disabilities. Where physical facilities cannot be made usable, overall program accessibility must be ensured.
- 5.4 Physical facilities owned by the City shall comply with the applicable regulations on barrier-free design and physical accessibility.
- 5.5 The construction and renovation of City facilities shall comply with applicable regulations on barrier-free design and physical accessibility.
- 5.6 Public meetings will be held at accessible locations and in such a manner that qualified people with disabilities are able to participate fully.
- 5.7 Qualified people with disabilities shall not be discriminated against in participation on boards, commissions, or on advisory and planning committees.
- 5.8 All City offices and programs shall be accessible to users of TTYs (teletypewriters), either by having a TTY to provide direct TTY access or by using the Washington Relay Service.
- 5.9 Individuals with disabilities accompanied by service animals will be afforded access to all City facilities, programs, services, and activities as are open to other members of the public, unless the service animal's presence or behavior creates a fundamental alteration to the program or service being provided or presents a direct threat to safety. In addition, as a matter of policy, not compliance, the City will afford access to individuals, with or without a disability, accompanied by service animals-in-training. Individuals and their accompanying service animals-in-training will be subject to the conditions and limitations established by law and applicable to individuals with disabilities and their service animals.
- 5.10 Upon advance request, reasonable steps will be taken to furnish appropriate auxiliary aids and services (e.g., assistive listening devices, sign language interpreters, Braille) to afford a qualified individual with a disability an equal opportunity to participate in and enjoy the benefits of the services, programs, activities, and physical facilities provided to the public by the City. Primary consideration will be given to the requests of the qualified individual with a disability unless another equally effective accommodation is available, or the use of the means requested would result in a fundamental alteration of the service, program, and activity or in undue financial or administrative burden.
- 5.11 All City contractors, except contractors providing tangible goods, shall comply with Section 504/ADA Disability Assurance of Compliance, unless an accessibility waiver is obtained.

-
- 5.12 All City departments administering Section 504 contracts whereupon the contractor, other than another government entity, provides programs, services, or activities to the public, shall require the contractor to comply with the Section 504/ADA requirements applicable to governments. The contracting City department shall monitor respective contracts for compliance with Section 504/ADA.
 - 5.13 The City will adopt and follow a procedure for prompt and equitable resolution of complaints alleging discrimination on the basis of disability in the City's provision of programs, services, and activities, and access to physical facilities.
 - 5.14 The City recognizes that the laws covering the City's provision of programs, services and activities are subject to frequent revision and interpretation through legislation or judicial decisions. Should an interpretation or revision render any part of this policy invalid, the remainder of the policy will remain in full effect pending revision to address those areas invalidated.

6.0 PROCEDURE

6.1 Responsibilities - ADA.

- 6.1.1 The Office of the Mayor for the City of Spokane is responsible for ensuring the City's compliance with disability non-discrimination laws regarding access. Under the law, the City of Spokane is required to have at least one designated ADA coordinator. The Mayor has designated the Human Resources Director or designee as the ADA Coordinator(s) to facilitate the City's efforts to comply with disability non-discrimination laws regarding access.
- 6.1.2 Department heads and officials shall cooperate with the City of Spokane ADA Coordinator to ensure compliance with the requirements of disability nondiscrimination laws regarding access, and with this policy and related procedures. Compliance-related activities include documenting:
 - a. Disability accessibility accommodations made within their departments;
 - b. Participation in the evaluation of programs, services, activities, and physical facilities to identify potential barriers to accessibility;
 - c. The preparation of necessary Disability Corrective Action Plans and/or Disability Transition Plans; and
 - d. The coordination of budget approval to implement such plans.

6.1.3 ADA Coordinator

- a. will provide technical assistance to City of Spokane personnel on disability access issues.
- b. shall establish and implement internal complaint procedures to receive and resolve complaints from the public alleging non-compliance with disability non-discrimination laws regarding access. The Mayor or designee will serve as the point of appeal regarding ADA complaints.
- c. develop policies and procedures as necessary to improve accessibility of programs, services, activities, and physical facilities of City of Spokane government.

6.2 ADA / Section 504 Complaints – Complaint Procedure

6.2.1 City of Spokane Complaint Procedure – Purpose.

The complaint procedure shall address concerns regarding Title II of the ADA and Section 504 of the Rehabilitation Act of 1973, as it applies to City of Spokane department programs, services and activities. The complaint procedure may be used to file a complaint alleging:

- a. Violation of City of Spokane policies relating to the provision of services, activities, programs, or benefits.
- b. Discrimination under Section 504 of the Rehabilitation Act of 1973.
- c. Structural and parking accessibility issues on City owned or controlled property.
- d. Note: Employment complaints shall be directed to the City of Spokane Human Resource Department and investigated pursuant to Human Resource policies and applicable labor contracts.

6.2.2 Complaint Procedure and Format.

The complaint should be in writing and contain information regarding the alleged discrimination to include the name, address, and phone number of the complainant and the location, date and description of the alleged problem. Alternative means of filing complaints such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request. When possible, the complaint form should be used.

6.2.3 Complaint Filing.

The complainant and/or his/her designee should submit the complaint as soon as possible but no later than sixty (60) calendar days after the alleged violation to:

Attn: Gita George-Hatcher
City of Spokane
Human Resources Department
808 West Spokane Falls Boulevard
Spokane, WA. 99201
TEL: 509-625-7083
FAX: 509-625-6379
Washington Relay Service at 7-1-1

6.2.4 Complaint Review.

- a. Within fifteen (15) calendar days after receipt of the complaint, the ADA or Section 504 Coordinator or the Human Resources Department representative will meet with or contact the complainant to review and clarify the issues of the complaint.
- b. Within thirty (30) calendar days of the initial meeting, a response will be provided to the complainant in writing and, where appropriate, in a format accessible to the complainant. The response will explain the position of the City of Spokane and offer options for substantive resolution of the complaint if appropriate. The Human Resources Director or designee may, when appropriate, utilize mediation to resolve complaints.

6.2.5 Complaint Appeal Process.

- a. If the initial response to the complaint does not satisfactorily resolve the issue, the complainant and/or designee may appeal the decision within fifteen (15) calendar days after the receipt of the City's response, to the Mayor or designee at:

Office of the Mayor
City of Spokane
808 West Spokane Falls Boulevard
Spokane, WA. 99201

- b. Within fifteen (15) calendar days after receipt of the appeal, the Mayor or designee will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the Mayor or the Mayor's designee will respond in writing, and, where

appropriate, in a format accessible to the complainant, with a final resolution of the complaint, with a final resolution of the complaint. The Mayor or designee may, when appropriate, utilize mediation to resolve complaints.

6.2.6 Complaint Retention.

All written complaints received by the ADA or Section 504 Coordinator, appeals to the City Administrator, and responses from these two offices will be retained by the City of Spokane for at least three (3) years.

6.2.7 State / Federal Complaint:

The complainant is not precluded from filing formal complaints at any time during or after the complaint process with the following state or federal agencies:

Washington State Human Rights Commission
Spokane District Office
1300 North Washington Street, Suite 2460
Spokane, WA. 99201-1099
TEL/TTY: (509) 568-3196 or 1-800-233-3247
FAX: (509) 568-3197
hum.wa.gov

Office of Justice Programs
Office for Civil Rights
810 7th Street, NW.
Washington D.C. 20531
TEL: (202) 307-0690
FAX: (202) 354-4380
askOCR@ojp.usdoj.gov
justice.gov

Housing complaints may be filed with:

U.S. Department of Housing and Urban Development
Spokane Field Office
920 West Riverside, Suite 588
Spokane, WA. 99201-1010
TEL: (509) 368-3200
FAX: (509) 368-3209
hud.gov

Employment complaints may be filed with:

Equal Employment Opportunity Commission
Seattle Field Office
909 First Avenue, Suite 400

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

01/29/2018

<u>Date Rec'd</u>	1/16/2018
<u>Clerk's File #</u>	RES 2018-0008
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	

<u>Submitting Dept</u>	FINANCE & ADMIN
<u>Contact Name/Phone</u>	GAVIN COOLEY 6586
<u>Contact E-Mail</u>	GCOOLEY@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Resolutions
<u>Agenda Item Name</u>	INTERFUND LOAN FROM WATER TO PARKS FOR SSAC

Agenda Wording

Interfund Loan from Water to Parks for retirement and refinance of debt previously guaranteed by the Spokane Park Board in connection with construction financing for the Southside Senior Activity Center.

Summary (Background)

See briefing paper: Southside Senior Activity Center, January 11, 2018

<u>Fiscal Impact</u>	Grant related? NO	<u>Budget Account</u>
	Public Works? NO	
Select \$		#
Select \$		#
Select \$		#
Select \$		#
<u>Approvals</u>	<u>Council Notifications</u>	
<u>Dept Head</u>	STOPHER, SALLY	<u>Study Session</u>
<u>Division Director</u>	DUNIVANT, TIMOTHY	<u>Other</u>
		Finance Committee 1/29/18
<u>Finance</u>	HUGHES, MICHELLE	<u>Distribution List</u>
<u>Legal</u>	DALTON, PAT	leadie@spokanecity.org
<u>For the Mayor</u>	DUNIVANT, TIMOTHY	jrichman@spokanecity.org
<u>Additional Approvals</u>		tsanders@spokanecity.org
<u>Purchasing</u>		tdunivant@spokanecity.org
<u>CITY COUNCIL</u>	MCDANIEL, ADAM	ssimmons@spokanecity.org

BRIEFING PAPER
Southside Senior Activity Center
January 11, 2018

Subject

Retirement and refinance of debt previously guaranteed by the Spokane Park Board in connection with construction financing for the Southside Senior Activity Center.

Background

In 1998, the Water Department (“Water”) and Parks Department (“Parks”) signed a memorandum of understanding in which Water agreed to lease certain land to Parks for the then future site of the Southside Senior Activity Center (“SSAC”), in exchange for certain landscape maintenance services. In turn, Parks subleased Water’s land to SSAC along with some additional land belonging to Parks to make up the site for the SSAC (the “Lease”).

Thereafter, over \$1 million was raised towards the cost of constructing the SSAC. Washington Trust Bank agreed to loan SSAC approximately \$650,000, the difference between total construction costs and the funds that had been raised (the “Loan”). Parks allowed SSAC to use the Lease as collateral for the Loan by consenting to an assignment of SSAC’s lease to the Bank for security purposes. In the event of a default on the Loan, the Bank can step into SSAC’s rights under the Lease and sublease the premises in order to repay the Loan.

Over the years, Parks has paid Water annual rent of approximately \$9450.00 for Water’s portion of the SSAC site (in lieu of aforementioned landscape maintenance services). SSAC has paid Parks annual rent of \$1.

SSAC has paid down the original approximate \$650,000 loan on the building to \$139,620.07; however SSAC has recently fallen in arrears and defaulted on the Loan. The Bank has refrained from exercising its foreclosure rights while SSAC and the City have explored options. In order to protect its property interests, Water has offered to extend an interfund Loan to Parks sufficient to retire the Bank Loan on the condition that Parks increases the rent it pays to Water in an amount sufficient to amortize the interfund loan.

The interfund loan amortization is calculated at the balance owing Washington Trust Bank of \$139,711.59 at January 31, 2018 amortized over 15 years at 3.40% (assuming use of the standard Spokane Investment Pool lending rate calculation) resulting in a monthly interfund loan payment from Parks to Water for \$989.22 (see loan calculations attached hereto).

SSAC agrees that in return for having its loan from Washington Trust Bank retired, it will concurrently release any ownership interest it has in the building to City Water and Parks subject to the remaining lease term now in place (through 2048 plus two 10-year extension options through 2068). As a result of this proposed arrangement, it is agreed that SSAC’s net monthly lease payment will match the related loan amortization of \$989.22 monthly for the first 15 years and \$500.00 monthly thereafter.

Action

To avoid a foreclosure by Washington Trust Bank and resulting compromise of the City’s ownership, use and policy objectives with respect to the SSAC property, approve an interfund

loan to be extended from Water to Parks in the principal sum of \$139,711.59 in order for Parks to pay off the remaining Washington Trust Bank loan.

Parks will fund repayment of the new loan from Water with the rent received from SSAC. Mechanically, Parks plans to receive its rent by decreasing its annual budget allocation to SSAC, (currently \$115,758) by the amount of annual rent due from SSAC (i.e. first 15 years: \$989.22 monthly; remaining term: \$500 monthly). In the event there is no budget allocation from Parks to SSAC in any future lease year, SSAC will pay monthly rent directly to Parks.

RESOLUTION 2018-0008

An resolution providing for establishing an interfund loan for the purpose of the retirement and refinance of debt previously guaranteed by the Spokane Park Board in connection with construction financing for the Southside Senior Activity Center.

WHEREAS, in 1998, the Water Department (“Water”) and Parks Department (“Parks”) signed a memorandum of understanding in which Water agreed to lease certain land to Parks for the then future site of the Southside Senior Activity Center (“SSAC”), in exchange for certain landscape maintenance services; in turn, Parks subleased Water’s land to SSAC along with some additional land belonging to Parks to make up the site for the SSAC (the “Lease”).

; and

WHEREAS, thereafter, over \$1 million was raised towards the cost of constructing the SSAC. Washington Trust Bank agreed to loan SSAC approximately \$650,000, the difference between total construction costs and the funds that had been raised (the “Loan”); and

WHEREAS, Parks allowed SSAC to use the Lease as collateral for the Loan by consenting to an assignment of SSAC’s lease to the Washington Trust Bank for security purposes; and

WHEREAS, in the event of a default on the Loan, the Washington Trust Bank can step into SSAC’s rights under the Lease and sublease the premises in order to repay the Loan; and

WHEREAS, over the years, Parks has paid Water annual rent of approximately \$9450.00 for Water’s portion of the SSAC site (in lieu of aforementioned landscape maintenance services). SSAC has paid Parks annual rent of \$1; and

WHEREAS, SSAC has paid down the original approximate \$650,000 loan on the building to \$139,620.07; however SSAC has recently fallen in arrears and defaulted on the Loan; however, the Washington Trust Bank has refrained from exercising its foreclosure rights while SSAC and the City have explored options.; and

WHEREAS, in order to protect its property interests, Water has offered to extend an interfund Loan to Parks sufficient to retire the Washington Trust Loan on the condition that Parks increases the rent it pays to Water in an amount sufficient to amortize the interfund loan; and

WHEREAS, the interfund loan amortization is calculated at the balance owing Washington Trust Bank of \$139,711.59 at January 31, 2018 amortized over 15 years at 3.40% (assuming use of the standard Spokane Investment Pool lending rate calculation) resulting in a monthly interfund loan payment from Parks to Water for \$989.22; and

WHEREAS, SSAC agrees that in return for having its loan from Washington Trust Bank retired, it will concurrently release any ownership interest it has in the building to City Water and Parks subject to the remaining lease term now in place (through 2048 plus two 10-year extension options through 2068); as a result of this proposed arrangement, it is agreed that SSAC’s net monthly lease payment will match the related loan amortization of \$989.22 monthly for the first

15 years and \$500.00 monthly thereafter (offsetting any rent currently paid by SSAC for use of the property);

NOW, THEREFORE,

The City Council does hereby resolve the following:

To avoid a foreclosure by Washington Trust Bank and resulting compromise of the City's ownership, use and policy objectives with respect to the SSAC property, the following actions shall be undertaken:

- Create an interfund loan from Water to Parks in the principal sum of \$139,711.59 for the purpose of Parks paying off the remaining Washington Trust Bank loan balance on the SSAC property; and
- In the future, Parks shall repay the interfund loan from Water with rent to be received from SSAC established in conjunction with the payoff and refinance of the Washington Trust Bank Loan

Adopted by the City Council this _____ day of January 2018.

City Clerk

Approved as to form:

Assistant City Attorney

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

01/22/2018

Date Rec'd

1/3/2018

Clerk's File #

ORD C35578

Renews #Submitting Dept

CITY COUNCIL

Cross Ref #Contact Name/Phone

BEN STUCKART 6256269

Project #Contact E-Mail

AMCDANIEL@SPOKANECITY.ORG

Bid #Agenda Item Type

First Reading Ordinance

Requisition #Agenda Item Name

0320 URBAN UTILITY INSTALLATION PROGRAM ORDINANCE

Agenda Wording

An ordinance relating to Urban Utility Installation Program; amending sections SMC 08.10.230 of the Spokane Municipal Code.

Summary (Background)

The Urban Utility Installation Pilot, created in 2015 was used in partnership with private sector development/investment. Public dollars were invested in ROW improvements of City infrastructure, so the private investor had the infrastructure available to modernize the building-meeting life safety code requirements. The outcome of this private/public venture is more modern properties being better used and better use of City infrastructure.

Fiscal Impact

Grant related? NO

Budget Account

Public Works? NO

Select \$

#

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil NotificationsDept Head

MCDANIEL, ADAM

Study SessionDivision DirectorOther

Public Works

Finance

BUSTOS, KIM

Distribution ListLegal

PICCOLO, MIKE

For the Mayor

DUNIVANT, TIMOTHY

Additional ApprovalsPurchasingCITY COUNCIL

MCDANIEL, ADAM

ORDINANCE NO. C35578

An ordinance relating to Urban Utility Installation Program; amending sections SMC 08.10.230 of the Spokane Municipal Code.

Whereas, the Pilot project has shown a benefit to utility rate payers; and

Whereas, the Pilot project demonstrated a better utilization of infrastructure; and

Whereas, the Pilot project has allowed properties to modernize meeting current life safety building and fire code requirements.

Now, therefore, the City of Spokane does ordain:

That SMC section 08.10.230 is amended to read as follows:

Section 08.10.230 ~~Pilot~~ Urban Utility Installation Program~~((Project))~~

A. ~~Pilot~~ Urban Utility Installation Program~~((Project))~~

The ~~((There is created a Pilot))~~ Urban Utility Installation Program ~~((Project))~~ and Installation Funding is established to provide funding to the City's utilities departments to mitigate the cost of the installation of new or upgrades to city-owned public utility infrastructures in the city right-of-way which is associated with the redevelopment of existing structures or in-fill development with new structures on properties in the approved Target Investment Areas, ((downtown core and in other)) Centers and Corridors, as well as Historically Used Commercial Structures, Neighborhood Retail, and Historic Properties targeted for infill development.~~((identified in the Urban Utility Installation Area map.))~~

B. Project Eligibility Criteria

1. Projects must have a commercial or multi-family use post redevelopment.
2. Projects must be located in a Target Investment Area and/or in a designated Center & Corridor Zoned area, or be a Historically Used Commercial structure, a Neighborhood Retail Zoned Property, and/or a Historic Property.
3. The property owners shall submit an application for the Urban Utility Installation funding at the time of their construction permits. The application will collect the necessary project details for evaluation.
4. Applications will be automatically denied if the installation funding is diminished/exhausted for the submitting calendar year.

5. Applications meeting the Urban Utility Installation Criteria can be eligible for reimbursement of only actual costs associated with water, sewer, and or fire suppression public infrastructure work completed within the City's right-of-way and on a first come first serve basis.
6. Vacant undeveloped properties (no buildings) within qualifying areas can receive a reimbursement of up to a maximum of ten thousand dollars (\$10,000).
7. The Rehabilitation of an existing building (occupied or vacant) within qualifying areas can receive reimbursement up to a maximum of twenty five thousand dollars (\$25,000).
8. Qualifying water and sewer reimbursement can increase up to a total of forty thousand dollars (\$40,000), when other improvements meet additional City Strategic priorities such as Historically Listed Properties, as well as stormwater and/or conservation priorities (meeting this additional criteria will be reviewed case-by-case by a committee of economic development and developer services staff).
9. ~~((The City will coordinate with abutting property owners to install new or upgrade existing public utilities infrastructure located in the city right-of-way. Projects will be evaluated based on objective criteria which includes but is not limited to, the timing and extent of the redevelopment project, project financial resources, increased demand for public utility services, projected utility revenue to the city, and the impact and efficiency of the existing infrastructure. The city administration shall develop criteria consistent with this section for the awarding of project monies which shall be approved by resolution by City Council.))~~
10. ~~((Priorities for funding shall include, but are not limited to, the following:

 - a. ~~Re-use of buildings (historic preservation);~~
 - b. ~~Density & infill mix of housing;~~
 - c. ~~Affordable housing within a development;~~
 - d. ~~Mix use of commercial and retail, and~~
 - e. ~~Increased demand on public utility services.~~~~

C. Urban Utility Installation Area

~~The projects to be funded by Pilot Urban Utility Installation Project shall be located in the Urban Utility Installation Area, which is established in the map set forth in [Attachment A](#), which may be amended by the city council to include other centers and corridors targeted for in-fill development.~~

C. Application Process

The applicant shall submit their application on a form supplied by the Development Services Department at the time of submitting their building permits or prior to submitting the permits.((make application-)) for ((project funding to-))The Urban Utility Installation Program application will be reviewed by the Planning Economic Development Team for completeness and eligibility. ((Utilities Department on a form

~~supplied by the department.))~~ The application shall include, but not be limited to, information regarding the redevelopment, project location, parcel numbers, address, and property owner contact.~~((project financial funding and any other relevant financial information requested by the planning and development department director.))~~ The information required on the application and provided by the applicant shall demonstrate how the project satisfies the project eligibility criteria set forth in this section and ~~the any~~ applicable administrative policies. Applicants will receive notice of their application's approval or denial within 30 business days.

D. Initiation and Completion of Projects

Once a project is approved, the applicant can proceed with the water, sewer, and or fire suppression city right-of-way upgrades. Following the work the applicant will submit a detailed accounting and receipts of the work performed in order to recover for reimbursements of allowable costs that satisfy the project eligibility criteria set forth in this section and the administrative policies.~~((City shall determine when to initiate and complete projects for the installation of new or upgrades to existing city-owned public utility infrastructures in the city right-of-way.))~~

Funding for the Urban Utility Installation Program for qualifying ~~((specific))~~ projects shall be allocated from ~~((to))~~ the applicable Utility Operating Expenditure ~~((utilities department))~~ pursuant to the City's existing financial transfer procedures.

E. Funding

1. Increases in utility revenue associated with the installation of new or upgrades to existing public utility infrastructures installed pursuant to this section, including utility hook-up fees and charges shall be allocated to the ~~Pilot~~ Urban Utility Installation Program~~((Project)).~~
2. Individual Urban Utility Installation reimbursements~~((project funding))~~ shall not exceed forty thousand dollars (\$40,000), as defined herein.
3. ~~((As an incentive a pilot program,))~~ The amount of utility revenue generated as a result of this program will be evaluated annually ~~((over the course of five years-))~~ to determine the success of the Urban Utility Installation Program. ~~((Project.))~~ The Urban Utility Installation Program will sunset after ten ~~((five))~~ years and must be renewed at that time.

F. Administrative Policy.

The city administration shall develop policies and procedures to implement the provisions of this section, which shall be approved by resolution of the city council. Such policies and procedures must be consistent with and shall not conflict with the provisions of this section. The policies and procedures may include provisions developing the criteria necessary to award project funding.

G. The city administration shall update the city council annually on the ((~~at least twice a year on the Pilot~~))Urban Utility Installation((~~Project~~)) Program including the number of applications, the status of approved and completed projects and the amount of increased property taxes, utility revenue and utility tax benefit.

PASSED BY THE CITY COUNCIL ON _____, 2017.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Briefing Paper

Division & Department:	Neighborhood and Business Services
Subject:	Lease Contract for Bigbelly waste receptacle network
Date:	26 December 2017
Contact (email & phone):	areynolds@spokanecity.org , 625-6147
City Council Sponsor:	Councilmember Lori Kinnear
Executive Sponsor:	Jonathan Mallahan
Committee(s) Impacted:	PIES
Type of Agenda item:	<input type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	
Strategic Initiative:	
Deadline:	N/A
Outcome: (deliverables, delivery duties, milestones to meet)	
Background/History: This is a 5 year lease contract with Bigbelly Inc. to provide cloud networked, waste collection receptacles. Bigbelly Inc. was the winning respondent to the RFP, #4417-17, which was issued November 1 st , 2017. The project will create a more efficient collection system, reducing trash stations, increasing recycling stations, reduce windblown litter, and brings a coordinated aesthetic to downtown sidewalk waste collection receptacles.	
Executive Summary: <ul style="list-style-type: none"> <i>There will be a 42% reduction of trash receptacles on downtown core sidewalks</i> <i>There will be an increase from zero utilized recycling stations, to 22</i> <i>Recycling diversion could be as much as of 65,000 gallons in 6 months</i> <i>DSP will recoup .86 FTE, which will be reconstituted into more downtown services for members</i> <i>Similarly sized networks have reduced downtown litter as much as 64%</i> <i>Average trash receptacle capacity will increase 85%</i> <i>Total system capacity will be increased from 1,925 gallons to 7,850 gallons</i> <i>System collection will be absorbed in the Solid Waste Collections department's existing capacity</i> <i>Network siting for potential locations was determined in cooperation with DSP staff/clean team, as well as numerous surveys conducted during a clean team shift</i> 	
Budget Impact: Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Annual/Reoccurring expenditure? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If new, specify funding source: Solid Waste Collections Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impact: Consistent with current operations/policy? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Requires change in current operations/policy? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Specify changes required: Absorption of collections by Solid Waste Collections Known challenges/barriers:	

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

01/29/2018

Date Rec'd

1/18/2018

Clerk's File #

ORD C35579

Renews #Cross Ref #

RES 2017-0104

Submitting Dept

DEVELOPER SERVICES CENTER

Contact Name/Phone

ELDON BROWN 625-6305

Project #Contact E-Mail

EBROWN@SPOKANECITY.ORG

Bid #Agenda Item Type

Hearings

Requisition #Agenda Item Name

4700 - HEARING - CONKLIN & 9TH STREET VACATION

Agenda Wording

Vacation of west three feet of Conklin Street south of 8th Avenue requested by Stacy Bjordahl proponent.
(East Central Neighborhood Council)

Summary (Background)

At its legislative session held December 18, 2017 the City Council set a hearing on the above vacation for January 29, 2018. Since that time, staff has solicited responses from all concerned parties.

Fiscal Impact

Grant related? NO

Budget Account

Public Works? NO

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil NotificationsDept Head

WEST, JACQUE

Study SessionDivision Director

BECKER, KRIS

Other

PIES 11/27/17

Finance

HUGHES, MICHELLE

Distribution ListLegal

DALTON, PAT

ejohnson@spokanecity.org

For the Mayor

DUNIVANT, TIMOTHY

ebrown@spokanecity.org

Additional Approvals

sbishop@spokanecity.org

Purchasing

kbecker@spokanecity.org

Engineering Admin

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

ORDINANCE NO. C35579

An ordinance vacating the West 3 feet of Conklin Street, South of 8th Avenue and further described below,

WHEREAS, a petition for the vacation of the West 3 feet of Conklin Street, South of 8th Avenue and further described below has been filed with the City Clerk representing of the abutting property owners, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

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

The City of Spokane does ordain:

Section 1. That the West 3 feet of Conklin Street from the South line of Hartson Avenue, to the South end of Conklin Street as platted in Block B of Hartson's Subdivision of Blocks 3,4,5,6,7, and 8 of Hartson and Townsend's Highland Park Addition to the City of Spokane is hereby vacated. Parcel number not assigned.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to Form:

Assistant City Attorney

Mayor

Date: _____

Effective Date: _____

h:\dsc\permitting\stvac\conklin s of hartson\ordinance.docx



**CITY OF SPOKANE
PLANNING & DEVELOPMENT**

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

STREET VACATION REPORT
November 15, 2017

LOCATION: West 3 feet of Conklin south of Hartson

PROPONENT: Harold & Heather Vanderpool

PURPOSE: (2) existing garages are built partially in the RW. Vacation to clear title.

HEARING: January 29, 2018

REPORTS:

AVISTA UTILITIES – Avista has reviewed the vacation request and has no concerns or comments.

COMCAST – Comcast has reviewed the vacation request and we have no problem with the vacation.

CENTURYLINK – CenturyLink is good with the vacation.

ASSET MANAGEMENT - CAPITAL PROGRAMS – No comments

FIRE DEPARTMENT – No Objection

INLAND POWER & LIGHT – Inland Power and Light has no facilities in the vacation area.

NEIGHBORHOOD SERVICES – No comments

XO COMMUNICATIONS – XO Communications is clear and has no interest concerning this property.

PARKS DEPARTMENT – No comments

PLANNING & DEVELOPMENT – DEVELOPER SERVICES – No objection

PLANNING & DEVELOPMENT – TRAFFIC DESIGN – No issue with this vacation

PLANNING & DEVELOPMENT – PLANNING – No Concerns

POLICE DEPARTMENT - No comments

SOLID WASTE MANAGEMENT - No comments

STREET DEPARTMENT – In reviewing the vacation request, Street Operations has no conflict or issue with the vacation.

WASTEWATER MANAGEMENT – Wastewater Management has no assets in the area in question. Provided onsite runoff be maintained and treated on site we have no objection to the vacation.

WATER DEPARTMENT – No requirements for this vacation.

BICYCLE ADVISORY BOARD - No comments

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

1. The proponent shall pay to the City of Spokane the assessed valuation for the vacated land as defined by the latest information from the County Assessor's Office. This is calculated to be \$1,512.00 and is to be deposited to Budget Account #3200 49199 99999 39510.
2. That the final reading of the vacation be held in abeyance until all of the above conditions are met and that the above conditions are met by December 1, 2018



Eldon Brown, P.E.
Principal Engineer – Planning & Development

EDJ/edj

DISTRIBUTION LIST
VACATION OF CONKLIN STREET, JUST SOUTH OF 8TH AVENUE

POLICE DEPARTMENT

ATTN: SGT JOHN GATELY

FIRE DEPARTMENT

ATTN: LISA JONES
MIKE MILLER

CURRENT PLANNING

ATTN: TAMI PALMQUIST
DAVE COMPTON

WATER DEPARTMENT

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

STREETS

ATTN: GARY KAESEMEYER
MARTHA STEVENSON

TRANSPORTATION OPERATIONS

ATTN: BOB TURNER

PLANNING & DEVELOPMENT

ATTN: ELDON BROWN
JOELIE ELIASON

CONSTRUCTION MANAGEMENT

ATTN: KEN BROWN

INTEGRATED CAPITAL MANAGEMENT

ATTN: KATHERINE MILLER

WASTEWATER MANAGEMENT

ATTN: BILL PEACOCK

PARKS & RECREATION DEPARTMENT

ATTN: LEROY EADIE

NEIGHBORHOOD SERVICES

ATTN: JACKIE CARO
JONATHAN MALLAHAN
ROD MINARIK
HEATHER TRAUTMAN

BICYCLE ADVISORY BOARD

ATTN: LOUIS MEULER

SOLID WASTE MANAGEMENT

ATTN: Scott Windsor

CITY CLERK'S OFFICE

ATTN: JACQUELINE FAUGHT

PUBLIC WORKS

ATTN: RICK ROMERO
MARCIA DAVIS

AVISTA UTILITIES

ATTN: ROD PRICE
RANDY MYHRE

COMCAST DESIGN & CONSTRUCTION

ATTN: BRYAN RICHARDSON

CENTURY LINK

ATTN: KAREN STODDARD

NIEHUSER, TERESA MAE
7602 E 7TH LN
SPOKANE, WA 99212

JSM IRA LLC
21909 N MEADOWWOOD CT
COLBERT, WA 99005

DISTRIBUTION LIST
VACATION OF CONKLIN STREET, JUST SOUTH OF 8TH AVENUE

BOLEY, DAVID A & LAURIE A
PO BOX 206
NINE MILE FALLS, WA 99026

REYES, ANGEL THOMAS & LOURDES M
616 CEDAR ST
WALLACE, ID 83873

TOLIVER, DALE T
5915 N FLEMING ST
SPOKANE, WA 99205

SOUTH SPOKANE PROPERTIES LLC
PO BOX 682
LIBERTY LAKE, WA 99019

STEPHENS, HUGH M
12216 GREENWOOD AVE N
SEATTLE, WA 98133-8106

WIEBER, JOSEPH & ROBERTA
9212 E MONTGOMERY AVE #101
SPOKANE, WA 99206-4266

M & J SCOTT ST, LLC
1214 W CHAUCER AVE
SPOKANE, WA 99208-8675

RC2, LLC
159 S COWLEY ST
SPOKANE, WA 99202-1552

HARTEL, EDWIN
902 E 5TH AVE
SPOKANE, WA 99202

LINDER, BRANDI N
1024 E 5TH AVE
SPOKANE, WA 99202

PECHA, DOUGLAS W & STACEY E
1228 N AMERICAN DR
POST FALLS, ID 83854-9043

FLETCHER, WILLIAM W
644 S RICHARD ALLEN CT
SPOKANE, WA 99202

TORMINO, JOHN J
102 N HELENA ST
SPOKANE, WA 99202-3056

SERRA, JOSEF
637 S ARTHUR ST
Spokane, WA 99202-2311

HAFFEY, DANIEL L / GARDNER, ASHLEY T V
518 S ARTHUR ST
SPOKANE, WA 99202

CURRY FAMILY TRUST
7531 N CENTRAL HWY
MC NEAL, AZ 85617-9601

HAFFEY, DANIEL L / GARDNER, ASHLEY T V
518 S ARTHUR ST
SPOKANE, WA 99202

JONES, ANTHONY R & SHANNON L
652 S ARTHUR- ST
SPOKANE, WA 99202-2458

DISTRIBUTION LIST
VACATION OF CONKLIN STREET, JUST SOUTH OF 8TH AVENUE

FAMILY PROMISE OF SPOKANE
904 E HARTSON AVE
SPOKANE, WA 99202

PADDOCK, MELVIN L & VALERIE A
726 S LAURA ST
SPOKANE, WA 99202

HIGGINS, LLC
907 E 8TH AVE
SPOKANE, WA 99202

WALLIS, C ROBERT
3025 BOUNDARY ST SE
OLYMPIA, WA 98501

MOORE, JAMES & MANDY
3803 S WOODRUFF RD
SPOKANE VALLEY, WA 99206-9522

MARCHESTER, ROBERT J
822 E 8TH AVE
SPOKANE, WA 99202

ISRAEL, LYNN R / FISHER-ISRAEL, CARLEY
828 E 8TH AVE
SPOKANE, WA 99202-2427

WILLARD/COWDEN
806 E 8TH AVE
SPOKANE, WA 99202-2427

ASI, INC.
2550 W UNIVERSITY AVE #330N
SAINT PAUL, MN 55114-2006

RKGT, LLC
1002 S WOODFERN ST
SPOKANE, WA 99202-4261

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

01/22/2018

<u>Date Rec'd</u>	1/8/2018
<u>Clerk's File #</u>	ORD C35575
<u>Renews #</u>	

<u>Submitting Dept</u>	PLANNING	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	NATHAN 625-6893	<u>Project #</u>	
<u>Contact E-Mail</u>	NGWINN@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	First Reading Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0650 - CODE AMENDMENTS TO COTTAGE HOUSING		

Agenda Wording

An ordinance relating to relating to cottage housing, pocket residential development, and compact lot standards, amending Spokane Municipal Code (SMC) sections 17A.020.010, 17A.020.030, 17A.020.040, 17A.020.130, 17A.020.190, 17C.110.030, 17C.110.115,

Summary (Background)

Code amendments to Cottage Housing (SMC 17C.110.350) for larger unit floor area, subdivision of internal units, slight increases in height and density, attention to standards for development perimeters, and to allow in the RTF zone. Also, allow Pocket Residential (private access and new lots; SMC 17C.110.360), and some smaller lots (Table 17C.110-3), in the RSF zone, with no changes to aggregate site density for those development tools, using limited design standards.

<u>Fiscal Impact</u>	Grant related? NO	<u>Budget Account</u>
	Public Works? NO	

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

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	KEY, LISA	<u>Study Session</u>	
<u>Division Director</u>	TRAUTMAN, HEATHER	<u>Other</u>	Urban Development
<u>Finance</u>	ORLOB, KIMBERLY	<u>Distribution List</u>	
<u>Legal</u>	RICHMAN, JAMES	jmallahan@spokanecity.org	
<u>For the Mayor</u>	DUNIVANT, TIMOTHY	dkinder@spokanecity.org	
<u>Additional Approvals</u>		lkey@spokanecity.org	
<u>Purchasing</u>		jrichman@spokanecity.org	
<u>CITY COUNCIL</u>	MCDANIEL, ADAM	tpalmquist@spokanecity.org	
		tblack@spokanecity.org	
		ngwinn@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

17C.110.200, 17C.110.350, 17C.110.360, 17C.230.130, 17G.080.065; adopting a new section 17C.110.209 to chapter 17C.110 SMC; and repealing SMC section 17C.110T.002.

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

sbishop@spokanecity.org

BRIEFING PAPER

City of Spokane

Cottage Housing & Pocket Residential Code Amendments

January 8, 2018

Subject

Amendments to the cottage housing, pocket residential, and compact lot standards were recommended by the infill development steering committee in 2016 as priority code revisions to allow additional infill development. The draft before the Council today includes amendments to Spokane Municipal Code Chapters 17A.020, 17C.110, 17C.230, and 17G.080.

Background

The steering committee recommended removing restrictions on pocket residential development in the Residential Single-family (RSF) zone, and to allow subdivision of cottage housing units. Cottage housing arranges homes around a common open space, such as a courtyard. Pocket residential development allows arrangements that efficiently utilize residential lots, but without the density incentive or smaller houses and common open space contemplated in Cottage Housing regulations.

The [Comprehensive Plan](#) emphasizes use of design standards and guidelines in regulations as primary tools to ensure that infill and redevelopment projects are well-designed and compatible with their surroundings. Incentives are provided to enhance the public realm, preserve and protect open space within developments, and promote a wide range of affordable housing in all neighborhoods (LU 2.2, LU 3.6, LU 5.5). In allowing new high-quality and diverse residential investment, while strengthening residential character and encouraging adequate, usable open space, the revisions also align with the [Strategic Plan](#) initiatives.

After a public hearing December 13, 2017, the Plan Commission voted 8-1 to recommend approval of draft regulations with a minor change to the proposal related to not requiring community buildings in certain types of cottage housing developments with smaller housing units. [Comments received in 2017](#) regarding the proposal are attached. Also attached is a [summary of public outreach](#) presentations to community groups, open house, and social media.

Impact

The amendments enable some sites in the Residential Single-family (RSF) zone to be developed with additional units, by allowing different subdivision arrangements for new lots in smaller developments that allow frontage on shared driveways, or private access, rather than on a public street. However, the number of housing units per lot and density ranges permitted comply with the level designated by the Comprehensive Plan and its density bonus provisions. Comprehensive Plan Policies LU 2.2, LU 7.1, H 1.10, and PRS 1.4 contemplate density bonuses.

Changes to design standards and guidelines are proposed to make projects more responsive to surrounding development and to streamline their application in review of projects. Potentially increasing the supply of housing stock helps preserve housing affordability, and helps to meet housing demand for the city's growing population. Local businesses and existing residents benefit from the investment in vacant and underutilized properties within their neighborhoods.

Action

The City Council will consider the Plan Commission's recommendation and hold a public hearing. Following the hearing, the City Council will take action on the proposal under [SMC 17G.025.010](#)(H).

Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendation
Proposed Text Amendment to Spokane Municipal Code Chapters 17A.020,
17C.110, 17C.110T, 17C.230, and 17G.080

A recommendation from the City Plan Commission to the City Council to APPROVE proposed amendments to the Development Code. The proposal is related to cottage housing, pocket residential development, and compact lot standards, amending Spokane Municipal Code (SMC) 17A.020.010, 17A.020.030, 17A.020.040, 17A.020.130, 17A.020.190, 17C.110.030, 17C.110.115, 17C.110.200, 17C.110.350, 17C.110.360, 17C.230.130, 17G.080.065; adopting a new section 17C.110.209 to chapter 17C.110 SMC; and, repealing SMC 17C.110T.002.

Findings of Fact:

- A.** The City of Spokane's Comprehensive Plan encourages development that is designed to create a positive perception of Spokane (Goal DP 3), and provides minimum and maximum residential densities (Land Use Chapter, Section 3.4), in addition to opportunities for a variety of housing types (Goal H1).
- B.** City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 2.1, Public Realm Features, states: *Encourage features that improve the appearance of development, paying attention to how projects function to encourage social interaction and relate to and enhance the surrounding urban and natural environment.*
- C.** City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 2.2, Performance Standards, states: *Employ performance and design standards with sufficient flexibility and appropriate incentives to ensure that development is compatible with surrounding land uses.*
- D.** City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 3.1, Coordinated and Efficient Land Use, states: *Encourage coordinated and efficient growth and development through infrastructure financing and construction programs, tax and regulatory incentives, and by focusing growth in areas where adequate services and facilities exist or can be economically extended.*
- E.** City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 3.2, Centers and Corridors, states: *Designate Centers and Corridors (neighborhood scale, community or district scale, and regional scale) on the Land Use Plan Map that encourage a mix of uses and activities around which growth is focused.*
- F.** City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 3.6, Compact Residential Patterns, states: *Allow more compact and affordable housing in all neighborhoods, in accordance with design guidelines.*
- G.** City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 7.1, Regulatory Structure, states: *Develop a land use regulatory structure that utilizes a variety of mechanisms to promote development that provides a public benefit.*

- H. City of Spokane Comprehensive Plan, Transportation Chapter, Goal TR 18, Parking, states: *Develop and administer vehicle parking policies that appropriately manage the demand for parking based upon the urban context desired.*
- I. City of Spokane Comprehensive Plan, Housing Chapter, Policy H 1.18, Distribution of Housing Options, states: *Promote a wide range of housing types and housing diversity to meet the needs of the diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs.*
- J. City of Spokane Comprehensive Plan, Urban Design and Historic Preservation Chapter, Policy DP 2.12, Infill Development states: *Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.*
- K. City of Spokane Comprehensive Plan, Parks and Recreation Chapter, Policy PRS 1.4, Property Owners and Developers, states: *Work cooperatively with property owners and developers to preserve open space areas within or between developments, especially those that provide visual or physical linkages to the open space network.*
- L. In 2012, the City adopted ORD C34912 which updated its zoning code to address infill development techniques and design standards, and codified Pocket Residential Development under SMC 17C.110.360. The new method allowed for development of residences that may not all front on a public street in most zoning districts, but not the Residential Single-Family (RSF) zone. Since its adoption, there has been limited use of the Pocket Residential Development method; the City received only one application for rezone of an RSF site to be able to develop under Pocket Residential Development.
- M. According to the Washington Commerce Department's 2015 Housing Needs Assessment, more than 24,000 of homeowner households at every income level assessed in the Spokane Urbanized Area paid more than 30 percent of their income on housing, a status defined as "cost-burdened." More than 28,000 renter households were also cost-burdened. Together these represented a third of the total number of households. Only 43 percent of households earning less than \$31,500 (50% of area median income) had access to affordable and available housing.
- N. According to American Community Survey 1-year estimates, rental vacancies in Spokane County were tied in 2015 and 2016 at the lowest level for at least twelve years, at 3.7 percent, falling from a high of 8 percent in 2011. The city of Spokane's rental vacancy rate also reached a twelve-year low at 3.1 percent in 2015, rising to 4.6 percent in 2016, which was down from a high of 9.7 percent in 2009 for that period.
- O. In 2016, a Plan Commission subcommittee ("committee") was formed to identify local issues and develop strategies to overcome obstacles to infill development that would enable and promote high-quality development on vacant land. During a public engagement process that solicited community input, the committee learned of interest in using the Pocket Residential Development method on other RSF-zoned sites.

- P.** The committee prepared a series of recommendations that included proposed regulatory changes, including amendments to unit lot subdivision (SMC 17G.080.065) to allow new development, update dimensional and other standards such as smaller lot sizes to support attached housing and more efficient use of land (SMC 17C.110.200), enabling internal subdivision of Cottage Housing development (SMC 17C.110.350), allowing cottage housing units to be larger and capable of attaching units, and to allow Pocket Residential development as an outright tool in the RSF zone or with a conditional use permit rather than through a zoning change to RSF-Compact. The Spokane City Council adopted Resolution 2016-94 on November 21, 2016, recognizing the committee's summary report and recommendation as a guide for future program development and potential regulatory implementation measures.
- Q.** On September 27, October 11, October 25, and November 8, 2017, the Spokane City Plan Commission held workshops to study the proposed amendments to SMC Title 17.
- R.** On October 13, 2017, pursuant to RCW 36.70A.106, the City notified the Washington State Department of Commerce of its intent to adopt proposed changes to SMC Title 17. On October 18, 2017, the City received an acknowledgement letter from the Department of Commerce.
- S.** A public open house was held November 2, 2017, at West Central Community Center, seeking public feedback on the proposal to amend chapters 17A.020, 17C.110, 17C.230, and 17G.060. The City provided notice of the open house meeting by advertising on its website and via email notice to neighborhood councils and interested parties.
- T.** On November 29, and December 6, 2017, the City caused Notice of the proposed amendments to SMC chapter 17C.370 and announcement of the Plan Commission's December 13, 2017 hearing to be published in the City's Official Gazette. The Notice and announcement was also published in the Spokesman Review on December 1 and December 6, 2017.
- U.** On November 29, 2017, the responsible official issued a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance for the proposed amendments to SMC chapter 17C.370. The public comment period for the SEPA determination ended on December 13, 2017.
- V.** The City has complied with RCW 36.70A.370 in processing these code updates.
- W.** On December 13, 2017, the City Plan Commission held a public hearing on the proposed amendments; deliberations followed.
- X.** During deliberations, the Plan Commission considered the proposed text amendments using the criteria set forth in SMC 17G.025.010.

Public Comment:

- A.** Seventeen written comments were received and provided to the Plan Commission prior to the hearing December 13, 2017, regarding the proposed amendments: eight in favor, two neutral, and seven in opposition.

- B.** During the hearing on December 13, the Plan Commission heard testimony from 8 individuals: Of those, 5 were in favor; 2 were neutral; and, one was opposed to the proposed amendments.
- C.** No other testimony was heard.

Deliberations:

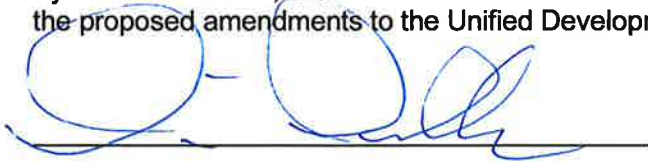
- A.** By a vote of 7 to 2, the Plan Commission recommended removing the requirement for a community building as a condition of receiving an additional density bonus for "tiny homes" under 500 square feet in a cottage housing development.
- B.** During deliberations, Plan Commissioners commented that staff had effectively engaged the public, received significant input, and were responsive to the concerns raised; that the proposed amendments made more efficient use of available lands, and encouraged development in closer proximity to services, effectively reducing sprawl; and that the proposed amendments create opportunities for development that achieve the higher densities envisioned in the Comprehensive Plan, thus reducing impacts on City service delivery.

Conclusions:

- A.** The Plan Commission concludes that, related to public health, safety, welfare, and protection of the environment, the proposal would address the following factors:
 - 1. The proposed amendments make more efficient use of available lands, and encourage development in closer proximity to services, effectively reducing sprawl.
 - 2. The proposed amendments create opportunities for development that achieve the higher densities envisioned in the Comprehensive Plan, thus reducing impacts on City service delivery.
 - 3. The proposed amendments create additional opportunities to compatibly increase affordable housing supply and respond to demands of citizens of every income level experiencing a shortage of housing, as indicated by comments received and the historic low vacancy rates.
- B.** With regard as to whether the proposed amendments to chapters 17A.020, 17C.110, 17C.110T, 17C.230, and 17G.080 SMC, as amended, meet the approval criteria of SMC 17G.025.010(F) for text amendments to the Development Code, the Plan Commission makes the following findings:
 - 1. The proposed amendments ARE consistent with the applicable provisions of the City's Comprehensive Plan.
 - 2. The proposed amendments DO bear a substantial relation to public health, safety, welfare, and protection of the environment.

Recommendation:

By a vote of 8 to 1, the Plan Commission recommends to the City Council the APPROVAL of the proposed amendments to the Unified Development Code, with changes as deliberated.



**Dennis Dellwo, President
Spokane Plan Commission
January 10, 2018**

ORDINANCE NO. C35575

An ordinance relating to relating to cottage housing, pocket residential development, and compact lot standards, amending Spokane Municipal Code (SMC) sections 17A.020.010, 17A.020.030, 17A.020.040, 17A.020.130, 17A.020.190, 17C.110.030, 17C.110.115, 17C.110.200, 17C.110.350, 17C.110.360, 17C.230.130, 17G.080.065; adopting a new section 17C.110.209 to chapter 17C.110 SMC; and repealing SMC section 17C.110T.002.

WHEREAS, the City of Spokane's Comprehensive Plan encourages development that is designed to create a positive perception of Spokane (Goal DP 3), and provides minimum and maximum residential densities (Land Use Chapter, Section 3.4), in addition to opportunities for a variety of housing types (Goal H1); and

WHEREAS, Comprehensive Plan Policy LU 2.1, Public Realm Features, states: *"Encourage features that improve the appearance of development, paying attention to how projects function to encourage social interaction and relate to and enhance the surrounding urban and natural environment;"* and

WHEREAS, Comprehensive Plan Policy LU 2.2, Performance Standards, states: *"Employ performance and design standards with sufficient flexibility and appropriate incentives to ensure that development is compatible with surrounding land uses;"* and

WHEREAS, Comprehensive Plan Policy LU 3.6, Compact Residential Patterns, states: *"Allow more compact and affordable housing in all neighborhoods, in accordance with design guidelines;"* and

WHEREAS, Comprehensive Plan Policy LU 7.1, Regulatory Structure, states: *"Develop a land use regulatory structure that utilizes a variety of mechanisms to promote development that provides a public benefit;"* and

WHEREAS, Comprehensive Plan Policy H 1.18, Distribution of Housing Options, states: *"Promote a wide range of housing types and housing diversity to meet the needs of the diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs;"* and

WHEREAS, the City of Spokane's Comprehensive Plan defines infill development as the development of vacant lots or parcels within an already built up area; and

WHEREAS, design standards and guidelines are required for cottage housing, pocket residential development, and compact lot standards, so as to ensure compatibility of development with existing developed neighborhoods consistent with Comprehensive Plan Policy DP 2.12, Infill Development, which states: *"Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character;"* and

WHEREAS, According to the Washington Commerce Department's 2015 Housing Needs Assessment ("Assessment"), more than 24,000 of homeowner households at every income level assessed in the Spokane Urbanized Area paid more than 30 percent of their income on housing, a status defined as "cost-burdened;" and

WHEREAS, more than 28,000 renter households were also cost-burdened, according to the Assessment; and

WHEREAS, together these households represented a third of the total number of households; meanwhile, only 43 percent of households earning less than \$31,500 (50% of median family income) had access to affordable and available housing, according to the Assessment; and

WHEREAS, according to American Community Survey 1-year estimates, rental vacancies in Spokane County were tied in 2015 and 2016 at the lowest level for at least twelve years, at 3.7 percent, falling from a high of 8 percent in 2011; and

WHEREAS, the city of Spokane's estimated rental vacancy rate also reached a twelve-year low at 3.1 percent in 2015, rising to 4.6 percent in 2016, which was down from a high of 9.7 percent in 2009 for that period; and

WHEREAS, in 2016, a Plan Commission subcommittee ("committee") was formed to identify local issues and develop strategies to overcome obstacles to infill development that would enable and promote high-quality development on vacant land; and

WHEREAS, during a public engagement process that solicited community input, the committee identified development opportunities, recommended removing particular provisions of the development code that discourage single-family homes, and recommended changes needed to achieve high-quality infill development in residential zones; and

WHEREAS, the committee prepared a series of recommendations that included proposed regulatory changes, including amendments to unit lot subdivision (SMC 17G.080.065) to allow new development, update dimensional and other standards such as smaller lot sizes to support attached housing and more efficient use of land (SMC 17C.110.200), enabling internal subdivision of Cottage Housing development (SMC 17C.110.350), allowing cottage housing units to be larger and capable of attaching units, and to allowing pocket residential development outright as a tool in the RSF zone or with a conditional use permit rather than through a zoning change to RSF-Compact; and

WHEREAS, the Spokane City Council adopted Resolution 2016-94 on November 21, 2016, recognizing the committee's summary report and recommendation as a guide for future program development and potential regulatory implementation measures.

WHEREAS, it is necessary to create opportunities for development that can achieve the higher densities envisioned in the Comprehensive Plan, thus reducing impacts on City service delivery; and

WHEREAS, it is necessary to create additional opportunities to compatibly increase the affordable housing supply and respond to demands of citizens of every income level experiencing a shortage of housing, as indicated by comments received and the historic low vacancy rates; and

WHEREAS, residential infill development may occur anywhere that a parcel of land is vacant or is not developed to the full number of units allowed in the underlying zoning designation; and

WHEREAS, there is a need for flexibility in the development of land for residential uses that are consistent with the Comprehensive Plan; and

WHEREAS, related to public health, safety, welfare, and protection of the environment, this ordinance is intended to make more efficient use of available lands, and encourage development in closer proximity to services, effectively reducing sprawl; and

WHEREAS, residential infill development is allowed in most of the zoning categories of the Spokane Municipal Code: in Commercial, Center and Corridor, and Downtown Zones, there are no maximum density of limits for residential uses; and

WHEREAS, this ordinance changes existing provisions for alternative residential development and standards for Residential Zones, where residential density is regulated, that improve the opportunities for the compatible development of residential uses that are consistent with the Comprehensive Plan; and

WHEREAS, the changes are aligned with the committee recommendations and include additional housing types and enabling subdivision in cottage housing developments, with additional bonus densities to encourage the construction of smaller housing units; and expansion of pocket residential development to additional areas and allowing sites eligible for a rezone to utilize the compact lot standards without requiring a rezone; and

WHEREAS, the City complied with RCW 36.70A.370 in the process of adopting this Ordinance; and

WHEREAS, The City conducted an open house meeting on November 2, 2017; and

WHEREAS, the City encouraged public participation and provided information on the amendments on its website (<http://my.spokanecity.org/projects>); and

WHEREAS, the City of Spokane Plan Commission held workshops throughout the process; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist was prepared and a Determination of Nonsignificance (DNS) was issued on November 29, 2017, for the proposed amendments; and

WHEREAS, public notice was published in the Spokesman Review on December, 1 and 6, 2017, giving notice of the Plan Commission public hearing and of the released SEPA Checklist and DNS; and

WHEREAS, on December 13, 2017, the Plan Commission held a public hearing on the recommended amendments and recommended, by a vote of 8-1, approval of the amendments; and

WHEREAS, the public has had opportunities to participate throughout the process and all persons desiring to comment were given an opportunity to be heard; --
Now, Therefore

The City of Spokane does ordain:

Section 1. That SMC section 17A.020.010 is amended to read as follows:

17A.020.010 “A” Definitions

- A. Abandoned Sign Structure.
A sign structure where no sign has been in place for a continuous period of at least six months.
- B. Aboveground Storage Tank or AST.
Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.
- C. Accepted.
A project for which the required plans have been found to be technically adequate.
- D. Accessory Dwelling Unit (ADU).
An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:
 - 1. “Mother-in-law apartments,”
 - 2. “Accessory apartments,” or
 - 3. “Second units.”

- E. Accessory Structure.
A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.
1. Accessory structures may be attached or detached from the primary structure.
 2. Examples of accessory structures include:
 - a. Garages,
 - b. Decks,
 - c. Fences,
 - d. Trellises,
 - e. Flagpoles,
 - f. Stairways,
 - g. Heat pumps,
 - h. Awnings, and
 - i. Other structures.
 3. See also SMC 17A.020.160 ("Primary Structure").
- F. Accessory Use.
A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.
- G. Activity.
See Regulated Activity.
- H. Administrative Decision.
A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.
- I. Adult Bookstore or Adult Video Store.
1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are

characterized by their emphasis upon the display of “specified anatomical areas,” as defined in SMC 17A.020.190, or “specified sexual activities,” as defined in SMC 17A.020.190. A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:

- a. At least thirty percent of the establishment’s displayed merchandise consists of said items; or
 - b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment’s displayed merchandise consists of said items; or
 - c. At least thirty percent of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items; or
 - d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - f. The establishment regularly offers for sale or rental at least two thousand of said items; or
 - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using “adult,” “XXX,” “sex,” “erotic,” or substantially similar language, as an establishment that caters to adult sexual interests.
2. For purposes of this definition, the term “floor space” means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.

J. Adult Business.

An “adult bookstore or adult video store,” an “adult entertainment establishment,” or a “sex paraphernalia store.”

K. Adult Entertainment Establishment.

1. An “adult entertainment establishment” is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to “specified sexual activities” as defined in SMC 17A.020.190 or “specified anatomical areas” as defined in SMC 17A.020.190 for observation by patrons therein.
 2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of "specified sexual activities" or "specified anatomical areas."
 3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.
- L. Adult Family Home.
A residential use as defined and licensed by the state of Washington in a dwelling unit.
- M. Agency or Agencies.
The adopting jurisdiction(s), depending on the context.
- N. Agricultural Activities.
1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;
 - b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
 - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
 - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;
 - g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and

- b. Changes to the interior of a building.
 - c. Increases or decreases in floor area of a building; or
 - d. Changes to other structures on the site, or the development of new structures.
- T. Alteration of Plat, Short Plat, or Binding Site Plan.
The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to SMC 17G.080.030.
- U. Alternative or Post-incarceration Facility.
A group living use where the residents are on probation or parole.
- V. [Deleted]
- W. [Deleted]
- X. [Deleted]
- Y. [Deleted]
- Z. API 653.
The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.
- AA. Appeal.
A request for review of the interpretation of any provision of Title 17 SMC.
- AB. Appeal – Standing For.
As provided under RCW 36.70C.060, persons who have standing are limited to the following:
 - 1. The applicant and the owner of property to which the land use decision is directed; and
 - 2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;

- b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
- c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
- d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

AC. Applicant.

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. "Owners" are all persons having a real property interest. Owners include:

- 1. Holder of fee title or a life estate;
- 2. Holder of purchaser's interest in a sale contract in good standing;
- 3. Holder of seller's interest in a sale contract in breach or in default;
- 4. Grantor of deed of trust;
- 5. Presumptively, a legal owner and a taxpayer of record;
- 6. Fiduciary representative of an owner;
- 7. Person having a right of possession or control; or
- 8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

AD. Application – Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in SMC 17G.060.090.

AE. Aquaculture.

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.

AF. Aquatic Life.

Shall mean all living organisms, whether flora or fauna, in or on water.

- AG. Aquifer or Spokane Aquifer.
A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.
- AH. Aquifer Sensitive Area (ASA).
That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of SMC 17E.050.260.
- AI. Aquifer Water Quality Indicators.
Common chemicals used for aquifer water quality screening. These are:
1. Calcium,
 2. Magnesium,
 3. Sodium,
 4. Total hardness,
 5. Chloride,
 6. Nitrate-nitrogen, and
 7. Phosphorus.
- AJ. Archaeological Areas and Historical Sites.
Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.
- AK. Architectural feature
Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.
- AL. Architectural Roof Structure
Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.
1. Area of Shallow Flooding.
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).
 2. The base flood depths range from one to three feet.
 3. A clearly defined channel does not exist.

4. The path of flooding is unpredictable and indeterminate.
5. Velocity flow may be evident.
6. AO is characterized as sheet flow and AH indicates ponding.

AM. Area of Shallow Flooding.

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4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

AN. Area of Special Flood Hazard.

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

AO. Arterial.

See:

1. "Principal Arterials" – SMC 17A.020.160,
2. "Minor Arterials" – SMC 17A.020.130,
3. "Collector Arterial" – SMC 17A.020.030, or
4. "Parkway" – SMC 17A.020.160.

AP. Articulation.

The emphasis of architectural elements, such as windows, balconies, and entries that create a complementary pattern or rhythm, dividing the buildings into smaller identifiable pieces.

((AP))AQ. Assisted Living Facility.

A multi-family residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.
2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

~~((AQ))~~AR. Attached Housing.

Two or more dwelling units that are single-family residences on individual lots attached by a common wall at a shared property line. These include:

1. Townhouses,
2. Row houses, and
3. Other similar structures

~~((AR))~~AS. Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.
3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

~~((AS))~~AT. Available Capacity.

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).

~~((AT))~~AU. Average Grade Level.

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

~~((AU))~~AV. Awning

A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

Section 2. That SMC section 17A.020.030 is amended to read as follows:

17A.020.030 "C" Definitions

- A. Candidate Species.

A species of fish or wildlife, which is being reviewed, for possible classification as threatened or endangered.

B. Carport.

A carport is a garage not entirely enclosed on all sides by sight-obscuring walls and/or doors.

C. Cellular Telecommunications Facility.

They consist of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.

D. Central Business District.

The general phrase “central business district” refers to the area designated on the comprehensive plan as the “downtown” and includes all of the area encompassed by all of the downtown zoning categories combined.

E. Certificate of Appropriateness.

Written authorization issued by the commission or its designee permitting an alteration or significant change to the controlled features of a landmark or landmark site after its nomination has been approved by the commission.

F. Certificate of Capacity.

A document issued by the planning services department indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

G. Certified Erosion and Sediment Control Lead (CESCL).
An individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess the:

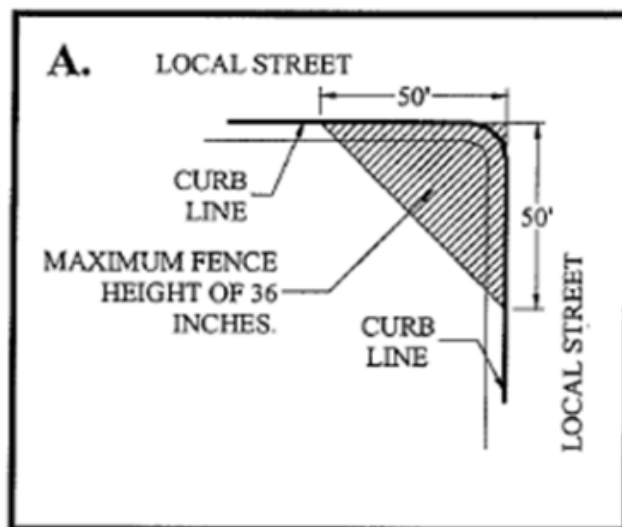
1. site conditions and construction activities that could impact the quality of stormwater, and
2. effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.

The CESCL shall have current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State department of ecology.

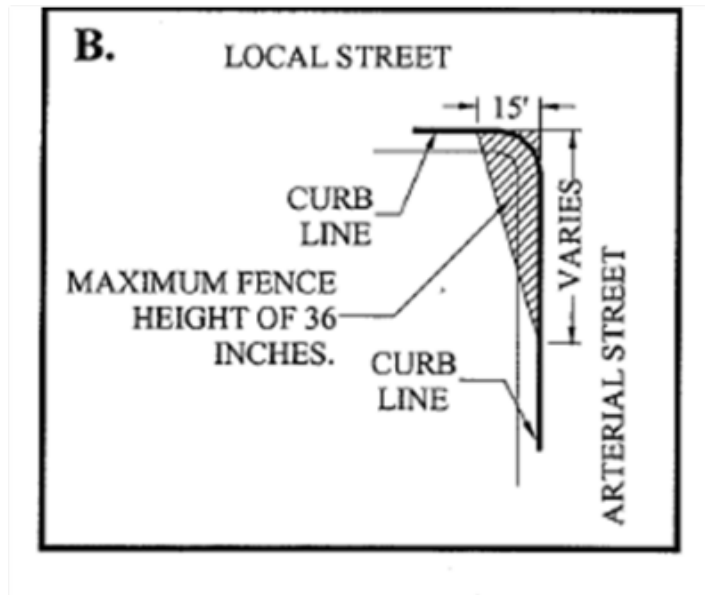
H. Change of Use.

For purposes of modification of a preliminary plat, “change of use” shall mean a change in the proposed use of lots (e.g., residential to commercial).

- I. Channel Migration Zone (CMZ).
A corridor of variable width that includes the current river plus adjacent area through which the channel has migrated or is likely to migrate within a given timeframe, usually one hundred years.
- J. Channelization.
The straightening, relocation, deepening, or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.
- K. City.
The City of Spokane, Washington.
- L. Clear Street Width.
The width of a street from curb to curb minus the width of on-street parking lanes.
- M. Clear Pedestrian Zone
Area reserved for pedestrian traffic; typically included herein as a portion of overall sidewalk width to be kept clear of obstructions to foot traffic.
- N. Clear View Triangle
A clear view maintained within a triangular space at the corner of a lot so that it does not obstruct the view of travelers upon the streets.
 1. A right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or

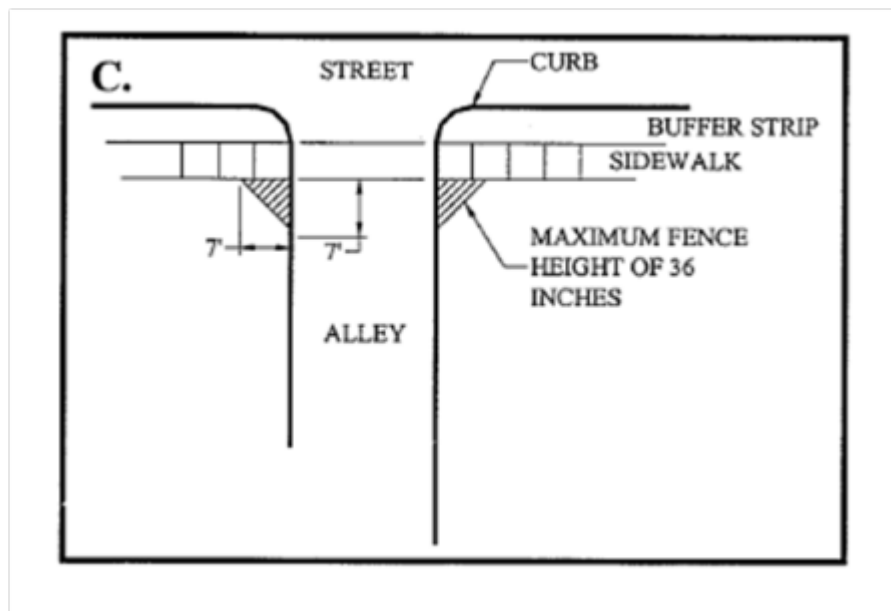


2. A right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or



A right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:

- the inside line of the sidewalk; or
- if there is no sidewalk, a line seven feet inside the curb line.



- O. Clear Zone.**
An unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles.
- P. Clearing.**

The removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.

Q. Cliffs.

1. A type of habitat in the Washington department of fish and wildlife (WDFW) priority habitat and species system that is considered a priority due to its limited availability, unique species usage, and significance as breeding habitat. Cliffs are greater than twenty-five feet high and below five thousand feet elevation.
2. A “cliff” is a steep slope of earth materials, or near vertical rock exposure. Cliffs are categorized as erosion landforms due to the processes of erosion and weathering that produce them. Structural cliffs may form as the result of fault displacement or the resistance of a cap rock to uniform downcutting. Erosional cliffs form along shorelines or valley walls where the most extensive erosion takes place at the base of the slope.

R. Closed Record Appeal Hearing.

A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that relies on the existing record created during a quasi-judicial hearing on the application. No new testimony or submission of new evidence and information is allowed.

S. Collector Arterial.

A relatively low speed street serving an individual neighborhood.

1. Collector arterials are typically two-lane roads with on-street parking.
2. Their function is to collect and distribute traffic from local access streets to principal and minor arterials.

T. Co-location.

Is the locating of wireless communications equipment from more than one provider on one structure at one site.

U. Colony.

A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen, and brood.

V. Commercial Driveway.

Any driveway access to a public street other than one serving a single-family or duplex residence on a single lot.

W. Commercial Vehicle.

Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.

- X. Commission – Historic Landmarks.
The City/County historic landmarks commission.
- Y. Community Banner.
A temporary banner made of sturdy cloth or vinyl that is not commercial advertising that has the purpose of the promotion of a civic event, public service announcement, holiday decorations, or similar community and cultural interests and is placed on a structure located in the public right-of-way, subject to procedures authorized by city administrator.
- Z. Community Meeting.
An informal meeting, workshop, or other public meeting to obtain comments from the public or other agencies on a proposed project permit prior to the submission of an application.
 - 1. A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public, and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.
 - 2. A community meeting does not constitute an open record hearing.
 - 3. The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.
- AA. Compensatory Mitigation.
Replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:
 - 1. Restoration.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.
 - 2. Re-establishment.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
 - 3. Rehabilitation.

The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

4. Creation (Establishment).

The manipulations of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

5. Enhancement.

The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

6. Protection/Maintenance (Preservation).

Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

AB. Comprehensive Plan.

The City of Spokane comprehensive plan, a document adopted pursuant to chapter 36.70A RCW providing land use designations, goals and policies regarding land use, housing, capital facilities, housing, transportation, and utilities.

AC. Conceptual Landscape Plan.

A scale drawing showing the same information as a general site plan plus the location, type, size, and width of landscape areas as required by the provisions of chapter 17C.200 SMC.

1. The type of landscaping, L1, L2, or L3, is required to be labeled.

2. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.
- AD. Concurrency Certificate.
A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to chapter 17D.010 SMC, Concurrency Certification.
- AE. Concurrency Facilities.
Facilities for which concurrency is required in accordance with the provisions of this chapter. They are:
1. transportation,
 2. public water,
 3. fire protection,
 4. police protection,
 5. parks and recreation,
 6. libraries,
 7. solid waste disposal and recycling,
 8. schools, and
 9. public wastewater (sewer and stormwater).
- AF. Concurrency Test.
The comparison of an applicant's impact on concurrency facilities to the available capacity for public water, public wastewater (sewer and stormwater), solid waste disposal and recycling, and planned capacity for transportation, fire protection, police protection, schools, parks and recreation, and libraries as required in SMC 17D.010.020.
- AG. Conditional Use Permit.
A "conditional use permit" and a "special permit" are the same type of permit application for purposes of administration of this title.
- AH. Condominium.
Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a

declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

- AI. Confidential Shelter.
Shelters for victims of domestic violence, as defined and regulated in chapter 70.123 RCW and WAC 248-554. Such facilities are characterized by a need for confidentiality.
- AJ. Congregate Residence.
A dwelling unit in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.
- AK. Conservancy Environments.
Those areas designated as the most environmentally sensitive and requiring the most protection in the current shoreline master program or as hereafter amended.
- AL. Container.
Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.
- AM. Context Areas
Established by the Regulating Plan, Context Area designations describe and direct differing functions and features for areas within FBC limits, implementing community goals for the built environment.
- AN. Conveyance.
In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means a mechanism for transporting water from one point to another, including pipes, ditches, and channels.
- AO. Conveyance System.
In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, and most flow control and water quality treatment facilities.
- AP. Copy.
Letters, characters, illustrations, logos, graphics, symbols, writing, or any combination thereof designed to communicate information of any kind, or to

advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental, or lease of premises

AQ. Cottage Housing.

1. A grouping of individual structures where each structure contains one or two dwelling units.
2. The land underneath the structures (~~(is not)~~) may or may not be divided into separate lots.
3. A cottage housing development may contain (~~(no less than six and no more than twelve individual structures in addition to)~~) detached accessory buildings for storing vehicles. It may also include a community building, garden shed, or other facility for use of the residents.
4. The types of units allowed in cottage housing developments are detached cottages, attached unit homes and carriage units. For the purposes of SMC 17C.110.350, the definitions of these types are:

a. Cottage. A detached, single-family residential building.



b. Attached Unit Home. A structure containing two dwelling units designed to look like a single-family home.



c. Carriage Unit. A single-family dwelling unit located above a garage structure.



- AR. Council.
The city council of the City of Spokane.
- AS. County.
Usually capitalized, means the entity of local government or, usually not capitalized, means the geographic area of the county, not including the territory of incorporated cities and towns.
- AT. Covenants, Conditions, and Restrictions (CC&Rs).
A document setting forth the covenants, conditions, and restrictions applicable to a development, recorded with the Spokane County auditor and, typically, enforced by a property owner's association or other legal entity.
- AU. Creep.
Slow, downslope movement of the layer of loose rock and soil resting on bedrock due to gravity.
- AV. Critical Amount.
The quantity component of the definition of critical material.
- AW. Critical Aquifer Recharge Areas (CARA).
Critical aquifer recharge areas (CARA) include locally identified aquifer sensitive areas (ASA) and wellhead protection areas.
- AX. Critical Areas.
Any areas of frequent flooding, geologic hazard, fish and wildlife habitat, aquifer sensitive areas, or wetlands as defined under chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, and chapter 17E.070.SMC.
- AY. Critical Facility.
A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to:
1. schools;
 2. nursing homes;
 3. hospitals;
 4. police;
 5. fire;
 6. emergency response installations; and

7. installations which produce, use, or store hazardous materials or hazardous waste.

AZ. Critical Material.

1. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:
domestic and industrial water supply,

- a. domestic and industrial water supply,
- b. agricultural irrigation,
- c. stock water, and
- d. fish propagation.

Used herein, the designation is distinguished from state or other designation.

2. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto.

BA. Critical Material Activity.

A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials. A list of critical materials activities is contained in the Critical Materials Handbook.

BB. Critical Materials Handbook.

The latest edition of a publication as approved and amended by the division director of public works and utilities from time to time to accomplish the purposes of this chapter.

1. The handbook is based on the original prepared by the Spokane water quality management program ("208") coordination office, with the assistance of its technical advisory committee. It is on file with the director of engineering services and available for public inspection and purchase.
2. The handbook, as approved and modified by the division director of public works and utilities, contains:
 - a. a critical materials list,
 - b. a critical materials activities list, and

- c. other technical specifications and information.
 - 3. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.
- BC. Critical Review.
- The process of evaluating a land use permit request or other activity to determine whether critical materials or critical materials activities are involved and, if so, to determine what appropriate measures should be required for protection of the aquifer and/or implementation of the Spokane aquifer water quality management plan.
- BD. Critical Review Action.
- 1. An action by a municipal official or body upon an application as follows:
 - a. Application for a building permit where plans and specifications are required, except for Group R and M occupancies (SMC 17G.010.140 and SMC 17G.010.150).
 - b. Application for a shoreline substantial development permit (SMC 17G.060.070(B)(1)).
 - c. Application for a certificate of occupancy (SMC 17G.010.170).
 - d. Application for a variance or a certificate of compliance (SMC 17G.060.070(A) or SMC 17G.060.070(B)(1)).
 - e. Application for rezoning (SMC 17G.060.070(A)).
 - f. Application for conditional permit (SMC 17G.060.070(A)).
 - g. Application for a business license (SMC 8.01.120).
 - h. Application for a permit under the Fire Code (SMC 17F.080.060).
 - i. Application for a permit or approval requiring environmental review in an environmentally sensitive area (SMC 17E.050.260).
 - j. Application for connection to the City sewer or water system.
 - k. Application for construction or continuing use of an onsite sewage disposal system (SMC 13.03.0149 and SMC 13.03.0304).
 - l. Application for sewer service with non-conforming or non-standard sewage (SMC 13.03.0145, SMC 13.03.0314, and SMC 13.03.0324).

- m. Application involving a project identified in SMC 17E.010.120.
 - n. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.
 - o. Application for an underground storage tank permit (SMC 17E.010.210); and
 - p. Application for permit to install or retrofit aboveground storage tank(s) (SMC 17E.010.060(A) and SMC 17E.010.400(D)).
 - 2. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.
- BE. Critical Review Applicant.
A person or entity seeking a critical review action.
- BF. Critical Review Officer – Authority.
- 1. The building official or other official designated by the director of public works and utilities.
 - 2. For matters relating to the fire code, the critical review officer is the fire official.
 - 3. The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.
 - 4. The critical review officer imposes requirements based upon this chapter, regulations, and the critical materials handbook.
 - 5. The officer may adopt or add to any requirement or grant specific exemptions, where deemed reasonably necessary, considering the purpose of this chapter
- BG. Critical Review Statement.
A checklist, disclosure form, or part of an application for a critical review action, disclosing the result of critical review. Where not otherwise provided as part of the application process, the critical review officer may provide forms and a time and place to file the statement.
- BH. Cumulative Impacts.

The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

BI. Curb Ramp.

A ramp constructed in the sidewalk to allow wheelchair access from the sidewalk to the street.

BJ. Cutbank.

The concave bank of a moving body of water that is maintained as a steep or even overhanging cliff by the actions of water at its base.

Section 3. That SMC section 17A.020.040 is amended to read as follows:

17A.020.040 “D” Definitions

A. Day.

A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

B. Debris Flow.

Slow moving, sediment gravity flow composed of large rock fragments and soil supported and carried by a mud-water mixture.

C. Debris Slide.

A shallow landslide within rock debris with the slide usually occurring within a relatively narrow zone.

D. “Decibel (dB)” means the measure of sound pressure or intensity.

E. Dedication.

The deliberate appropriation of land, or an easement therein, by its owner for any general and public uses, reserving to the owner no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been devoted, and accepted for such use by or on behalf of the public. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat, or binding site plan showing the dedication thereon or by dedication deed to the City. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan, or at the City’s option, by the City recording such dedication deed with the Spokane County auditor.

F. Degraded Wetland.

A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.

G. Demolition or Partial Demolition.

The destruction, removal, or relocation, in whole or in part, of a building or structure or a significant feature of a building or structure that is of important historical character. Demolition (or partial demolition) does not include the removal of past additions for the express purpose of restoration of a structure to its historic appearance, form, or function. Demolition (or partial demolition) does not include the destruction or removal of portions of a building or structure that are not significant to defining its historic character. This exclusion is valid so long as the demolition is done as part of a design review application approved pursuant to [chapter 17C.040 SMC](#).

H. Density.

The number of housing units per acre as permitted by the zoning code.

I. Denuded.

Land that has had the natural vegetative cover or other cover removed leaving the soil exposed to mechanical and chemical weathering.

J. Department.

Any of the departments of engineering services, planning services, fire department, or parks and recreation for which responsibility has been assigned by charter or code for administration.

K. Design Departure.

Any change that is sought to modify or waive a design requirement (R) or waive a design presumption (P) contained within the design standards. The design departure process is found in [chapter 17G.030 SMC](#), Design Departures.

L. Design Guidelines.

A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

M. Design Review Board.

The design review board is defined in [chapter 4.13 SMC](#). The design review board was previously named design review committee. Any reference to design review committee is the same as a reference to the design review board.

N. Designation.

The declaration of a building, district, object, site, or structure as a landmark or historic district.

O. Desired Character.

The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted subarea plans or design guidelines for an area.

P. Detailed Site Plan.

A general site plan to which the following detailed information has been added:

1. Natural vegetation, landscaping, and open spaces.
2. Ingress, egress, circulation, parking areas, and walkways.
3. Utility services.
4. Lighting.
5. Signs.
6. Flood plains, waterways, wetlands, and drainage.
7. Berms, buffers, and screening devices; and
8. Such other elements as required in this chapter.

Q. Developable Area.

Land outside of a critical area and associated buffer including wetlands, fish and wildlife habitat conservation areas, riparian habitat area, landslide areas, steep slope areas, floodplain, floodway, shallow flooding, channel migration zone, and associated buffers, or any other restricted area on a particular piece of property.

R. Development.

Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

S. Development Activity – Floodplain.

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

T. Development Approval.

Any recommendation or approval for development required or permitted by this code.

U. Development Codes.

The state-adopted codes, boiler and pressure vessel, building, electrical, elevator, fire, mechanical, plumbing, and related publications adopted by the City, along with other provisions of this code that relate to private access to, use and obstruction of public right-of-way, and engineering standards that relate to private construction of public utilities and facilities.

V. Development Permit.

Any permit issued by the City authorizing construction, including a building permit, conditional use permit, substantial development permit, or other permit required by the City.

W. Development Plan, Site.

The final site plan that accompanied a recommendation or approval for development permitted by this code and that may identify standards for bulk and location of activities, infrastructure and utilities specific to the development.

~~((W))~~ X. Dike.

An artificial embankment placed at a stream mouth or delta area to hold back sea water for purposes of creating and/or protecting arable land from flooding.

~~((X))~~ Y. Direct Impact.

An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.

~~((Y))~~ Z. Directional.

Any of the four basic compass directions, abbreviated as follows: N, S, E, W, SE, NE, SW, NW shall also be considered as a directional. A directional is placed in front of the root roadway name.

~~((Z))~~ AA. Directional Sign.

A sign exclusively limited to guiding the circulation of motorists or pedestrians on the site.

~~((AA))~~ AB. Director.

The administrative official of the department responsible for compliance with this code, the development codes, and the land use codes. These include the director of building services, director of engineering services, and the director of planning services.

~~((AB))~~ AC. Discharge (n).

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means runoff, excluding offsite flows, leaving a proposed development through overland flow, built conveyance systems, or infiltration facilities.

~~((AC))~~ AD. Discharge (v).

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means any disposal, injection, dumping, spilling, pumping, emitting, emptying,

leaching, or placing of any material so that such material enters and exits from the MS4 or from any other publicly owned or operated drainage system that conveys storm water. The term includes other verb forms, where applicable.

~~((AD))~~ AE. Discharger.

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means any person that discharges to the City's MS4 or any other publicly owned or operated drainage system that conveys, manages, or disposes of stormwater flows.

~~((AE))~~ AF. District.

A geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of buildings, objects, sites, and/or structures united by past events or aesthetically by plan or physical development.

~~((AF))~~ AG. Disturbance Area.

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means an area where soils are exposed or disturbed by development, both existing and proposed. The disturbance area includes staging and storage areas, structures, and areas needed for vehicle access and maneuvering.

~~((AG))~~ AH. Dock.

All platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation.

~~((AH))~~ AI. Documented Habitat.

Habitat classified by state or federal agencies as critical to the survival of endangered or threatened or sensitive animal, fish, or plant species.

~~((AI))~~ AJ. Domestic Animal.

1. Large Domestic Animals.

- a. Animals including, but not limited to, horses, donkeys, burros, llamas, alpacas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type.
- b. Young of horses, mules, donkeys, burros, and llamas under one year in age.
- c. Bovines under ten months in age.
- d. Sheep, goats, and swine under three months in age are not included when counting large animals.

2. Small Domestic Animals.

- a. Fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined.

- b. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type.
- c. Small livestock are defined as:
 - 1. swine- breeds include miniature Vietnamese, Chinese or oriental pot-bellied pigs (*sus scrofa vittatus*),
 - 2. other small pig breeds such as Kunekune, Choctaw, and Guinea hogs,
 - 3. all breeds of goats excluding mature large meat breeds such as Boers, and
 - 4. all breeds of sheep excluding mature large meat breeds such as Suffolk or Hampshire sheep.
 - 5. No horned rams shall be permitted as a small livestock.
 - 6. Under no circumstance shall a small livestock exceed thirty-six inches shoulder height or one hundred and fifty pounds in weight.
- d. Young small animals, livestock or fowl under three months in age are not included when counting small animal, livestock or fowl.

((~~AJ~~)) AK. Drainage Ditch.

An artificially created watercourse constructed to drain surface or ground water. Ditches are graded (man-made), channels installed to collect and convey runoff from fields and roadways. Ditches may include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities, or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Ditches channels that support fish are considered to be streams.

((~~AK~~)) AL. Dredge Spoil.

The material removed by dredging.

((~~AL~~)) AM. Dredging.

The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies; maintenance dredging and other support activities are included in this definition.

((~~AM~~)) AN. Drift Cell.

Or “drift sector” or “littoral cell” means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

((~~AN~~)) AO. Driveway.

An all-weather surface driveway structure as shown in the standard plans.

((AØ)) AP. Duplex.

A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

((AP)) AQ. Dwelling Unit.

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

Section 4. That SMC section 17A.020.130 is amended to read as follows:

17A.020.130 “M” Definitions

A. Main Assembly Area.

The principal room for persons gathering for religious services.

B. Maintenance.

Or “repair” means those usual activities required to prevent a decline, lapse, or cessation from a lawfully established condition or to restore the character, scope, size, and design of a serviceable area, structure, or land use to a state comparable to its previously authorized and undamaged condition. This does not include any activities that change the character, scope, or size of the original structure, facility, utility, or improved area beyond the original design.

C. Manufactured Home.

1. “Manufactured home” is a single-family dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.

2. “Manufactured home accessory structure” is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch, or storage structure, which is ordinarily appurtenant.

D. Manufactured Home Park.

Two or more manufactured homes or mobile homes used as dwelling units on a single parcel or lot.

E. Marquee Sign.

A sign incorporated into or attached to a marquee or permanent canopy.

F. Marsh.

A low, flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, or other

hydrohytic plants. Shallow water usually stands on a marsh at least during part of the year.

G. Mean Annual Flow.

The average flow of a river or stream (measured in cubic feet per second) from measurements taken throughout the year. If available, flow data for the previous ten years should be used in determining mean annual flow.

H. Mining.

The extraction and removal of sand, gravel, minerals, or other naturally occurring material from the earth for economic use.

I. Minor Arterials.

A two- to four-lane facility which collects and distributes traffic from principal arterials to collector arterials and local access streets.

J. Mitigation – Mitigate.

An action which avoids a negative adverse impact and is reasonable and capable of being accomplished.

K. Mitigation – Mitigation Sequencing.

The use of any or all of the following actions listed in descending order of preference:

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.

L. Mobile Home.

A factory-built dwelling built prior to June 15, 1976, to standards other than the housing and urban development code, and acceptable under applicable state

codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the housing and urban development Manufactured Home Construction and Safety Standards Act.

M. Mobile Home Park.

Any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

N. Modification to a Preliminary Plat, Short Plat, or Binding Site Plan.

A change, prior to recording, of an approved preliminary plat, preliminary short plat, or binding site plan that includes, but is not limited to, the addition of new lots or tracts, or a change of the boundaries or dimensions of lots or tracts.

O. Modular Home.

A single-family dwelling unit (which may be in the form of a factory-built or manufactured housing permit as well as a standard building permit) constructed in a factory in accordance with International Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes "pre-fabricated," "panelized," and "factory-built" units.

P. Modulation.

A measured and proportioned inflection in a building's face. Articulation, modulation, and their interval create a sense of scale important to residential buildings.

~~((P))~~Q. Monitoring.

Periodic evaluation of a wetlands restoration, creation, or enhancement site or habitat management plan area to determine changes at the site, such as vegetation growth, hydrologic changes, soil development, and use of the site by birds and animals.

~~((Q))~~R. Monument.

A physical survey monument as shown in the City's standard plans.

~~((R))~~S. Monument Sign.

A freestanding sign where the base of the sign structure is on the ground or a maximum of twelve inches above the lowest point of the ground adjacent to the sign. The width of the top of the sign structure can be no more than one hundred twenty percent of the width of the base.

~~((S))~~T. Multi-family Residential Building.

A common wall dwelling or apartment house that consists of three or more dwelling units.

((F))U Multiple Containment.

A means of spill or leak control involving a containment structure having one or more layers of material between the primary container and the environment.

1. Containment layers must be resistant to the material stored.
2. The volume within the containment system must be at least as large as the primary container.
3. Containment layers may be separated by an interstitial space.

((U))V Municipal Separate Storm Sewer System (MS4).

A conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under state law such as sewer district, flood control district, or drainage district, designated and approved management agency under section 208 of the Clean Water Act that discharges to water of the United States;
2. designed or used for collecting or conveying stormwater;
3. which is not a combined sewer; and
4. which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR (Code of Federal Regulation) 122.2.

((V))WMUTCD.

The U.S. department of transportation Manual on Uniform Traffic Control Devices.

Section 5. That SMC section 17A.020.190 is amended to read as follows:

17A.020.190 “S” Definitions

- A. Salmonid.
Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.
- B. Sandwich Board Sign.
A self-supporting A-shaped freestanding temporary sign with only two visible sides that are situated adjacent to a business, typically on a sidewalk.

- C. Scrub-shrub Wetland.
An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.
- D. Secondary Building Walls.
Exterior building walls that are not classified as primary building walls.
- E. Secondary Containment.
A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.
- F. Sediment.
Mineral or organic matter deposited as a result of erosion.
- G. Sedimentation.
The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.
- H. SEPA Rules.
Chapter 197-11 WAC adopted by the department of ecology.
- I. Service Area.
A geographic area defined by the City, which encompasses public facilities that are part of a plan.
- J. Serviceable.
Means presently useable.
- K. Setback.
The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:
1. "Front setback" means a setback that is measured from a front lot line.
 2. "Rear setback" means a setback that is measured from a rear lot line.
 3. "Side setback" means a setback that is measured from a side lot line.
 4. "Street setback" means a setback that is measured from a street lot line.
- L. Sex Paraphernalia Store.
A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:

1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
 2. Any establishment located within an enclosed regional shopping mall.
- M. Sexual Device.
Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
- N. Shall.
Unless the context indicates otherwise, the term “shall” means:
1. In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with “must”;
 2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
 3. The future tense of the verb “to be.”
- O. Shallow Groundwater.
Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.
- P. Shorelands.
Or “shoreline areas” or “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.
- Q. Shoreline and Ecosystems Enhancement Plan and Program.
See SMC 17E.020.090, Habitat Management Plans.
- R. Shoreline Buffer.

1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
 2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
 3. The term “buffer area” has the same meaning as “buffer.”
- S. Shoreline Enhancement.
Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.
- T. Shoreline Environment Designations.
The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).
- U. Shoreline Habitat and Natural Systems Enhancement Projects.
1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
 2. Provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline, projects may include shoreline modification actions such as:
 3. Modification of vegetation,
 4. Removal of nonnative or invasive plants,
 5. Shoreline stabilization, dredging, and filling.
- V. Shoreline Jurisdiction.
See “Shorelands.”
- W. Shoreline Letter of Exemption.
Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under SMC 17E.060.300 and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.

- X. Shoreline Master Program.
1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
 2. For the City of Spokane, the shoreline master program includes the:
 - a. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
 - b. Shoreline Regulations (chapter 17E.060 SMC),
 - c. City of Spokane Shoreline Restoration Plan (stand-alone document), and
 - d. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).
- Y. Shoreline Mixed Use.
Combination of water-oriented and non-water oriented uses within the same structure or development area.
- Z. Shoreline Modifications.
Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.
- AA. Shoreline Protection.
1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.
 2. The terms “Shoreline protection measure” and this term have the same meaning.
 3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.
- AB. Shoreline Recreational Development.
Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, water-related and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms.
- AC. Shoreline Restoration.

1. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.
2. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

AD. Shoreline Stabilization.

Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the ordinary high-water mark. Other construction classified as shore defense works include groins, jetties, and breakwaters, which are intended to influence wave action, currents, and/or the natural transport of sediments along the shoreline.

AE. Shoreline Structure.

A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

AF. Shorelines Hearings Board (SHB).

The shorelines hearings board is a quasi-judicial body with powers of de novo review authorized by chapter 90.58 RCW to adjudicate or determine the following matters:

1. Appeals from any person aggrieved by the granting, denying, or rescinding of a permit issued or penalties incurred pursuant to chapter 90.58 RCW.
2. Appeals of department rules, regulations, or guidelines; and
3. Appeals from department decisions to approve, reject, or modify a proposed master program or program amendment of local governments which are not planning under RCW 36.70A.040.

AG. Short Plat – Final.

The final drawing of the short subdivision and dedication, prepared for filing for record with the Spokane county auditor and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

AH. Short Plat – Preliminary.

1. A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a short subdivision required by this title and chapter 58.17 RCW.

2. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.
- AI. Short Subdivision.
A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. (RCW 58.17.020(6)).
- AJ. Sign.
1. Materials placed or constructed or light projected, but not including any lawful display of merchandise, that:
 - a. Conveys a message or image, and
 - b. Is used to inform or attract the attention of the public
 2. Some examples of signs are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, murals, diagrams, banners, flags, or projected slides, images, or holograms.
 3. The scope of the term sign does not depend on the content of the message or image conveyed.
- AK. Sign – Animated Sign.
A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.
- AL. Sign – Electronic Message Center Sign.
An on-premises sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means including signs using a video display method.
- AM. Sign Face.
The portion of a sign which contains lettering, logo, trademark, or other graphic representations.
- AN. Sign – Flashing Sign.
1. A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a strobe-like fashion for the purpose of drawing attention to the sign.
 2. Time and temperature signs are excluded from this definition.
 3. For the purpose of this title, electronic message centers consistent with the standards of SMC 17C.240.240(J) shall not be considered flashing signs.

- AO. Sign Maintenance.
Normal care needed to keep a sign functional, such as cleaning, painting, oiling, and changing of light bulbs.
- AP. Sign – Off-premises.
A sign relating, through its message and content, to a business activity, use, product, or service not available on the premises upon which the sign is erected.
- AQ. Sign Repair.
Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.
- AR. Sign Structure.
A structure specifically intended for supporting or containing a sign.
- AS. Significant Vegetation Removal.
The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.
1. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
 2. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.
- AT. Single-family Residential Building.
A dwelling containing only one dwelling unit.
- AU. Single-room Occupancy Housing (SRO).
A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.
1. The structure may or may not have separate or shared cooking facilities for the residents.
 2. SRO includes structures commonly called residential hotels and rooming houses.
- AV. Site.
Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.
- AW. Site – Archaeological.
1. A place where a significant event or pattern of events occurred. It may be the:

- a. Location of prehistoric or historic occupation or activities that may be marked by physical remains; or
 - b. Symbolic focus of a significant event or pattern of events that may not have been actively occupied.
2. A site may be the location of a ruined or now non-extant building or structure if the location itself possesses historic, cultural, or archaeological significance.

AX. Site, Parent.

The initial aggregated area containing a development, and from which individual lots may be divided, as used in the context of SMC 17C.110.360 Pocket Residential Development, and SMC 17G.080.065, Alternative Residential Subdivisions.

~~((AX))~~AY. Slump.

The intermittent movement (slip) of a mass of earth or rock along a curved plane.

~~((AY))~~AZ. SMC.

The Spokane Municipal Code, as amended.

~~((AZ))~~BA. Soil.

The naturally occurring layers of mineral and organic matter deposits overlaying bedrock. It is the outer most layer of the Earth.

~~((BA))~~BB. Sound Contours.

A geographic interpolation of aviation noise contours as established by the 2010 Fairchild AFB Joint Land Use Study and placed on the official zoning map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.

~~((BB))~~BC. Sound Transmission Class (STC).

A single-number rating for describing sound transmission loss of a wall, partition, window or door.

~~((BG))~~BD. Special Drainage District (SDD).

An area associated with shallow groundwater, intermittent standing water, or steep slopes where infiltration of water and dispersion of water into the soils may be difficult or delayed, creating drainage or potential drainage problems. SDDs are designated in SMC 17D.060.130.

~~((BD))~~BE. Special Event Sign.

A temporary sign used to announce a circus, a carnival, festivals, or other similar events.

~~((BE))~~BF. Species of Concern.

Species native to Washington State listed as state endangered, state threatened, state sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

~~((BF))~~BG. Specified Anatomical Areas.

They are human:

1. Genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered;
2. Male genitals in a discernibly turgid state, even if completely and opaquely covered.

~~((BG))~~BH. Specified Sexual Activities.

Any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

~~((BH))~~BI. Spokane Regional Stormwater Manual (SRSW).

A technical document establishing standards for stormwater design and management to protect water quality, natural drainage systems, and down-gradient properties as urban development occurs.

~~((BI))~~BJ. Spokane Register of Historic Places.

The register maintained by the historic preservation office, which includes historic landmarks and districts in the City and County.

~~((BJ))~~BK. Sports Field.

An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.

~~((BK))~~BL. Stabilization.

The process of establishing an enduring soil cover of vegetation or mulch or other ground cover and may be in combination with installation of temporary or permanent structures.

~~((BL))~~BM. Standard Plans.

Refers to the City of Spokane's standard plans.

~~((BM))~~BN. Standard References

Standard engineering and design references identified in SMC 17D.060.030.

~~((BN))~~BO. State Candidate Species.

Fish and wildlife species that WDFW will review for possible listing as state endangered, threatened, or sensitive.

~~((BΘ))~~BP. State Endangered Species.

Any wildlife species native to the State of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.

~~((BP))~~BQ. State Register.

The register maintained pursuant to chapter 195, Laws of 1977, 1st ex. sess., section 6 (chapter 27.34 RCW).

~~((BQ))~~BR. State Sensitive Species.

Any wildlife species native to the State of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

~~((BR))~~BS. State Threatened Species.

Any wildlife species native to the State of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.

~~((BS))~~BT. Stealth Facilities.

Any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. Architecturally screened roof-mounted antennas;
2. Building-mounted antennas painted to match the existing structure;
3. Antennas integrated into architectural elements; and
4. Antenna structures designed to look like light poles, trees, clock towers, bell steeples, or flag poles.

~~((BT))~~BU. Stewardship.

Acting as supervisor or manager of the City and County's historic properties.

~~((BU))~~BV. Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff

onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

~~((BV))~~BW. Stormwater Management Program (SWMP).

A set of actions and activities designed to reduce the discharge of pollutants from the regulated MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in S5 or S6 of the Eastern Washington Phase II Municipal Permit (WAR04-6505) and any additional actions necessary to meet the requirements of applicable TMDLs.

~~((BW))~~BX. Story.

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except:

1. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;
2. That portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;
3. That portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. A basement or unused under-floor space is a story if the finished floor level directly above is either more than:
 - a. Six feet above grade for more than half of the total perimeter, or
 - b. Twelve feet above grade at any point.

~~((BX))~~BY. Stream.

A naturally occurring body of periodic or continuously flowing water where the:

1. Mean annual flow is greater than twenty cubic feet per second; and
2. Water is contained with a channel (WAC 173-22-030(8)).

~~((BY))~~BZ. Street.

See "Public Way" (SMC 17A.020.160).

~~((BZ))~~CA. Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
 - a. Principal arterial.

- b. Minor arterial.
 - c. Collector arterial.
 - d. Local access street.
 - e. Parkway.
2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under SMC 17A.020.160, "P" Definitions.
- ~~((CA))~~CB. Street Frontage.
The lot line abutting a street.
- ~~((GB))~~CC. Strobe Light.
A lamp capable of producing an extremely short, brilliant burst of light.
- ~~((GG))~~CD. Structural Alteration.
- 1. Modification of a sign, sign structure, or awning that affects size, shape, height, or sign location.
 - 2. Changes in structural materials; or
 - 3. Replacement of electrical components with other than comparable materials.
 - 4. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to a non-electrified sign would all be structural alterations.
 - 5. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.
- ~~((GD))~~CE. Structure.
Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.
- 1. Structure includes:
 - a. Buildings,
 - b. Decks,

- c. Fences,
- d. Towers,
- e. Flag poles,
- f. Signs, and
- g. Other similar objects.

2. Structure does not include paved areas or vegetative landscaping materials.

~~((GE))~~CF. Structure – Historic.

A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

~~((GF))~~CG. Subdivision.

A division or redivision of land into ten or more lots, tracts, or parcels for the purpose of sale, lease, or transfer of ownership (RCW 58.17.020).

~~((GG))~~CH. Subject Property.

The site where an activity requiring a permit or approval under this code will occur.

~~((GH))~~CI. Sublevel Construction Controls.

Design and construction requirements provided in SMC 17F.100.090.

~~((GI))~~CJ. Submerged Aquatic Beds.

Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.

~~((GJ))~~CK. Substantial Damage – Floodplain.

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the assessed value of the structure before the damage occurred.

~~((GK))~~CL. Substantial Development.

For the shoreline master program, shall mean any development of which the total cost or fair market value exceeds the dollar amount set forth in RCW 90.58 and WAC 173-26 for any improvement of property in the shorelines of the state.

~~((GL))~~CM. Substantial Improvement – Floodplain.

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:

- a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred.
- 2. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- 3. The term does not, however, include either any:
 - a. Project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - b. Alteration of a structure listed on the National Register of Historic or State Inventory of Historic Places.

((CM))CN. Suffix.

Describes the roadway type and is located after the root roadway name (i.e., street, avenue, court, lane, way, etc.). The appropriate suffix shall be used in accordance with SMC 17D.050A.040(U).

Section 6. That SMC section 17C.110.030 is amended to read as follows:

17C.110.030 Characteristics of Residential Zones

A. Residential Agriculture (RA).

The RA zone is a low-density single-family residential zone that is applied to areas that are designated agriculture on the land use plan map of the comprehensive plan. Uses allowed in this zone include farming, green house farming, single-family residences and minor structures used for sales of agricultural products produced on the premises.

B. Residential Single-family (RSF).

The RSF zone is a low-density single-family residential zone. It allows a minimum of four and a maximum of ten dwelling units per acre. One- and two-story buildings characterize the allowed housing. The major type of new development will be attached and detached single-family residences. In appropriate areas, more compact development patterns are permitted. The RSF zone is applied to areas that are designated residential 4-10 on the land use plan map of the comprehensive plan.

- C. Residential Single-family Compact (RSF-C).
The RSF-C zone is a low-density single-family residential zone that is applied to areas that are designated residential 4-10 on the land use plan map of the comprehensive plan. It allows a minimum of four and a maximum of ten dwelling units per acre. One- and two-story attached and detached single-family residences characterize the allowed housing. The RSF-C zone allows lots as small as three thousand square feet provided that the overall maximum density of the development does not exceed ten units per acre. It is the intent of this zone to allow somewhat smaller lots in appropriate locations and to allow new development to move closer to achieving the maximum density of the residential 4-10 designation. To promote compatible infill development, the design standards of SMC 17C.110.310 are applied in this zone. The RSF-C zone is intended to be applied to parcels that are wholly or partially within one-quarter mile of a CC Core designated on the land use plan map of the comprehensive plan. The RSF-C zone may also be implemented on parcels that are adjacent to or across a street or alley from a zoning category that allows higher density uses than the RSF zone, including the RTF, RMF, RHD, Commercial, Center and Corridor and Downtown zones.
- D. Residential Two-family (RTF).
The RTF zone is a low-density residential zone. It allows a minimum of ten and a maximum of twenty dwelling units per acre. Allowed housing is characterized by one and two story buildings but at a slightly larger amount of building coverage than the RSF zone. The major type of new development will be duplexes, townhouses, row houses and attached and detached single-family residences. Cottage-style and pocket residential development are allowed. The RTF zone is applied to areas that are designated residential 10-20 on the land use plan map of the comprehensive plan. Generally, the RTF zone is applied to areas in which the predominant form of development is trending toward duplexes rather than single-family residences.
- E. Residential Multifamily (RMF).
The RMF is a medium-density residential zone. Allowed housing is characterized by one to four story structures and a higher percentage of building coverage than in the RTF zone. The major types of development will include attached and detached single-family residential, condominiums, apartments, duplexes, townhouses and row houses. The minimum and maximum densities are fifteen and thirty units per acre.
- F. Residential High Density (RHD).
The RHD is a high-density residential zone that allows the highest density of dwelling units in the residential zones. The allowed housing developments are characterized by high amount of building coverage. The major types of new housing development will be attached and detached single-family residential, duplexes, medium and high-rise apartments, condominiums (often with allowed accessory uses). The minimum density is fifteen units per acre; the maximum is limited by other code provisions (i.e., setbacks, height, parking, etc.).

Section 7. That SMC section 17C.110.115 is amended to read as follows:

17C.110.115 Housing Types Allowed

A. Purpose.

In the RA through RTF zones, housing types are limited to maintain the overall image and character of the city's residential neighborhoods. However, the standards allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing. Other housing types, including multifamily units, are allowed in the higher density zones under the RMF and RHD categories.

B. The kinds of housing types allowed in the residential zones are stated in [Table 17C.110-2](#).

TABLE 17C.110-2 RESIDENTIAL ZONE HOUSING TYPES ALLOWED (Click here to view PDF)					
P – Permitted N – Not Permitted CU – Conditional Use review required	RA	RSF and RSF-C	RTF	RMF	RHD
Single-family Residence (detached)	P	P	P	P	P
Attached Single-family Residence [1]	P	P	P	P	P
Cottage Housing [1]	CU	CU	((N)) <u>CU</u>	((N))	((N))
<u>Housing on Transitional ((Housing)) Sites</u> [1]	P	P	P		
Zero Lot Line [1]	P	P	P	P	P
Accessory Dwelling Unit (ADU) [2]	P	P	P	P	P
Detached ADU [2]	P	P	P	P	P
Duplexes	N	N	P	P	P
Manufactured Home [3]	P	P	P	P	P
Mobile Home Parks [3]	CU	CU	N	N	N
Single Room Occupancy (SRO)	N	N	N	P	P
Group Living	See SMC 17C.330.100				
Multidwelling Structure	N	N	N	P	P
<u>Short Term Rentals</u> [4]	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>
Notes: [1] See SMC 17C.110.300 through 17C.110.360 , Alternative Residential Development Standards. [2] See chapter 17C.300 SMC , Accessory Dwelling Units. [3] See chapter 17C.345 SMC , Manufactured Homes and Mobile Home Parks. [4] See chapter 17C.316 SMC , Short Term Rentals.					

Section 8. That SMC section 17C.110.200 is amended to read as follows:

17C.110.200 Lot Size

A. Purpose.

The standards of this section allow for development on lots, but do not legitimize lots that were divided in violation of [chapter 17G.080 SMC](#), Subdivisions. The required minimum lot size, lot depth, lot width and frontage requirements for new lots ensure that development will, in most cases, be able to comply with all site development standards. The standards also prevent the creation of very small lots that are difficult to develop at their full density potential. Finally, the standards also allow development on lots that were reduced by condemnation or required dedications for right-of-way.

B. Existing Lot Size.

1. Development is prohibited on lots that are not of sufficient area, dimension and frontage to meet minimum zoning requirements in the base zone. Except:
 - a. one single-family residence may be developed on a lot that was legally created under the provisions of chapter 58.17 RCW, Plats – Subdivisions – Dedications, or applicable platting statutes;
 - b. a PUD lot may be less than the minimum size of the base zone, if such lot is delineated on a PUD plan, which has been approved by the hearing examiner. All use and development standards of the zone wherein such lot is located, shall be complied with, unless modified through the PUD process by the hearing examiner. A PUD shall comply with the requirements of subsection (C) of this section.
2. No lot in any zone may be reduced so that the dimension, minimum lot area, frontage or area per dwelling unit is less than that required by this chapter, except as modified through the PUD process by the hearing examiner.
3. Lots Reduced by Condemnation or Required Dedication for Right-of-way. Development that meets the standards of this chapter is permitted on lots, or combinations of lots, that were legally created and met the minimum size requirements at the time of subdivision, but were reduced below one or more of those requirements solely because of condemnation or required dedication by a public agency for right-of-way.

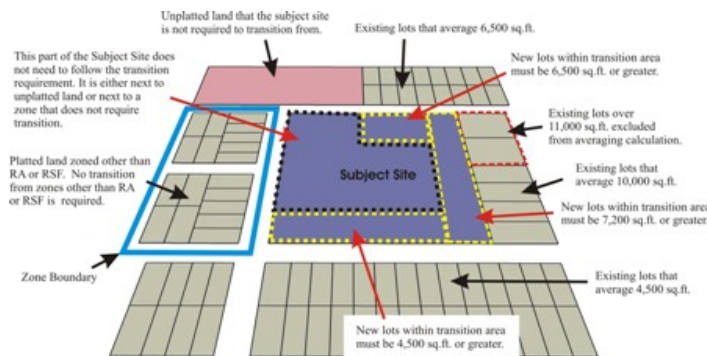
C. Land Division.

All new lots created through subdivision must comply with the standards for the base zone listed in Table 17C.110-3.

1. Transition Requirement.

For sites two acres or greater, transition lot sizes are required to be included as a buffer between existing platted land and new subdivision subject to the requirements of this section. The purpose of this section is to transition lot sizes between the proposed and existing residential developments in order to facilitate compatible development and a consistent development pattern. In the RA and RSF zones, the minimum lot size is subject to transitioning of lots sizes. Lots proposed within the initial eighty feet of the subject property are required to transition lot sizes based on averaging under the following formulas:

- a. Transitioning is only required of properties adjacent to or across the right-of-way from existing residential development. “Existing residential development” in this section shall mean existing lots created through subdivision or short plat.
- b. Lot size in the transition area is based on the average of the existing lot size in subdivisions adjacent to, or across the street from, the subject property. Lots greater than eleven thousand square feet are not counted in the averaging.
- c. If the existing average lot size is greater than seven thousand two hundred square feet, then the lot size in the transition area can be no less than seven thousand two hundred square feet.
- d. If the existing average lot size is less than seven thousand two hundred square feet, then the lot size in the transition area can be equal to or greater than the average.
- e. If the subject site shares boundaries with more than one subdivision, the minimum lot size in the transition area shall be based on the average lot sizes along each boundary. When two boundaries meet, the lot size shall be based on the larger of the two boundaries. See example below; and



- f. If the subject site shares a boundary with property zoned other than RA or RSF, then there are no transition requirements along that boundary.
 - g. After the first set of lots in the transition area, lot sizes may be developed to the minimum lot size of the base zone, i.e., four thousand three hundred fifty square feet in the RSF zone.
 - 2. Planned unit developments, combined with a subdivision, may reduce the minimum lot size, lot width, lot depth and frontage requirements in the RA and RSF zones pursuant to [SMC 17G.070.030\(C\)\(1\)](#), except in the transition area required by subsection (C)(1) of this section.
- D. **Ownership of Multiple Lots.**
Where more than one adjoining lot is in the same ownership, the ownership may be separated as follows:
- 1. If all requirements of this chapter will be met after the separation, including lot size, density and parking, the ownership may be separated through either a boundary line adjustment (BLA) or plat, as specified under [chapter 17G.080 SMC](#), Subdivisions.
 - 2. If one or more of the lots does not meet the lot size standards in this section, the ownership may be separated along the original plat lot lines through a boundary line adjustment (BLA).
- E. **New Development on Standard Lots.** New development on lots that comply with the lot size standards in this section are allowed subject to the development standards and density requirements of the base zone as required under Table 17C.110-3.
- F. **Lot Frontage.** All residential lots shall front onto a public street and meet the minimum lot frontage requirements of Table 17C.110-3. Except, that frontage on a public street is not required for lots created through alternative residential subdivision under SMC 17G.080.065, and lots approved in a planned unit development or a manufactured home park may have lots or spaces fronting onto private streets, subject to the decision criteria of [SMC 17H.010.090](#).

TABLE 17C.110-3 DEVELOPMENT STANDARDS [1]						
DENSITY STANDARDS						
	RA	RSF & RSF-C	((RSF-C))	RTF	RMF	RHD
Density - Maximum	4,350 (10 units/acre)	4,350 (10 units/acre)	((4,350 (10 units/acre)))	2,100 (20 units/acre)	1,450 (30 units/acre)	--
Density -	11,000 (4	11,000 (4	((11,000 (4	4,350 (10	2,900 (15	2,900 (15

Minimum	units/acre)	units/acre)	units/acre)))	units/acre)	units/acre)	units/acre)
MINIMUM LOT DIMENSIONS LOTS TO BE DEVELOPED WITH:						
Multi-Dwelling Structures or Development						
	RA	RSF & RSF-C	((RSF-C))	RTF	RMF	RHD
Minimum Lot Area					2,900 sq. ft.	2,900 sq. ft.
Minimum Lot Width					25 ft.	25 ft.
Minimum Lot Depth					70 ft.	70 ft.
Minimum Front Lot Line					25 ft.	25 ft.
Compact Lot Standards [2]						
<u>Minimum Lot Area [3]</u>		<u>3,000 sq. ft.</u>				
<u>Minimum Lot Width</u>		<u>36 ft.</u>				
<u>Minimum Lot Depth</u>		<u>80 ft.</u>				
<u>Minimum Front Lot Line</u>		<u>30 ft.</u>				
Attached Houses						
Minimum Lot Area (([2])) [3]	7,200 sq. ft.	4,350 sq. ft.	((3,000 sq. ft.))	1,600 sq. ft.	1,600 sq. ft.	None
Minimum Lot Width	40 ft.	40 ft.	((36 ft.))	36 ft. or 16 ft. with alley parking and no street curb cut	Same	Same
Minimum Lot Depth	80 ft.	80 ft.	((80 ft.))	50 ft.	25 ft.	25 ft.
Minimum Front Lot Line	40 ft.	40 ft.	((30 ft.))	Same as lot width	Same as lot width	Same as lot Width
Detached Houses						
Minimum Lot Area (([2])) [3]	7,200 sq. ft.	4,350 sq. ft.	((3,000 sq. ft.))	1,800 sq. ft.	1,800 sq. ft.	None
Minimum Lot Width	40 ft.	40 ft.	((36 ft.))	36 ft.	25 ft.	25 ft.
Minimum Lot Depth	80 ft.	80 ft.	((80 ft.))	40 ft.	25 ft.	25 ft.

Minimum Front Lot Line	40 ft.	40 ft.	((30 ft.))	30 ft.	25 ft.	25 ft.
Duplexes						
Minimum Lot Area				4,200 sq. ft	2,900 sq. ft.	None
Minimum Lot Width				25 ft.	25 ft.	25 ft.
Minimum Lot Depth				40 ft.	40 ft.	25 ft.
Minimum Front Lot Line				25 ft.	25 ft.	25 ft.
PRIMARY STRUCTURE						
Maximum Building Coverage						
	RA	RSF & RSF-C	((RSF-C))	RTF	RMF	RHD
Lots 5,000 sq. ft. or larger	40%	2,250 sq. ft. +35% for portion of lot over 5,000 sq. ft.	((2,250 sq. ft. +35% for portion of lot over 5,000 sq. ft.))	2,250 sq. ft. +35% for portion of lot over 5,000 sq. ft.	50%	60%
Lots 3,000 - 4,999 sq. ft.	1,500 sq. ft. + 37.5% for portion of lot over 3,000 sq. ft.					
Lots less than 3,000 sq. ft.	50%					
Building Height						
Maximum Roof Height (([4])) [5]	35 ft.	35 ft.	((35 ft.))	35 ft.	35 ft. (([5])) [6]	35 ft. (([5])) [6]
Maximum Wall Height	25 ft.	25 ft.	((25 ft.))	25 ft.	30 ft. (([5])) [6]	--
Floor Area Ratio (FAR)						
FAR	0.5	0.5 [4]	((0.5 [3]))	0.5 (([3])) [4]	--	--
Setbacks						
Front Setback (([6, 7])) [7, 8]	15 ft.					
Side Lot Line Setback – Lot width more than 40 ft.	5 ft.					
Side Lot Line Setback – Lot width 40 ft. or less	3 ft.					

Street Side Lot Line Setback (([6])) [7]	5 ft.					
Rear Setback (([8, 9])) [9, 10]	25 ft.	25 ft. [11]	((15 ft.))	15 ft.	10 ft.	10 ft.
Required Outdoor Area						
Required Outdoor Area for attached and detached houses. Minimum dimension (See SMC 17C.110.223)	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	((250 sq. ft. 12 ft. x 12 ft.))	250 sq. ft. 12 ft. x 12 ft.	200 sq. ft. 10 ft. x 10 ft.	48 sq. ft. 7 ft. x 7 ft.
ACCESSORY STRUCTURES						
	RA	<u>RSF & RSF-C</u>	((RSF-C))	RTF	RMF	RHD
Maximum Roof Height	30 ft.	20 ft.	((20 ft.))	20 ft.	35 ft.	35 ft.
Maximum Wall Height	30 ft.	15 ft.	((15 ft.))	15 ft.	35 ft.	35 ft.
Maximum Coverage (([10])) [12]	20%	15%	((15%))	15%	See Primary Structure	See Primary Structure
Front Setback	20 ft.					
Side Lot Line Setback – Lot width 40 ft. or wider (([11])) [13]	5 ft.					
Side Lot Line Setback – Lot width less than 40 ft. (([11])) [13]	3 ft.					
Street Side Lot Line (([12])) [14]	20 ft.					
Rear (([14])) [13]	5 ft.					
Rear with Alley	0 ft.					
Notes: -- No requirement [1] Plan district, overlay zone, or ((SMC 17C.110.300, Alternative Residential Development,)) development standards contained in SMC 17C.110.310 through 360 may supersede these standards. [2] See SMC 17C.110.209, Compact Lot Standards. (([2])) [3] For developments two acres or greater, lots created through subdivision in the RA,						

RSF and the RSF-C zones are subject to the lot size transition requirements of SMC 17C.110.200(C)(1).

~~(([3]))~~ [4] In the RSF-C and RTF zones, and sites in the RSF zone qualifying for compact lot development standards, described in SMC 17C.110.209, FAR may be increased to 0.65 for attached housing development only.

~~(([4]))~~ [5] No structure located in the rear yard may exceed twenty feet in height.

~~(([5]))~~ [6] Base zone height may be modified according to SMC 17C.110.215, Height.

~~(([6]))~~ [7] Attached garage or carport entrance on a street is required to be setback twenty feet from the property line.

~~(([7]))~~ [8] See SMC 17C.110.220(D)(1), setbacks regarding the use of front yard averaging.

~~(([8]))~~ [9] See SMC 17C.110.220(D)(2), setbacks regarding reduction in the rear yard setback.

~~(([9]))~~ [10] Attached garages may be built to five feet from the rear property line except, as specified in SMC 17C.110.225(C)(6)(b), but cannot contain any living space.

[11] In the RSF-C zone and sites in the RSF zone qualifying for compact lot development standards, described in SMC 17C.110.209, the rear setback is 15 feet.

~~(([10]))~~ [12] Maximum site coverage for accessory structures is counted as part of the maximum site coverage of the base zone.

~~(([11]))~~ [13] Setback for a detached accessory structure and a covered accessory structure may be reduced to zero feet with a signed waiver from the neighboring property owner, except, as specified in SMC 17C.110.225(C)(5)(b).

~~(([12]))~~ [14] The setback for a covered accessory structure may be reduced to five feet from the property line.

Section 9. That there is adopted a new section 17C.110.209 to chapter 17C.110 of the Spokane Municipal Code to read as follows:

17C.110.209 Compact Lot Standards

A. Purpose.

This section allows for development of sites one and a half acres or less for the purpose of compact residential development. It is the intent of these standards to allow somewhat smaller lots in appropriate locations and to allow new development to move closer to achieving the maximum density of the residential 4-10 designation.

B. Applicability.

The compact lot development standards in Table 17C.110-3 apply for the housing types allowed in Table 17C.110-2 on sites defined in SMC 17C.110.209(B)(1) below in the RSF zone, and throughout the RSF-C zone, unless superseded by development standards of a plan district, overlay zone, or development standards contained in sections SMC 17C.110.310 through 17C.110.360.

1. The standards apply within the RSF zone only on developments meeting the size requirements of subsection (3) below and located:

a. At least partially within one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay; or

- b. On a lot that is a transitional site as described in SMC 17C.110.330.
 2. To determine eligibility of a site, the distance in subsection (1)(a) above is measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.
 3. The maximum size for a development using the compact lot standards of Table 17C.110-3 in the RSF zone is one and a half acres. Compact lot developments over one and a half acres must be approved as a planned unit development.
- C. The design standards of SMC 17C.110.310 apply to projects using the compact lot standards in Table 17C.110-3 in order to complement and reinforce positive residential character.

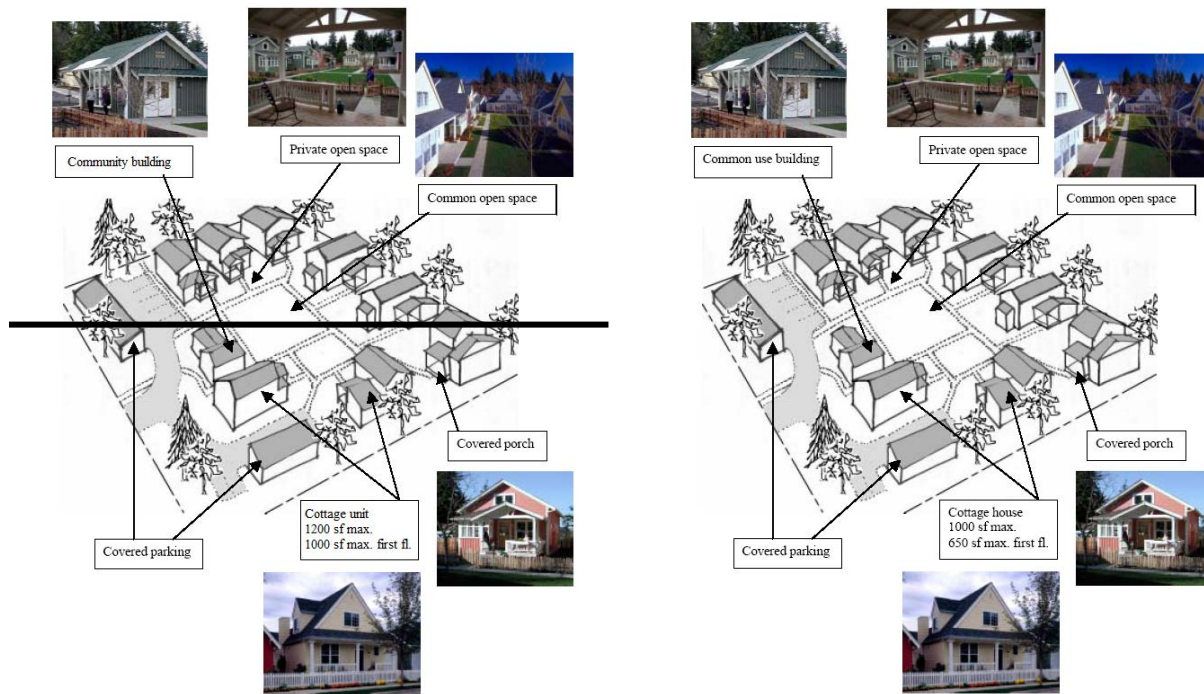
Section 10. That SMC section 17C.110.350 is amended to read as follows:

17C.110.350 Cottage Housing

A. Purpose and Intent.

The intent of cottage housing is to:

1. Support ((the)) a diversity of housing ((, increases the variety of housing types for smaller households and provides the opportunity for small, detached single family dwelling units within existing neighborhoods.)) choices citywide by providing a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single-person households);
2. Require specific design standards on the perimeter of the development to improve compatibility with the surrounding neighborhood;
3. Incentivize higher levels of design, usable open space, and more livable developments through use of density bonuses;
4. Provide opportunities for ownership of small, detached and attached single-family housing types clustered around a centrally located, functional common open space that fosters a sense of community; and
5. Provide semi-private areas around the individual dwellings to enable diversity in landscape design and foster a sense of ownership.;



[Note: Graphic above left is to be deleted and replaced with graphic at right.]

B. Qualifying Situations.

Cottage housing developments are allowed in the RA through RTF zones on sites of ~~((one-half acre))~~ fourteen thousand five hundred square feet or larger with a minimum of ~~((six))~~ four units ~~((and a maximum of twelve units))~~.

C. Procedure.

Cottage housing is allowed by Type II conditional use permit in the RA, ~~((and))~~ RSF, and RTF zones, subject to ~~((the))~~ compliance with subsections (D) and (E) of this section. When cottage housing development involves subdivision of land, the permit application shall be processed concurrently with a Type II or Type III application for subdivision in accordance with the procedures of SMC 17G.080.065, Alternative Residential Subdivisions. If processed concurrently with a subdivision of greater than nine lots, the permit application shall be processed concurrently with the Type III subdivision application. This section is subject to the provisions of SMC 17C.110.015, Design Standards Administration. ~~((Design))~~ Staff will review ~~((of))~~ the site plan and each building permit application ~~((is required))~~ for consistency with this chapter.

1. A site plan depicting ~~((the))~~ building locations and orientation, ~~((open space,))~~ dimensions of common and private open space, fencing, landscaping, parking, setbacks, easements, footprints of all adjacent structures, and compliance with subsections (D) and (E) of this section ~~((is required))~~ shall be submitted with the ~~((Type II))~~ permit application. If the

site plan ((, if)) is approved, ((is required to be recorded at the Spokane County auditor's office including)) deed restrictions for the subject property that ((enforces)) enforce the elements of the cottage housing ordinance, including limitation on unit floor area, shall be recorded at the Spokane County auditor's office.

2. The permit application shall include elevations of all proposed model types, showing architectural expression and fenestration (to include window and door placement), and photographs of all adjacent structures.

((2)) 3. ((A)) Common open space, parking areas, and common use buildings will be maintained by the owner or an appropriate property management entity, if under singular ownership. In the event that the development is subdivided or condominium platted, a homeowners' association is required to be created for the maintenance of the common open space, parking ((area)) areas and common use areas, buildings((;)), and utilities within the development. This requirement shall be included in deed restrictions as required in paragraph 1.

4. With the exception of critical or natural areas, prior to occupancy of more than fifty percent of units approved for the development, the common open space, and private open space landscaping for those units, shall be completed in accordance with the approved landscaping plans. Occupancy of the last fifty percent shall be contingent upon the completion of all site landscaping.

D. Cottage Housing Site Development Standards.

This subsection provides development standards intended to achieve compatibility with adjacent single-family residential uses. Emergency access shall be provided to all units as required by applicable building and fire code regulations. The special cottage housing site development standards table displays basic requirements that vary from the development standards of the underlying zone.

TABLE 17C.110.350-1 COTTAGE HOUSING SITE DEVELOPMENT STANDARDS	
STANDARD	SITE REQUIREMENTS
<u>Cluster Size</u>	<u>4 or more units</u>
<u>Maximum Floor Area [1]</u>	<u>Detached Cottage: 1,200 sq. ft.(1,000 sq. ft. footprint)</u> <u>Attached Unit Home: 2,000 sq. ft. total</u> <u>Carriage Unit: 800 sq. ft.</u>
<u>Density Bonus [2]</u>	<u>20 or 40 percent above the maximum density in the zone</u>
<u>Maximum wall height for Cottage Housing Units [3]</u>	<u>20 ft.</u>
<u>Maximum roof height for buildings with minimum roof slope of 6:12 [4]</u>	<u>30 ft.</u>
<u>Minimum common open space per unit [5]</u>	<u>300 sq. ft.</u>

Minimum private open space per unit [6]	200 sq. ft.
Setback from common open space [7]	10 ft.
Rear setback [8]	15 ft.
Minimum distance between structures (Including accessory structures) [9]	10 ft.
Minimum parking spaces required	1 per unit, plus 1 per bedroom after 2 bedrooms
<p>Notes:</p> <p>[1] See SMC 17C.110.350(D)(2) for limitation on total unit floor area and exclusions for below-grade basements and other spaces from floor area calculation.</p> <p>[2] See SMC 17C.110.350(D)(3)</p> <p>[3] The height of the lowest point of the roof structure intersects with the outside plane of the wall. See SMC 17C.110.350(D)(4)</p> <p>[4] All parts of the roof above 20 ft. shall be pitched with a minimum roof slope of 6:12.</p> <p>[5] No dimension of the common open space shall be less than 20 ft. See SMC 17C.110.350(D)(5)</p> <p>[6] No dimension of the private open space shall be less than 10 ft. See SMC 17C.110.350(D)(6)</p> <p>[7] Porches or patios are allowed up to 6 ft. within this setback.</p> <p>[8] Measured from property line on exterior of development. See SMC 17C.110.350(D)(7) for exceptions for accessory structures and carriage units.</p> <p>[9] See SMC 17C.110.350(D)(7) for exceptions.</p>	

1. Cluster Size.

At least four units are required around a common open space.

((4)) 2. Floor Area.

a. Dwelling Units.

Floor area is defined in SMC 17A.020.060, and for the provisions of this section SMC 17C.110.350 excludes any space identified in SMC 17C.110.350(D)(2)(c), Exclusions, below. Cottage housing unit types are defined in SMC 17A.020.030.



- i. The total floor area of each cottage unit shall not exceed one thousand two hundred square feet and the footprint shall not exceed one thousand square feet. ((Total floor area is the area included with the surrounding exterior walls, but excluding any space where the floor to ceiling height is less than six feet.))
- ii. The total combined floor area of attached unit homes, including all units in the structure and the total footprint, shall not exceed two thousand square feet.

iii. The total floor area of a carriage unit home shall not exceed eight hundred square feet.

~~((b. The maximum first floor or main floor area for an individual principal structure shall be as follows:~~

~~i. For at least fifty percent of the units, the floor area may not exceed six hundred fifty square feet; and~~

~~ii. For no more than fifty percent of the units, the floor area may be up to one thousand square feet.))~~

((e)) b. Limitation on Total Unit Floor Area.

The total square footage of a cottage housing dwelling unit may not be increased. A note shall be placed on the title to the property for purpose of notifying future property owners that any increase in the total square footage of a cottage housing unit is prohibited for the life of the cottage housing unit or the duration of the City cottage housing regulations.

((d)) c. Exclusions from Total Floor Area Calculation.

~~((Cottage))~~ In addition to exclusions in the definition of floor area in 17A.020.060, cottage housing unit areas that ~~((doe))~~ do not count toward the total floor area calculation are:

~~((i. Unheated storage space located under the main floor of the cottage;~~

~~ii)) i. Architectural projections, such as bay windows, fireplaces or utility closets no greater than eighteen inches in depth or six feet in width;~~

~~((iii. Attached roof porches (unenclosed);~~

~~iv. Detached garages or carports;))~~

ii. Stairways;

~~((v))~~ iii. Spaces with ceiling height of ~~((six))~~ five feet or less ~~((measured to the exterior walls)); and~~

~~((vi))~~ iv. ~~((The director may approve))~~ Other exemptions similar in nature provided the intent of this section is met and upon approval of the director.

~~((2. Lot Coverage. The maximum lot coverage permitted for all structures shall not exceed forty percent.))~~

3. Density.

a. Density Bonus.

- i. The cottage housing development is permitted a twenty percent density bonus ((based on the minimum lot size permitted in the base zone to a maximum of twelve units in the development)) above what is allowed in the zone. ((To calculate the permitted density, divide the lot area by the minimum lot size of the base zone, and then multiply that number by twenty percent.))



- ii. To encourage smaller dwelling units, cottage housing development is permitted a forty percent density bonus above what is allowed in the zone if all units in the development are five hundred square feet or less.

- b. The transition lot size requirements of SMC 17C.110.200(C) do not apply for purposes of calculating the number of units permitted in a cottage housing development.

- c. The following formula is used to determine the maximum number of units allowed on the site:

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for access and/or stormwater facilities;

Divided by maximum density from Table 17C.110-3;

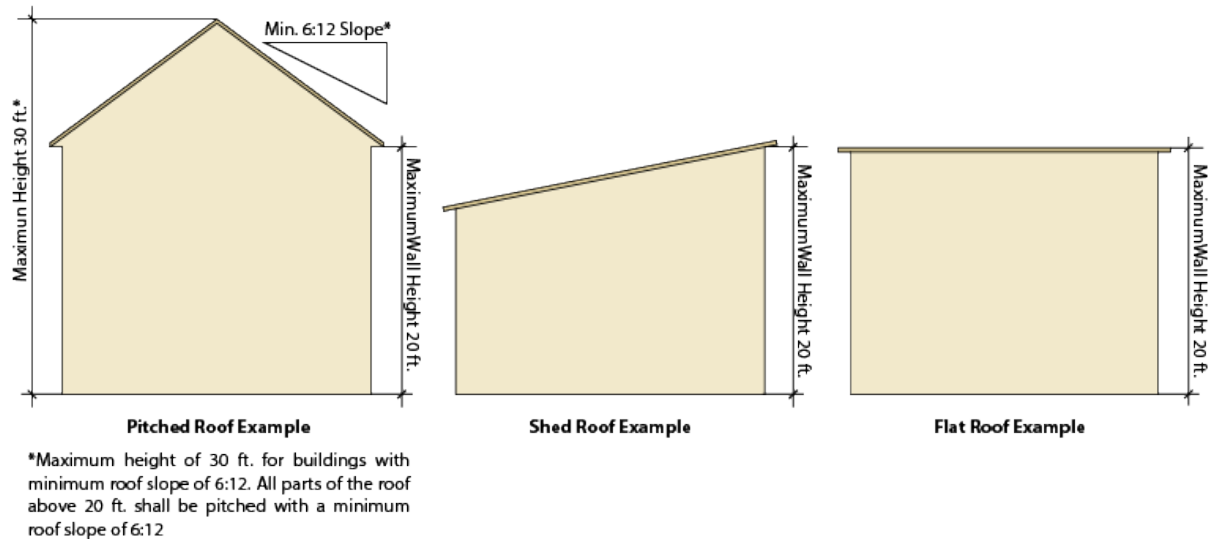
To achieve the density bonus, multiply by 1.2, or by 1.4, if eligible under SMC 17C.110.350 (D)(3)(a)(ii) above;

Equals maximum number of units allowed. If this formula results in a decimal fraction, the resulting maximum number of units allowed is rounded to the next whole number. Decimal fractions of five tenths or greater are rounded up. Fractions less than five tenths are rounded down.

4. Height.
The height for all structures with cottage housing units shall not exceed ~~((eighteen))~~ twenty feet.



~~((Cottage or amenity buildings))~~ Structures with cottage housing units having pitched roofs with a minimum slope of 6:12 may extend up to ~~((twenty-five))~~ thirty feet at the ridge of the roof. Height requirements for accessory structures are listed in Table 17C.110-3.



[Note: Add graphic above.]

~~((5. — Porches.~~

- ~~a. — Cottage housing units shall be oriented around and have the covered porches of main entry from the common open space. Except, cottages adjacent to a public street shall orient the front of the cottage to the street including placement of the porch. This provision does not preclude the use of additional porches or architectural features of the cottage from being oriented to the common open space.~~
- ~~b. — Cottage housing units shall have a covered porch or entry at least sixty square feet in size with a minimum dimension of six feet on any side.~~

6)) 5. Common Open Space.

- a. This section requires units clustered around a common open space. The common open space ~~((must))~~ shall be at least ~~((two hundred fifty))~~ three hundred square feet per cottage housing unit. Open space with ~~((a))~~ any dimension of less than twenty feet shall not be included in the calculated common open space.

- ~~((b. Each cottage housing unit shall be provided with a private use open space of two hundred fifty square feet with no dimension of less than ten feet on one side. It should be contiguous to each cottage, for the exclusive use of the cottage resident, and oriented toward the common open space.))~~
- b. Common open space shall be located in a central area and be easily accessible to all dwellings within the surrounding cluster.
- ~~((c. The common open space is required to be landscaped prior to the occupancy of any of the structures and shall be maintained by a homeowners association.))~~
- c. Landscaping located in common areas shall be designed by a Landscape Architect registered in the State of Washington. The design shall follow standards in:
- i. SMC 17C.110.350(D)(5)(d) for open space preservation in site design;
 - ii. Subsection (D)(8) for fences and screening;
 - iii. Subsection (D)(9) for parking areas;
 - iv. Subsection (D)(10) for pedestrian connectivity;
 - v. Subsection (E)(2) for open space and landscaping design standards and guidelines; and
 - vi. For all other parts of the common open space, the design shall be lawn or follow the general requirements and L3 open area landscaping described in SMC 17C.200.030 Landscape Types.
- d. The following critical and natural areas, where proposed to be preserved through site design, may be used to meet up to fifty percent of the total requirement for common open space, provided that these areas are either accessible to pedestrians to the extent practical or visually accessible from adjacent common open space:
- i. Wetlands and wetland buffers;
 - ii. Frequently flooded areas;
 - iii. Shorelines and Shoreline buffers;
 - iv. Natural features (such as basalt outcroppings); and

v. Native vegetation (including stands of mature trees).

6. Private Open Space.

A private use open space of two hundred square feet shall be provided for each cottage housing unit, which may include porches or balconies. Open space with any dimension of less than ten feet shall not be included in the calculated private open space. The private open space shall be contiguous to each unit, for the exclusive use of that unit's resident(s).

7. Setbacks and Subdivisions.

a. All ~~((structures))~~ cottage housing units shall maintain ~~((no less than))~~ a minimum of ten feet of separation from structures within the cluster, except as allowed in paragraph (b) below.

b. Projections may extend into the required separation as follows:

i. Eaves may extend up to ~~((twelve))~~ twenty-four inches.

ii. Architectural projections, such as bay windows, fireplaces or utility closets no greater than eighteen inches in depth or six feet in width.

~~((ii))~~ iii. Minor appurtenances such as pipes, gas and electrical meters, HVAC equipment, alarm systems, air vents, and downspouts.

~~((b))~~ c. Setbacks for all structures from the exterior side and front property lines shall be ((an average of ten feet, but shall not be less than five feet, and not less than fifteen feet from a public street, similar to the front yard setback required of a standard detached single family residence)) the setbacks of the underlying zone. The exterior rear yard setback shall be fifteen feet, except as provided for accessory structures under SMC 17C.110.225. Carriage units built adjacent to an alley shall meet the setback for attached accessory structures in SMC 17C.110.225(C)(6)(b).

~~((e. Cottage housing may be developed as condominiums, and shall not be allowed as small lot subdivision.))~~

d. All cottage housing units shall maintain a minimum setback of ten feet from the common open space. Patios or porches may extend up to six feet within this setback. Fences thirty-six inches in height or less may be located within this setback. See Figure 17C.110-C.



- e. When cottage housing development involves subdivision of land, the application shall be processed in accordance with the procedures of SMC 17G.080.065, Alternative Residential Subdivisions. Frontage on a public street is not required for lots created in a cottage housing development.

8. Fences.

- a. All fences on the interior of the development shall be no more than thirty-six inches in height.
- b. Fences along the exterior property lines are subject to the fence requirements of SMC 17C.110.230.
- c. Chain link ~~((fences shall))~~ fencing is not ~~((be))~~ allowed that is visible from and/or adjacent to the external project boundary. Chain link fencing must be painted or vinyl coated and all part must be a uniform dark matte color such as black or other dark color.

9. Parking.

- ~~((a. The required minimum number of parking stalls))~~ Parking requirements for ~~((each))~~ cottage housing ~~((unit shall be provided as required for single family))~~ are as stated for residential uses in chapter 17C.230 SMC, Parking and Loading, except as modified in this subsection.

- ~~((b. Parking shall be clustered and separated from the common area by landscaping and/or architectural screen. Solid board fencing shall not be allowed as an architectural screen.~~

- ~~c. Parking shall be screened from public streets and adjacent residential uses by landscaping and/or architectural screen. Solid board fencing shall not be allowed as an architectural screen.))~~

a. General Parking Requirements.

- i. The minimum number of parking spaces required for cottage housing units shall be one parking space per dwelling unit, plus one parking space per bedroom after two bedrooms. The director may approve a lower minimum under SMC 17C.230.130(C).

- ~~((d))~~ ii. Parking, garages, and vehicular maneuvering areas, excluding driveways, shall be set back a minimum of twenty feet from a public street lot line.

- iii. All parking shall be separated and screened from adjacent public streets, residential areas, and the common open

space by landscaping and/or architectural screen, consistent with landscape type L2 see-through buffer in SMC 17C.200.030, Landscape Types.

iv. Parking areas shall be located to the side or rear of cottage clusters and not between a public street and cottage housing structures. Parking may be located between structures and an alley.

v. Garage doors and/or carport openings shall not face a public right-of-way except where alley access is provided.

~~((e))~~ b. Surface parking shall be ~~((located))~~ configured in clusters of not more than five adjoining spaces. To allow more efficient use of the site in some parking configurations, the minimum parking spaces and aisle dimensions shall follow the standards in Table 17C.230-4.

~~((f. A pitched roof design is required for all parking structures.))~~

c. Attached Garages and Carports.

i. Garages may be attached to individual cottage housing units provided all other standards herein are met and the footprint of the ground floor, including the garage, does not exceed the maximum allowed under SMC 17C.110.350(D)(2). Such garages shall not abut the common open spaces, but may abut and shall access an alley, if provided under SMC 17H.010.130.

ii. Attached garages and carports for cottages and attached housing units shall not exceed four hundred square feet per unit. Attached garages below carriage units shall not exceed the total for detached garages.

iii. Excavated basement garages may be allowed. The first floor elevation shall be no more than three feet above finished grade.

d. Detached Garages and Carports.

Detached garage structures and carports shall not exceed a total of one thousand five hundred square feet.

10. Pedestrian Connectivity.

~~((All buildings and common spaces shall be served by a pedestrian circulation system that connects to an existing or planned sidewalk, public sidewalk or trail system.))~~

- a. The pedestrian circulation system shall connect all main entrances on the site. For cottage housing units fronting the street, the public sidewalk may be used to meet this standard.
- b. Direct pedestrian access should be provided to adjacent, publicly accessible parks, open space, and trails, transit, rideshare, and bicycle storage facilities, where feasible.
- c. Pedestrian walkways shall be separated from structures by at least three feet.
- d. Pathways in common open space and other shared areas of the development must be at least five feet wide and meet Americans with Disabilities Act (ADA) standards.

11. Attached Unit Homes and Carriage Units.

Attached unit homes and carriage units, defined in chapter 17A.020 SMC, are permitted within cottage housing developments, subject to the applicable site development standards and design standards and guidelines of this section. A maximum of two units may be attached in a single attached unit home structure.

12. Existing Structures.

- a. Existing detached single-family residential structures may be permitted to remain.
- b. Retained existing structures will be counted in calculating density and building coverage on the site.
- c. Existing structures may be modified to be more consistent with this section. For example, roof pitches may be increased consistent with subsection (D)(4) Height above, but neither the building ground floor nor total floor area may be increased beyond the maximum allowed in this section.

13. Community Buildings.

- a. Community buildings are permitted as accessory structures in cottage developments, and shall not contain a dwelling unit.
- b. Community buildings shall be located within the cottage housing development.

- E. ((Building)) Design Standards and Guidelines.
~~((To prevent the repetitive use of the same combination of building features and site design elements within a cottage housing~~



development, and to help provide compatabilty of the cottage housing develoment with the character of the surrounding neighborhood, building and site design shall provide variety and visual interest. The following are required to be provided within a cottage housing development:

1. ~~Variety in Building Design. The same combination of building elements, features and treatments shall not be repeated for more than twenty percent of the total dwelling units in a cottage housing development. Dwellings with the same combination of features and treatments shall not be located adjacent to each other. For example, each dwelling in a six unit cottage housing development could include a porch provided building elements such as the details of the porch, roof shape or color, building color or materials, or building accents were varied to achieve visual interest.))~~

1. Orientation and Building Facades.

- a. Each building abutting a public street shall have ((A)) a minimum of four of the following building elements, features, and treatments ((that provide variety and visual interest shall be provided)) incorporated into the street-facing facade: (R)

~~((a. Additional porches and patios (required porch not included).~~

b. ~~Varying roof shapes or gables between adjacent structures.~~

e)) i. Windows with visible trim and mullions or recessed windows.

~~((d. Roof brackets.~~

e)) ii. Dormers.

~~((f. Fascia boards.~~

g)) iii. Bay windows.

~~((h)) iv. Entry enhancement such as a well detailed door (multi-panel or glass insert), window adjacent to front door ((,)) (sidelite). ((or roof extension.~~

i. ~~Trellis.~~

j. ~~Modulation.~~



k. ~~Chimney (shown on the exterior of the house).~~

l)) v. Variation in roof or building colors and materials, on individual units, such as brick, stone or other masonry as accents.



~~((m. Variation in housing type and size.~~

n)) vi. Other building elements, treatments, features, or site designs approved by the ~~((code administrator))~~ director that provide variety and visual interest.

b. Exterior stairs that provide access to an upper level are not allowed on the front facade of the building. (R)

c. Parking lots, garages, and solid, blank wall facades shall not dominate common areas or other public areas. (R)

d. Each of the units abutting a public street must have its address, windows, and main entrance oriented toward the street frontage. (R)

e. Attached unit homes abutting public streets shall be designed to appear like a detached single-family home, with only one entry per building face/elevation. Attached unit homes on corner lots shall be designed so each unit is oriented towards a different street. This gives the structure the overall appearance of a house when viewed from either street. (R)

f. Units that are on the interior of a development should be oriented toward the common open space or the most important path or street. (P)

g. Design of attached units and carriage units shall be similar in terms of style, materials, color, detailing, articulation, fenestration (including window and door placement), etc., of the entire development. (P)

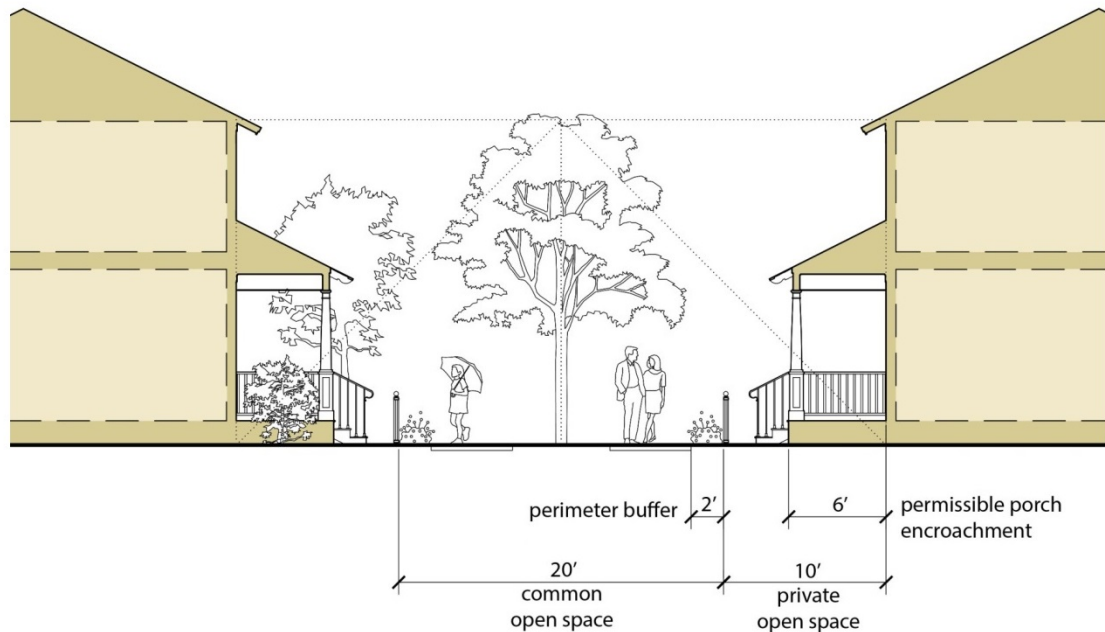
2. Open Space and Landscaping.

a. A planting strip five feet in width shall be provided along exterior rear and side property lines consistent with L2 see-through buffer landscape standard of SMC 17C.200.030. (R)

b. All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every three lineal feet of foundation. (R)

- c. Sixty percent of the area between the front lot line and the front building line must be landscaped. At a minimum, the required landscaped area must be planted with living ground cover. Up to one-third of the required landscaped area may be for recreational use, or for use by pedestrians. Examples include walkways, play areas, or patios. (R)
- d. Use of planting materials and landscape structures such as trellises, raised beds and fencing to unify the overall site design is required, with plantings consistent with L3 open area landscaping standard of SMC 17C.200.030. (R)
- e. At least fifty percent of the units in the development shall abut a common open space. A cottage housing unit is considered to “abut” an area of open space if there is no structure between the unit and the open space. (P)
- f. Common area sidewalks should be located at the edge of the common open space, and separated from private open space by narrow plantings and/or fencing. (P)
- g. No more than one driveway per cottage cluster should be permitted, except along an alley or where clusters front onto more than one street. (P)
- h. Landscaping and trees should be used to achieve compatibility in areas where these are unifying elements of community character. (C)
- i. To enhance the function of the required open spaces and delineate the thresholds between public and private areas, the following features are encouraged in the open spaces: (C)
 - i. When a sidewalk in a common open space is adjacent to a private residence, a perimeter buffer of two feet should be provided between the sidewalk and the residence’s private open space.
 - ii. A residence’s private open space should be generously planted with a variety of plantings, such as herbaceous shrubs and flowers, and foundational plantings near the home.

Figure 17C.110-C: Minimum Open Space and Maximum Porch Encroachment Dimensions



[Note: Add the graphic above.]

3. Patios and Porches.

a. Cottage housing units shall have a covered, unenclosed porch or entry at least sixty square feet in size with a minimum depth of six feet and minimum width of eight feet. (R)

b. If the cottage housing unit is fronting on a public street then at least one primary entry porch shall be located to face the street. If the unit is not fronting on a public street then the covered porch shall be located on the side of the home that serves as the main entry from a common open space. (R)



c. Porch or patio railings within the private open space should be semi-transparent and a maximum of forty-two inches in height. (C)

4. Exterior Building Lighting.

a. The common open space shall be provided with lighting in the common area or alternately, the individual units fronting on the common open space shall have exterior lighting features. (P)

b. The design shall incorporate lighting fixtures on any shared access or external lighting on units facing private access areas. (P)

c. To diminish the amount of glare and spillover from lighting, the following standards shall apply: (R)

i. Intensity: Exterior lighting fixtures shall not exceed one foot-candle in intensity.

ii. Cutoffs Required: Lighting fixtures shall comply with the standards of SMC 17C.220.080.

5. Variety in Design and Architectural Features.

a. Reduce the potential impact of new cottage housing development on established and historic neighborhoods by incorporating elements and forms from nearby buildings. This may include reference to architectural details, building massing, proportionality, and use of high-quality materials such as wood, brick, and stone. (P)

b. Create a human scale streetscape by including vertical and horizontal patterns as expressed by bays, belt lines, doors and windows. (P)

((2)) c. Modulation and Articulation.

i. Modulation and articulation ((is—achieve through a combination of changes in plan and materials detailing. They function)) should be incorporated on each individual building to add visual interest through shadows, human scale detailing, and textures while ((reducing)) reducing the ((apparent)) appearance of mass and scale of the buildings. The use of these techniques shall be varied between adjacent buildings. (P)



((a. Articulation is the giving of emphasis to architectural elements (like windows, balconies, entries, etc.), that create a complimentary pattern or rhythm, dividing the buildings into smaller identifiable pieces.

b. Modulation is a measured and proportioned inflection in a building's face. Together articulation, modulation

~~and their interval create a sense of scale important to residential buildings.))~~

- ii. Attached units must be modulated along the public street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. (R)
- d. Design of garage structures and carports shall be similar to the style, materials, color, detailing, articulation, fenestration, etc. of the cottage housing units. (R)
- e. Carriage unit homes shall not comprise more than fifty percent of the total dwelling units in a cottage housing development. (P)
- f. Detached, combined garages or carports are encouraged. (C)

Section 11. That SMC section 17C.110.360 is amended to read as follows:

17C.110.360 Pocket Residential Development

A. Purpose.

The purpose of the pocket residential development is to:

- 1. Encourage greater efficiency of land use by allowing compact infill development on aggregate sites.
- 2. Stimulate new housing that is compatible in scale and character to established surrounding residential areas.
- 3. Produce a broader range of building forms for residential development.
- 4. Expand opportunities for affordable home ownership.
- 5. Promote high quality housing of a character compatible with existing neighborhoods.
- 6. Encourage adequate, usable open space.

B. Applicability.

Pocket residential development is permitted within the RSF, RSF-C, RTF, RMF, RHD, O, OR, CC, NR, CB, and GC zones.

C. Application Procedure.

Pocket residential development is allowed outright with a building permit (~~except when a subdivision of land is proposed. In the RTF zone a community meeting with the Planning Department and the neighborhood is required prior to the issuance of a development permit~~). When pocket residential development involves subdivision of land, the application shall be processed in accordance with the procedures of chapter 17G.080 SMC, Subdivisions.

D. Basic Development Standards.

1. Maximum Building Height.
The maximum height of structures within a pocket residential development is as allowed in the underlying zone.
2. Maximum Building Coverage.
The maximum building coverage (~~((within a pocket residential development site is forty percent in the RA, RSF-C, RTF zones; fifty percent in the RMF zone and sixty percent in the RHD zone))~~) of the aggregate buildings located upon the parent site shall not exceed the maximum building coverage permitted by the underlying zone. Maximum building coverage is not limited in the O, OR, CC, NR, CB, and GC zones.
3. Setbacks.
Setbacks in a pocket residential development are measured from the exterior boundary of the parent site. The following setbacks are required except in commercial and center and corridor zones where the setbacks are as required in the underlying zoning district.
 - a. Front Setback.
The front yard requirement for the parent site shall be fifteen feet except as allowed under the front yard averaging provisions of SMC 17C.110.220(D)(1).
 - b. Side Setback, Abutting a Residential Zoning District.
If the side yard of the site is adjacent to other residentially zoned property the side yard shall be a minimum of five feet.
 - c. Side Setback, Interior to Parent Site.
If platted, the side yard, interior to the parent site, may be zero, provided, however, that any structure located upon a lot created under SMC 17G.080.065 shall comply with applicable building and fire code and the setbacks applicable to the underlying site development plan.
 - d. Side Setback, Street.
The street side yard requirement for the parent site shall be a minimum of five feet.

- e. Rear Setback of the Parent Site.
Twenty-five feet or as required in the underlying zoning district.
4. Minimum and Maximum Parent Site Size:
 - a. The minimum parent site size for a pocket residential development is as follows:
 - i. RSF and RSF-C zone: Eight thousand seven hundred square feet.
 - ii. RTF zone: Four thousand two hundred square feet.
 - iii. RMF, RHD zones: Two thousand nine hundred square feet.
 - iv. O, OR, CC, NR, CB, and GC zones: No minimum parent site size.
 - b. The maximum parent site size for a pocket residential development is one and a half acres. Pocket residential developments over one and a half acres must be approved as a planned unit development.
5. Density.
The maximum density allowed in a pocket residential development is limited to that allowed in the underlying zoning district in which the parent site is located, except as permitted by SMC 17C.110.330(C) for transitional sites. ~~((The density of a pocket residential development is based on the gross site area including area set aside for public or private street rights of way and tracts of land dedicated for stormwater facilities.))~~
6. Frontage and Access.
Frontage on a public street is not required for lots created in a pocket residential development. Private streets or private access may be used to provide lot frontage when a private street or private access is approved in accordance with ~~((SMC 17H.010.090 and a street design variance request is approved in accordance with SMC 17H.010.020))~~ chapter 17H.010 SMC. The parent site shall have frontage on a public street sufficient for adequate access and utilities.
7. Parking.
The minimum required off-street parking for a pocket residential development ~~((is one stall for each dwelling unit))~~ shall comply with the required parking standards of the underlying zone for residential uses in chapter 17C.230 SMC Parking and Loading.
8. Required Outdoor Area.

Pocket residential developments shall comply with the required outdoor area standards of the underlying zone in accordance with SMC 17C.110.223 and Table 17C.110-3 Development Standards. Common outdoor areas designated to meet this requirement ~~((shall))~~ will be permanently maintained by ~~((and conveyed to))~~ the owner or an appropriate property management entity, if under singular ownership. In the event that the development is subdivided or condominium platted, a homeowners' ((or property owners')) association ((as regulated by law)) is required to be created for the maintenance of the common open space within the development. This requirement shall be included in deed restrictions as required in SMC 17G.080.065(D).

9. Permitted Housing Types.
The housing types allowed in a pocket residential development are those allowed in the underlying zone in accordance with Table 17C.110-2.
10. Lot Size.
There is no minimum lot size for lots created within a pocket residential development.

E. Design Standards~~((:))~~ .

1. Ground Level Access.
In order to create the appearance of individual homes, rather than apartments, each attached dwelling unit shall have its own individual access from grade. Stacked units are permitted to have one main entrance with an internal ((stairways)) stair accessed from grade ((are permitted)) to internal individual unit entrances.

Individual Access from Grade



Example of Individual Access for Each Unit



Example of Individual Access with Shared Open Space



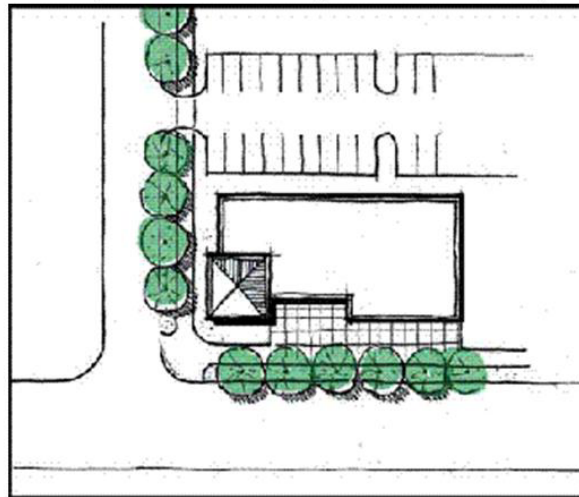
2. Parking Lots.

To ensure that parking is as unobtrusive as possible the following standards must be met:

a. Alley Access.

If the development abuts an alley, parking must be accessed from the alley.

Example of Surface Parking Accessed from Alley



- b. Screening: Surface parking lots shall be screened both from the street and adjacent residential development by ~~((a combination of trees and shrubs. Trees shall be at least two inches in caliper at the time of planting and no more than thirty feet apart. Shrubs shall be at least thirty inches in height at the time of planting.))~~ landscape type L2 see-through buffer in SMC 17C.200.030, Landscape Types. Decorative walls or fences no more than forty-two inches in height may be used in lieu of shrubs. Parking is not allowed in a required front yard setback area.

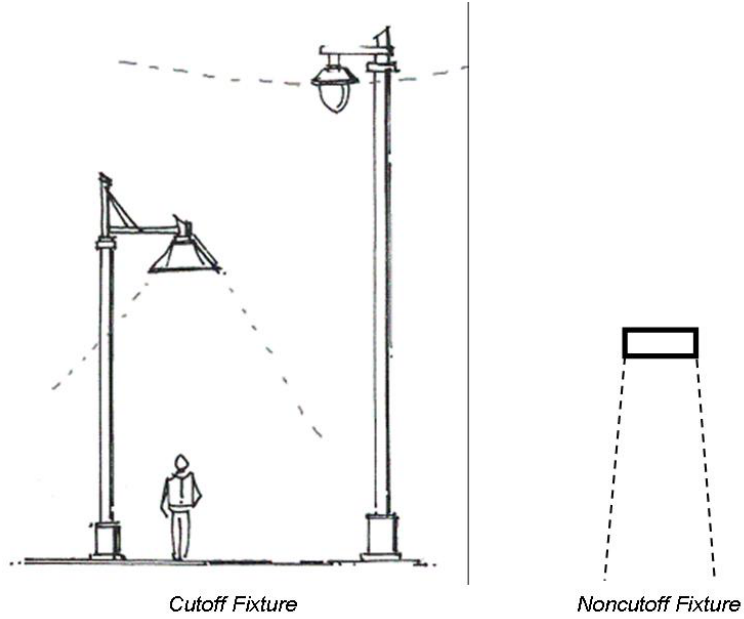
Planting Material Screen



Example of Surface Parking Screened from Street

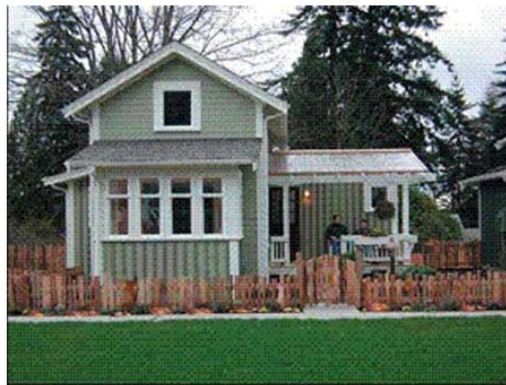


- c. Paving: All surface parking shall be improved in accordance with the standards of SMC 17C.230.140.
- 3. Lighting.
To diminish the amount of glare and spillover from lighting, the following standards shall apply:
 - a. Intensity: Exterior lighting fixtures shall not exceed one foot-candle in intensity.
 - b. Cutoffs Required: Lighting fixtures shall comply with the standards of SMC 17C.220.080



4. Fencing: To ensure a residential atmosphere, fencing higher than forty two inches shall not be permitted along any street frontage.

Residential Fencing



Residential Fence Along Street Frontage No Higher than 42 inches



5. Residential Building Design.

This section is subject to the provisions of SMC 17C.110.015, Design Standards Administration. For pocket residential development, the following design standards must be met:

- a. All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every three lineal feet of foundation. (R)
- b. Sixty percent of the area between the front lot line and the front building line must be landscaped. At a minimum, the required landscaped area must be planted with living ground cover. Up to one-third of the required landscaped area may be for recreational use, or for use by pedestrians. Examples include walkways, play areas, or patios. (R)
- c. ~~((Generous))~~ Use of planting materials and landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged, with plantings consistent with L3 open area landscaping standard of SMC 17C.200.030.(P)
- d. Front facade. Fire escapes, or exterior stairs that provide access to an upper level are not allowed on the front facade of the building. (R)
- e. Duplexes and attached houses on corner lots shall be designed so each unit is oriented towards a different street. This gives the structure the overall appearance of a house when viewed from either street. (R)
- f. All units must meet the following standards. Adjustments to this paragraph are prohibited, but modifications may be requested through a design departure. The standards are:
 - i. Entrances. Each of the units fronting on the street must have its address, windows, and main entrance oriented toward a street frontage. Units that are on the interior of a parent site may be oriented toward a private access or shared open space. Where an existing house is being converted to two units, one main entrance with internal access to both units is allowed. (R)
 - ii. Each unit must have a covered, main entry-related porch or stoop area of at least fifty square feet with no dimension less than five feet. (R)
 - iii. ~~((Buildings))~~ Attached units must be modulated along the public street at least every thirty feet. Building modulations

must step the building wall back or forward at least four feet.
(R)

- iv. Reduce the potential impact of new Pocket Residential Development on established and historic neighborhoods by incorporating elements and forms from nearby buildings. This may include reference to architectural details, building massing, proportionality, and use of high-quality materials such as wood, brick, and stone. (P)
- v. Create a human scale streetscape by including vertical and horizontal patterns as expressed by bays, belt lines, doors and windows. (P)

Section 12. That SMC 17C.110T.002 entitled “Table 17C.110-2 Residential Housing Types Allowed” is repealed.

[Note: Repealing this section will eliminate a duplicated table. The Table 17C.110-2, Residential Zone Housing Types Allowed, will continue to exist under SMC 17C.110.115 Housing Types Allowed.]

Section 13. That SMC section 17C.230.130 is amended to read as follows:

17C.230.130 Parking Exceptions

- A. In center and corridor downtown, and FBC CA1, CA2, and CA3 zones any new building or building addition with a floor area less than three thousand square feet shall have no parking requirement.
- B. In the neighborhood retail zone, any existing building, new building, or building addition, having a floor area less than three thousand square feet shall have no parking requirement. In addition, if a building has a floor area of five thousand square feet or less, the parking requirement will be determined after deducting the three thousand square foot exemption from the building’s floor area. For example, the parking requirement for a four thousand square foot building would be based on one thousand square feet of floor area – i.e., a four thousand square foot building size minus the three thousand square foot exemption.
- C. The director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the

surrounding area. When determining if a different amount of parking is appropriate, the director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the character of the proposed use.

- D. If property owners and businesses establish a parking management area program with shared parking agreements, the director may reduce or waive parking requirements.
- E. Except in the residential single-family and residential two-family zones, existing legal nonconforming buildings that do not have adequate parking to meet the standards of this section are not required to provide off-street parking when remodeling which increases the amount of required parking occurs within the existing structure.

TABLE 17C.230-2 PARKING SPACES BY USE [1] (Refer to Table 17C.230-1 for Parking Space Standards by Zone) CU = Conditional Use			
RESIDENTIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Group Living		1 per 4 residents	None
Residential Household Living		1 per unit plus 1 per bedroom after 3 bedrooms; 1 per Accessory Dwelling Unit (ADU); Single Resident Occupancy (SRO) are exempt	None
COMMERCIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Adult Business		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Commercial Parking		Not applicable	None
Drive-through		Not applicable	None

Facility			
Major Event Entertainment		1 per 8 seats or per CU review	1 per 5 seats or per CU review
Office	General Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Medical/Dental Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Quick Vehicle Servicing		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Retail Sales and Service	Retail, Personal Service, Repair-oriented	1 per 330 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Restaurants and Bars	1 per 250 sq. ft. of floor area	1 per 60 sq. ft. of floor area
	Health Clubs, Gyms, Lodges, Meeting Rooms and similar continuous entertainment, such as Arcades and Bowling Alleys	1 per 330 sq. ft. of floor area	1 per 180 sq. ft. of floor area
	Temporary Lodging	1 per rentable room; for associated uses such as Restaurants, see above	1.5 per rentable room; for associated uses such as Restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
	Retail sales and services of large items, such as appliances, furniture and equipment	1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Mini-storage Facilities		Same as Warehouse and Freight Movement	Same as Warehouse and Freight Movement
Vehicle Repair		1 per 750 sq. ft.	1 per 200 sq. ft.

		of floor area	of floor area
INDUSTRIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Industrial Services, Railroad Yards, Wholesale Sales		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Manufacturing and Production		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Warehouse and Freight Movement		1 per 1,000 sq. ft. of floor area for the first 3,000 sq. ft of floor area and then 1 per 3,500 sq. ft. of floor area thereafter	1 per 200 sq. ft. of floor area
Waste-related		Per CU review	Per CU review
INSTITUTIONAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Basic Utilities		None	None
Colleges		1 per 600 sq. ft. of floor area exclusive of dormitories, plus 1 per 4 dorm rooms	1 per 200 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm room
Community Service		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Daycare		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Medical Centers		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Parks and Open Areas		Per CU review for active areas	Per CU review for active areas
Religious Institutions		1 per 100 sq. ft. of main assembly area or per CU review	1 per 60 sq. ft. of main assembly area
Schools	Grade,	1 per classroom	2.5 per classroom

	Elementary, Junior High		
	High School	7 per classroom	10.5 per classroom
OTHER CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Agriculture		None or per CU review	None or per CU review
Aviation and Surface Passenger Terminals		Per CU review	Per CU review
Detention Facilities		Per CU review	Per CU review
Essential Public Facilities		Per CU review	Per CU review
Wireless Communication Facilities		None or per CU review	None or per CU review
Rail Lines and Utility Corridors		None	None
[1] The director may approve different amounts of parking spaces under the exceptions listed in SMC 17C.230.130.			

Section 14. That SMC section 17G.080.065 is amended to read as follows:

17G.080.065 ~~((Unit Lot))~~ Alternative Residential Subdivisions

A. Purpose.

The purpose of these provisions is to allow for the creation of lots for ~~((types of))~~ alternative residential development as described in SMC 17C.110.300, including attached housing, ~~((and specified))~~ cottage housing ~~((projects))~~, and similar developments with multiple dwelling units on a parent site, while applying only those site development standards applicable to the parent site as a whole, rather than to individual ~~((unit))~~ lots resulting from the subdivision.

B. Applicability.

~~((The provisions of this section apply exclusively to the subdivision of land that is already developed with residential dwelling units.))~~ The types of existing development that may use the ~~((unit lot))~~ alternative residential subdivision are:

1. Cottage housing projects ~~((previously))~~ approved under SMC 17C.110.350 ~~((and built prior to January 1, 2014))~~;
2. Housing developed under SMC 17C.110.360 Pocket Residential Development; or

~~((2))~~ 3. A similar existing development that consists of multiple dwelling units on a single parcel or site ~~((; or))~~, provided that such existing structures shall comply with applicable building and fire code.

~~3. An existing townhouse development in zones in which townhouse dwellings are a permitted use.))~~

C. Application Procedure.

~~((Unit lot))~~ Alternative residential subdivisions of nine or fewer lots shall be processed as short plats and all others shall be processed as subdivisions according to the associated permit types in SMC chapter 17G.060.

D. General Regulations.

1. ~~((The unit lot))~~ An alternative residential subdivision ~~((as a whole))~~ shall meet development standards applicable to the underlying site development plan approval, if any, the basic development standards and design standards of SMC 17C.110.350 Cottage Housing or SMC 17C.110.360 Pocket Residential Development, and the provisions of this section. As a result of the ~~((unit lot))~~ alternative residential subdivision, development on individual ~~((unit))~~ lots may be nonconforming as to some or all of the development standards based on analysis of the individual ~~((unit))~~ lot. So long as the parent site meets the criteria of the underlying site development plan or the dwelling units are already in existence, each lot will be deemed to be in conformance. If ~~((the))~~ existing dwelling units ~~((are already legally in existence and))~~ do not comply with development standards (i.e.: minimum building setbacks, maximum density, etc.), a ~~((unit))~~ lot may be created for each existing dwelling unit. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site;

2. ~~((Unit lot))~~ Alternative residential subdivisions shall be subject to all applicable requirements of Title 17 SMC, except as otherwise modified by this section;

3. ~~((Unit))~~ Each lot's area and width ~~((per unit))~~ for purposes of subdivision may be as small as the ~~((coverage))~~ footprint of the individual dwelling unit;

4. Portions of the parent site not subdivided for individual ~~((unit))~~ lots shall be owned in common by the owners of the individual ~~((unit))~~ lots, or by a homeowners association comprised of the owners of the individual ~~((unit))~~ lots located within the parent site. A homeowners' association is required to be created for the maintenance of any shared required outdoor area or other open space, shared parking areas, and other common use areas, buildings, and utilities within the development. This requirement shall be included in deed restrictions as required in paragraph 7;

5. Maximum ~~((lot))~~ building coverage of the aggregate buildings located upon the parent site shall not exceed the maximum ~~((lot))~~ building coverage permitted by the underlying zone;
6. Except for existing nonconforming development, building setbacks shall be as required for the zone as applied to the underlying parent site as a whole. There shall be no setback required from individual ~~((unit))~~ lot lines which are interior to the perimeter of the parent site; provided, however, that any structure located upon a ~~((unit))~~ lot created hereunder shall comply with the setbacks applicable to the underlying site development plan;
- ~~((7. Internal drive aisles providing vehicular access to unit lots shall not be considered public or private streets when utilizing the provisions of this section;~~
- 8)) 7. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; ~~((underground))~~ utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the county auditor's office. Separation requirements for utilities must be met. Each ~~((unit lot))~~ alternative residential subdivision shall make adequate provisions for ingress, egress and utilities access to and from each ~~((unit))~~ lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan;
- ~~((9))~~ 8. Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:
 - a. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (stating the subject project file number if applicable);
 - b. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;
 - c. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;

- d. ~~((The individual unit lots are not separate building sites and))~~ Additional development of the individual ~~((unit))~~ lots may be limited as a result of the application of development standards to the parent site.

E. Conflicts.
Any conflicts between the provisions of this section and the text of other sections in the Unified Development Code shall be resolved in favor of the text of this section.

PASSED BY THE CITY COUNCIL ON _____

Council President

Attest: Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

PUBLIC OUTREACH SUMMARY

Development Code Amendment to Chapters 17A.020, 17C.110, 17C.230, and 17G.080
Cottage Housing, Pocket Residential, and Compact Lot Standards

- January 19, 2017 Presentation to Land Use Committee of the Community Assembly
- March 8, 2017 Plan Commission public workshop – Infill Project Update
- June 30, 2017 Integrated Infill Committee and Housing Quality Task Force Update
- July 13, 2017 City Council and Plan Commission study session
- July 26, 2017 Plan Commission public workshop – Infill Project Update
- September 25, 2017 Plan Commission public workshop – Infill Code Revisions
- October 11, 2017 Plan Commission public workshop – Infill Code Revisions
- October 13, 2017 Notification of intent to adopt to email contact list
60-day notice of intent to adopt regulations – WA Dept. of Commerce
- October 19, 2017 Presentation to Land Use Committee of the Community Assembly
- October 25, 2017 Plan Commission public workshop – Infill Code Revisions
- November 2, 2017 Open house attended by 25 people – W. Central Community Center
Presentation to Community Assembly
- November 8, 2017 Plan Commission public workshop – Infill Code Revisions
- November 16, 2017 Facebook live webcast to answer questions from the public
- November 29, 2017 Notice of December 13 Plan Commission public hearing, and State
Environmental Policy Act (SEPA) Determination of Nonsignificance
(DNS)
 - Notice to interested parties via email
- December 13, 2017 Plan Commission public hearing
- December 14, 2017 City Council study session
- January, 2018 (tentative) City Council public hearing

**SPOKANE ENVIRONMENTAL ORDINANCE
NONPROJECT DETERMINATION OF NONSIGNIFICANCE**

FILE NO(S): *Proposed amendments to Spokane Municipal Code chapters 17A.020, 17C.110, 17C.230, 17G.060 (no ordinance number yet assigned).*

PROPONENT: *City of Spokane*

DESCRIPTION OF PROPOSAL: *Code amendments to Cottage Housing (SMC 17C.110.350) for larger unit floor area, subdivision of internal units, slight increases in height and density, attention to standards for development perimeters, and to allow in the RTF zone. Also, allow Pocket Residential (private access and new lots; SMC 17C.110.360), and some smaller lots (Table 17C.110-3), in the RSF zone, with no changes to aggregate site density for those development tools, using limited design standards. Documents relating to this text amendment are available for viewing at: my.spokanecity.org/projects/infill-housing-strategies-infill-development/*

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: *Certain residential zones in the city of Spokane: specifically, the RA, RSF, RSF-C, and RTF zones. A zoning map is available for viewing at: maps.spokanecity.org*

LEAD AGENCY: *City of Spokane*

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

- [] There is no comment period for this DNS.
- [] This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.
- [x] This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments must be submitted no later than December 13, 2017 at 12:00 p.m. if they are intended to alter the DNS.

Responsible Official: Lisa Key

Position/Title: Planning Services Director **Phone:** (509) 625-6300

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

Date Issued: November 29, 2017

Signature:



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

**State Environmental Policy Act (SEPA)
ENVIRONMENTAL CHECKLIST**

File No. _____

PLEASE READ CAREFULLY BEFORE COMPLETING THE CHECKLIST!

Purpose of Checklist:

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

Instructions for Applicants:

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

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

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

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

Use of checklist for nonproject proposals:

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

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

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

A. BACKGROUND

1. Name of proposed project: Cottage housing and pocket residential code amendments
2. Applicant: City of Spokane Planning & Development
3. Address: 808 West Spokane Falls Boulevard
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6893
Agent or Primary Contact: Nathan Gwinn, Assistant Planner
Address: Same as applicant
City/State/Zip: _____ Phone: _____
Location of Project: Areas zoned for single-and two-family residential development in Spokane, WA
Address: _____
Section: _____ Quarter: _____ Township: _____ Range: _____
Tax Parcel Number(s) _____
4. Date checklist prepared: October 9, 2017
5. Agency requesting checklist: City of Spokane
6. Proposed timing or schedule (including phasing, if applicable): Adoption winter 2017-2018

7. a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. There are additional code amendments proposed. Following adoption, an additional amendment to standards in multifamily residential zones, affecting different locations, and another amendment to buildable areas in hillside developments.

- b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. Yes, some land owned by the City of Spokane is zoned for residential use.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. None that is directly related to this proposal.

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. No.
-
-
-
10. List any government approvals or permits that will be needed for your proposal, if known.
Individual projects would require conditional use, subdivision, and/or building permits following adoption.
-
-
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. Code amendments to Cottage Housing for larger unit floor area, subdivision of internal units, slight increases in height and density, attention to standards for development perimeters, and to allow in RTF zone. Also, allow Pocket Residential (private access and new lots), and some smaller lots, in the RSF zone, with no changes to aggregate site density for those development tools, using limited design standards.
12. Location of the proposal: Give sufficient information for 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. Eligible sites are located in RA, RSF, and RTF zones in the city of Spokane.
-
-
-
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, all of the above.
-
-
-

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). Not applicable; appropriate disposal of stormwater will be addressed for new projects at the time of construction of any approved project.
-

- (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? Not applicable; chemical storage will be addressed at the time of project permit application.
-

- (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. Not applicable; new residential development should be consistent with all local, state and federal regulations concerning these protective measures.
-

- (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? Not applicable; storage, handling, and use will be addressed when each project is designed, reviewed, and constructed.
-

b. Stormwater

- (1) What are the depths on the site to groundwater and to bedrock (if known)? The depth to groundwater varies, depending on location within the city of Spokane.
-

(2) Will stormwater be discharged into the ground? If so, describe any potential impacts.

Not applicable; any change to existing stormwater discharge would be reviewed at the time of any project's design and construction.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (check one):

☐ Flat ☐ Rolling ☐ Hilly ☐ Steep slopes ☐ Mountainous

Other: Not applicable. This is a non-project action.

b. What is the steepest slope on the site (approximate percent slope)? Not applicable. This is a non-project action.

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 agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
Not applicable. This is a non-project action.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
Not applicable. This is a non-project action.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill: Not applicable. This is a non-project action.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
Not applicable. This is a non-project action.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, or buildings)? Not applicable. This is a non-project action.

- h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: Not applicable. This is a non-project action.

2. Air

- a. What type of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. Not applicable. 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. Not applicable. This is a non-project action.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: Not applicable. This is a non-project action.

3. Water

a. SURFACE WATER:

- (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. Not applicable. 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. Not applicable. This is a non-project action.

- (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. Not applicable. This is a non-project action.

- (4) Will the proposal require surface water withdrawals or diversions? If yes, give general description, purpose, and approximate quantities if known. Not applicable. This is a non-project action.

- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. Not applicable. This is a non-project action.

- (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. Not applicable. This is a non-project action.

b. GROUNDWATER:

- (1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. Not applicable. This is a non-project action.

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. Not applicable. This is a non-project action.

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. Not applicable. This is a non-project action.

- (2) Could waste materials enter ground or surface waters? If so, generally describe. Not applicable. This is a non-project action.

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. Not applicable. This is a non-project action.

d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any. Not applicable. This is a non-project action.

4. Plants

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

Deciduous tree: ☐ alder ☐ maple ☐ aspen

Other: _____

Evergreen tree: ☐ fir ☐ cedar ☐ pine

Other: _____

☐ Shrubs ☐ Grass ☐ Pasture ☐ Crop or grain

☐ Orchards, vineyards or other permanent crops

Wet soil plants: ☐ cattail ☐ buttercup ☐ bullrush ☐ skunk cabbage

Other: _____

Water plants: ☐ water lily ☐ eelgrass ☐ milfoil

Other: _____

Other types of vegetation: Not applicable. This is a non-project action.

b. What kind and amount of vegetation will be removed or altered? Not applicable. This is a non-project action.

- c. List threatened and endangered species known to be on or near the site. Not applicable. This is a non-project action.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: Not applicable. This is a non-project action.

- e. List all noxious weeds and invasive species known to be on or near the site. Not applicable. This is a non-project action.

5. Animals

- a. Check **and** List any birds and other animals which have been observed on or near the site or are known to be on or near the site:

Birds: ☐ hawk ☐ heron ☐ eagle ☐ songbirds

Other:

Mammals: ☐ deer ☐ bear ☐ elk ☐ beaver

Other:

Fish: ☐ bass ☐ salmon ☐ trout ☐ herring ☐ shellfish

Other:

Other (not listed in above categories): Not applicable. This is a non-project action.

- b. List any threatened or endangered animal species known to be on or near the site.
Not applicable. This is a non-project action.

- c. Is the site part of a migration route? If so, explain. Not applicable. This is a non-project action.

- d. Proposed measures to preserve or enhance wildlife, if any: Not applicable. This is a non-project action.

- e. List any invasive animal species known to be on or near the site. Not applicable. This is a non-project action.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Not applicable. This is a non-project action.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. Not applicable. This is a non-project action.

- 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: Not applicable. This is a non-project action.

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. Not applicable. This is a non-project action.

- (1) Describe any known or possible contamination at the site from present or past uses.

Not applicable. This is a non-project action.

- (2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. Not applicable. This is a non-project action.

- (3) Describe any toxic or hazardous chemicals/conditions that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. Not applicable. This is a non-project action.

- (4) Describe special emergency services that might be required. Not applicable. This is a non-project action.

- (5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable. This is a non-project action.

b. NOISE:

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? Not applicable. 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. Not applicable. This is a non-project action.

- (3) Proposed measure to reduce or control noise impacts, if any: Not applicable. This is a non-project action.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. Not applicable. This is a non-project action.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? Not applicable.
This is a non-project action.
-
-

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: Not applicable. This is a non-project action.
-
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-

- c. Describe any structures on the site. Not applicable. This is a non-project action.
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-

- d. Will any structures be demolished? If so, which? Not applicable. This is a non-project action.
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-

- e. What is the current zoning classification of the site? Not applicable. This is a non-project action.
-
-
-

- f. What is the current comprehensive plan designation of the site? Not applicable. This is a non-project action.
-
-
-

- g. If applicable, what is the current shoreline master program designation of the site? Not applicable.
This is a non-project action.

- h. Has any part of the site been classified as a critical area by the city or the county? If so, specify. ____
Not applicable. This is a non-project action.

- i. Approximately how many people would reside or work in the completed project? Not applicable.
This is a non-project action.

- j. Approximately how many people would the completed project displace? Not applicable. This is
a non-project action.

- k. Proposed measures to avoid or reduce displacement impacts, if any: Not applicable. This is a
non-project action.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and
plans, if any: Not applicable. This is a non-project action.

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands
of long-term commercial significance, if any: Not applicable. This is a non-project action.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. Not applicable. This is a non-project action.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. Not applicable. This is a non-project action.

- c. Proposed measures to reduce or control housing impacts, if any: Not applicable. This is a non-project action.

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? Not applicable. This is a non-project action.

- b. What views in the immediate vicinity would be altered or obstructed? Not applicable. This is a non-project action.

- c. Proposed measures to reduce or control aesthetic impacts, if any: Not applicable. This is a non-project action.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Not applicable. This is a non-project action.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable. This is a non-project action.

- c. What existing off-site sources of light or glare may affect your proposal? Not applicable. This is a non-project action.
-
-
-

- d. Proposed measures to reduce or control light and glare impacts, if any: Not applicable. This is a non-project action.
-
-
-

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? Not applicable. This is a non-project action.
-
-
-

- b. Would the proposed project displace any existing recreational uses? If so, describe. Not applicable. This is a non-project action.
-
-
-

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: Not applicable. This is a non-project action.
-
-
-

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the sited that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. Not applicable. This is a non-project action.
-
-
-

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. Not applicable. This is a non-project action.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archaeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. Not applicable. This is a non-project action.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required Not applicable. This is a non-project action.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. Not applicable. This is a non-project action.

- b. Is site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop Not applicable. This is a non-project action.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? Not applicable. This is a non-project action.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). Not applicable. This is a non-project action.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. Not applicable. This is a non-project action.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? Not applicable. This is a non-project action.

(Note: to assist in review and if known, indicate vehicle trips during PM peak, AM Peak, and Weekday (24 hours).)

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, general describe. Not applicable. This is a non-project action.

- h. Proposed measures to reduce or control transportation impacts, if any: Not applicable. This is a non-project action.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

This proposal is a non-project action and should not directly increase the need for public services.

- b. Proposed measures to reduce or control direct impacts on public services, if any: Not applicable.
This is a non-project action.

16. Utilities

- a. Check utilities currently available at the site:

- ☐ electricity
- ☐ natural gas
- ☐ water
- ☐ refuse service
- ☐ telephone
- ☐ sanitary sewer
- ☐ septic system

Other: Not applicable. 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: Not applicable. This is a non-project action.

C. SIGNATURE

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

Date: 10/9/2017

Signature: Nathan Gwinn

Digitally signed by Nathan Gwinn
DN: cn=Nathan Gwinn, o=City of Spokane, ou=Planning and
Development Department, email=ngwinn@spokanecity.org, c=US
Date: 2017.10.10 06:08:35 -0700

Please Print or Type:

Proponent: City of Spokane

Address: 808 W. Spokane Falls Blvd.

Phone: (509) 625-6300

Spokane, WA 99201

Person completing form (if different from proponent): Nathan Gwinn

Phone: (509) 625-6893

Address: 808 W. Spokane Falls Blvd.

Spokane, WA 99201

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: _____

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

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

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

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

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

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? The proposal would not directly increase these elements. Any additional infill development built as a result of changes could provide shorter commuting distances than alternatives, possibly reducing automobile traffic.

Proposed measures to avoid or reduce such increases are: Approval of projects requires conditional use or subdivision review under Spokane Municipal Code chapters 17G.170 and/or 17G.080.

2. How would the proposal be likely to affect plants, animals, fish or marine life? Most projects resulting from this proposal would not likely affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish or marine life are: Proposed site design provisions may preserve native vegetation in open space. Conditional use and subdivision review include finding no significant impact on the environment; in Shoreline jurisdiction, additional criteria apply.

3. How would the proposal be likely to deplete energy or natural resources? The proposal would not be likely to deplete energy or natural resources. Instead, it would promote infill development, possibly reducing the conversion of resource lands, and providing for lower energy travel modes.

Proposed measures to protect or conserve energy and natural resources are: This proposal does not directly address such protection, but the smaller home sizes and shorter travel distances associated with the changes may help conserve more energy than development at urban periphery.

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 would not directly affect environmentally sensitive areas or other areas designated for governmental protection.
-

Proposed measures to protect such resources or to avoid or reduce impacts are:

Project and/or environmental review at the time of application includes consideration of whether there would be a significant adverse impact on the environment as part of the approval criteria. For example, see Spokane Municipal Code 17G.060.170.

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 proposal is intended to implement Comprehensive Plan policies and land use plan map, and development would compatibly comply with standards established thereunder; and where applicable, shoreline development standards.
-

Proposed measures to avoid or reduce shoreline and land use impacts are: No additional measures are proposed.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? The proposal would not enable development exceeding the levels prescribed in the Comprehensive Plan. Any increase in demands on transportation or public services and utilities would be within the scope contemplated in the Comprehensive Plan.
-

Proposed measures to reduce or respond to such demand(s) are: Response to any site-specific change to such demands would occur through provisions made by the development or through required conditions of approval following project review.

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment. The proposal should not conflict with local, state, or federal laws or requirements for the protection of the environment.
-

C. SIGNATURE

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

Date: 10/9/2017

Signature: Nathan Gwinn

Digitally signed by Nathan Gwinn
DN: cn=Nathan Gwinn, o=City of Spokane, ou=Planning and
Development Department, email=ngwinn@spokanecity.org, c=US
Date: 2017.10.10 07:47:56 -0700

Please Print or Type:

Proponent: City of Spokane Address: 808 W. Spokane Falls Blvd.

Phone: (509) 625-6300 Spokane, WA 99201

Person completing form (if different from proponent): Nathan Gwinn

Phone: (509) 625-6983 Address: 808 W. Spokane Falls Blvd.

Spokane, WA 99201

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: _____

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

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

Infill Development Project
Summary Report and Recommendation

Spokane City Plan Commission
Infill Development Steering Committee



October 6, 2016

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Infill Development Steering Committee Members

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Gail Prosser, Business Owner
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Former Members

Cindy Algeo, Spokane Low Income Housing Consortium
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Problem Definition

Purpose

By 2037, Spokane is projected to grow to a population of more than 236,000 by adding 20,000 new residents (Spokane County Planning Technical Advisory Committee, 2015, p. 9). The City's Comprehensive Plan supports locating these new residents closer to the city core and near designated centers and corridors by filling in and redeveloping vacant and underutilized land near these areas.

This project's purpose is to investigate what options the community has to effectively remove barriers and challenges for development on vacant land in the city core, consistent with the City of Spokane's adopted plans. This project seeks to answer the following question. What resources do we need to make **infill development** as viable to finance, design, build, occupy, and maintain as greenfield development is on the city's outer fringes?

Each year, Spokane experiences infill development – that is, new buildings on vacant spaces, both in built-up areas of the city, and in adjacent land that is designated for urban growth. This activity proves a local market demand exists for new homes and businesses built in close proximity to others. Is it occurring at the levels and in the locations expected by the City's Comprehensive Plan? Is development well-designed to allow higher intensities, without detracting from the character of the existing conditions? Does it offer housing that is affordable to the full variety of income levels, and is it built to sufficient quality for the population?

The most recent addition of infill development tools were created in 2012, following the work of an infill housing task force that met in 2008 and 2011. Those tools were adopted into code but were only minimally applied by the development community. One obstacle to encouraging and promoting these methods appears to be a lack of knowledge and/or confusion regarding how investors, developers, and the general public perceive how the development tools apply.

The city has limited available land and a growing population. Without the ability to provide new housing and business within the core of the city, growth would occur in a manner that results in sprawling development on the urban fringe – a condition which is costlier to the community to provide and maintain public infrastructure. When development is removed from proximity to jobs and services, it affects individual lives as well, resulting in decreased livability, increased travel time, and fewer transportation options.

The City's adopted goals regarding desired development patterns and infill are further described below in Section 2, Goals and Evaluation Criteria.

Permit History

Permits issued by the City of Spokane may be tracked by location. The City's Comprehensive Plan focuses new growth around a number of centers and corridors. These areas are envisioned to have mixed-use development and significantly higher housing densities than other areas designated for commercial or residential uses. These areas are also likely to be surrounded by built-up areas, where any development will be essentially infill. Centers fall into categories of different scales: from smaller neighborhood and district centers, to larger employment centers and the Downtown regional center.

Project staff reviewed building permit data for new construction and various forms of residential and non-residential construction that indicated possible infill development, but excluding accessory structures such as garages or permits with valuations of less than \$100,000 (other than single-family homes). Over the ten-year

period from 2006 to 2015, there were 17 permits for selected categories of new construction issued Downtown (Table 1). Most of these were for non-residential buildings.

In other centers and corridors over the same period, 205 permits were issued for new construction. Of these, 94 permits were for detached or attached housing (such as townhomes) in centers.

Over the same time period of ten years ending in 2015, more than 5,200 housing units were permitted citywide (Table 2). (During most of these years, less than 100 residences were demolished in Spokane, with an average of about 60 per year over the last five years). In Downtown over the ten-year period, there were 55 dwelling units permitted, and 756 units in all other centers and corridors. About 3,000 units, or more than half of the total, were built farther than one-quarter mile from centers or corridors.

Preliminary Inventories of Vacant and Underdeveloped Land

Spokane County and its cities use a regionally adopted methodology to conduct a Land Quantity Analysis (“LQA,” City of Spokane, 2015b). The LQA selection method excludes City owned property and other property needed for a public purpose. Also, the LQA considers any property with an assessed improvement value of \$500 or less to be vacant. For the purposes of sampling for the infill development project, parcels of land with assessed improvement values of \$25,000 or less were considered “vacant or underdeveloped,” using 2016 Spokane County Assessor data, and land in industrial areas was excluded from the analysis.

The modified selection process resulted in a parcel set and maps (Maps 2 through 5) showing the selected sites simply as various “development opportunities.” A number of positive characteristics were also applied to the sites. Parcels in the selection were assigned a combined score based on whether any portion was within a specified distance of the following features, with one point awarded for each feature:

- City of Spokane Water Distribution– Sites at least partially within 350 feet of water lines
- City of Spokane Sanitary Sewer– Sites at least partially within 350 feet of sewer lines
- Centennial Trail – Sites at least partially within one-quarter mile of the Trail
- City of Spokane Existing Bikeway – Sites at least partially within one-quarter mile of an existing bikeway
- City of Spokane Planned Bikeway – Sites at least partially within one-quarter mile of a planned bikeway
- Spokane Transit Authority’s Planned High Performance Transit Network – Sites at least partially within one-quarter mile of the following proposed routes:
 - G1 – Monroe/Grand-29th-Regal
 - G2 – Central City Line
 - G3 – Sprague
 - R1 – Division
 - B1 – Cheney (only west of the Plaza was selected)
 - B2 – I-90 East (only east of the Plaza was selected)
- Sites at least partially within Centers and Corridors

Development Opportunities in Centers: Infill Sites

As stated above, centers fall into categories of different scales: from smaller neighborhood and district centers, to larger employment centers and the Downtown regional center.

The preliminary results of the trial development opportunities methodology, regarding present opportunities in centers and corridors, suggest that there are more than 220 acres of such vacant or undeveloped parcels within centers, about 60 acres of which is located Downtown with approximately 160 acres located in centers and corridors elsewhere in the city (Table 3).

The roughly 60 acres of identified vacant and underdeveloped properties located Downtown are contained on many separate parcels of various sizes. Six of these parcels are larger than 33,000 square feet, or approximately three quarters of an acre, offering relatively large-scale opportunities for multi-story new development. Ninety-three parcels are less than 5,000 square feet, offering smaller scale opportunities, and the remaining 192 parcels are between 5,000 and 33,000 square feet in size.

For the 160 acres located outside Downtown, within the city's other centers and corridors, there are 24 vacant and underdeveloped parcels, containing about 100 acres, that are each larger than 33,000 square feet. One hundred four parcels, encompassing roughly five acres, are smaller than 5,000 square feet, and 284 parcels, encompassing approximately 55 acres, are between 5,000 and 33,000 square feet.

Vacant and Underdeveloped Parcel Size Categories

The different size categories are important to inform what type of development can be expected to occur. Sites less than 5,000 square feet in size may be the right size for some types of development in centers, such as attached housing or a small commercial uses. Also, these sites may be aggregated with adjacent property to build something more substantial.

Sites larger than 5,000 square feet, however, are probably sufficiently large to build any form of development permitted in that particular location. The largest buildings built near Downtown Spokane in recent years have reached 4 to 6 stories and consisted of multi-family residential buildings, mixed-use buildings, and commercial buildings. One recent example built over the last year in the Hamilton Corridor is the Matilda Building, east of Gonzaga University. This mixed-use building was built on 1.8 acres, utilizing four-story concrete construction in a zone with an allowed height of 55 feet.

Limitations and Further Study

This information provides only a partial picture of development opportunities in centers and corridors. Further block-by-block analysis and field verification would be required to more accurately inventory the development opportunities. The Matilda Building site itself was not captured by the analysis because the value of previously existing improvements that were demolished during re-development caused assessed improvement value to exceed the \$25,000 selected threshold. It should be noted that there is a time lag between when changes are made to a given property, and when that change is reflected in the Assessor data. A different practice of comparing land value and assessed improvement value could potentially be applied to such larger sites to predict the presence of additional developable sites.

Another example of the method's limitations is evident on the enlarged view of the development opportunities map in the east portion of Downtown (Map 5), where many instances of additional infill space are shown adjacent to building footprints on partially developed property. In other areas of the city, large, partially developed parcels might also include areas for infill. These areas cannot be captured by the development opportunities method using assessed value of improvements alone because the portion of the parcel that has developed exceeds the \$25,000 threshold, regardless of the fact that a portion of the site is vacant and relatively unimproved. Conversely, many identified sites in centers and corridors may be unusable for development due to difficulties associated with the physical site, past uses, or other factors. Subarea planning in selected centers would provide more certain information.

Development Opportunities Outside and Around Centers

The mapping study described above also found additional vacant and underdeveloped land indicating potential infill growth near centers and corridors in Spokane and its adjacent joint planning areas¹ within the urban growth area. Maps 2 through 5 display the positive characteristics of these lands described above, including proximity to zoned centers and corridors, and to public transit. More than 390 acres of vacant and underdeveloped land comprised parcels that were outside but at least partially within one-quarter mile of both the edges of centers and corridors, and of transit routes.

Large recent construction projects in such areas near Downtown include the 940 North Ruby Apartments, built on a 0.8-acre site in 2015. These apartments are a residential building, six stories high (5-over-1 construction), with parking on the main floor, in a zone with an allowed height of 150 feet. Nearby, the 315 West Mission Apartments were built this year on 0.8 acres. They are of three-story wood construction, in a zone with an allowed height of 150 feet. In another area near Downtown, both the residential and commercial portions of Kendall Yards continue to develop with three-story commercial and mixed-use buildings and a variety of single-family, attached housing, and multi-family residential buildings, reaching as high as four stories.

Development Opportunities in Other Locations

More than 4,000 acres of additional vacant and underdeveloped land was found farther than one-quarter mile from the city's centers and corridors, both within the city and its adjacent joint planning areas within the urban growth area, using the 2016 assessed improvement value data. Of this land, about 25 percent is located on parcels that are at least partially within one-quarter mile of transit routes. Some of these sites will be infill opportunities, while others are "greenfield" sites, located in undeveloped areas.

Some additional land owned by agencies will become available for development by others over the planning horizon of the Comprehensive Plan. The City of Spokane is currently creating a disposition policy with the City Council for review of assets that would, potentially, result in some City-owned parcels becoming available for purchase. These parcels, of course, would be excluded from the analysis above because they are owned by the City and thus automatically excluded.

The project team reviewed housing density and parcel size in the Residential Single-family (RSF) zoning district. These maps (Maps 6 through 9) are provided for information. As described below, the Comprehensive Plan designates density depending on location, and for residential areas, often the Comprehensive Plan designates both maximum and minimum densities. The information may be useful for further inquiries into appropriate considerations for unique neighborhood context, while the challenge remains for much of the city and neighborhood subareas to achieve those designated densities for the efficient provision of services and infrastructure.

Process and Stakeholder Input

Steering Committee Members/Former Infill Housing Task Force Members

In early 2016, a subcommittee of four City Plan Commissioners met to discuss the project's process structure. In May, the subcommittee was expanded to include a designated project steering committee of 16 individuals, each representing professions or organizations that have interest in infill development. Two of

¹ Joint planning areas are defined in the Countywide Planning Policies as "areas designated as Urban Growth Areas assigned to a city or town for future urban development but located in the unincorporated county where a coordinated planning process between the cities, towns and the County will be conducted" (Spokane County, 2011, p. 47).

these committee members formerly served as infill housing task force members in 2011. As an essential component of the project, the committee comprised a core group of dedicated stakeholder representatives to facilitate the development of constructive recommendations.

Focus Groups

Six different focus groups, made up of a large number of stakeholder representatives, met with the steering committee members and Planning Services Department project staff in May and June 2016. These meetings enabled a series of focused discussion of issues that various functional groups of stakeholders have in common, though they may be distinct from other types of professionals or organizations. Attendance at each of the focus groups ranged between 15 and 24 stakeholders (not including project staff, steering committee members, and other interested members of the public), with interest areas focusing on finance and real estate; architecture and for-profit developers; non-profit developers; tiny housing; community organizations (including public agencies); and, neighborhood representatives. Four of the steering committee members attended all six focus group meetings.

Following the focus group meeting series, the steering committee participated in four workshops to develop preliminary recommendations. A number of recurring themes emerged at the focus group meetings and workshops. One of these themes was greater housing diversity, or the development of a variety of housing types, such as small single-family lots, attached housing (townhouses), clustering, manufactured housing, and “tiny” housing, for a mixture of family incomes and situations. The project participants identified the ability to separately own units in more locations in Spokane as a principal means of achieving more of these housing options.

Financial incentives and other partnerships, between the public and private sectors, and among agencies, was another theme. Participants supported continuing the City of Spokane’s existing target area incentive strategy as a means of encouraging infill. This strategy uses planning for revitalization and targeted areas in the city, such as Downtown, to support and enhance the development process in these areas.

The third major theme captured in the meetings was that of information brokering and public education. Participants identified a need for broader knowledge of where developable parcels are located, what resources are available to developers and the public, and how infill development can be successful and beneficial to the community.

Finally, a fourth major theme was neighborhood context. Each neighborhood values its individual character; impacts from higher intensity development may be perceived differently in different areas of the city. To improve infill development’s cohesion with neighborhood context, participants identified the use of more effective transition regulations and buffers, additional design standards, and enhanced communication between neighbors, developers, and the City to help improve design and maintain neighborhood character.

The steering committee’s recommendations were prepared based on the focus group meetings and workshops to assess the potential of new implementation measures using the goals and evaluation criteria described below. The recommendations suggest specific further actions based on the suggestions and major themes that the committee believes should be carried forward by the Plan Commission and staff. This report and recommendations provide these recommendations that include potential code amendments, education and promotion strategies, incentive programs, and areas for further study.

As prescribed in the Project Charter, recommendations from the infill development steering committee will be implemented under a separate process, with staff assignments, development timing, and Plan Commission workshop scheduling to be determined, based on further discussion about the scope of each recommendation.

Public Open House and Online Survey

An open house was held August 30, 2016, in Spokane City Hall. The steering committee presented 25 preliminary recommendations for public consideration and discussion. Project staff collected comments and conducted an online survey. The results of the open house and survey are attached in Appendix B, Public Participation.

Plan Commission and City Council

The Plan Commission and City Council will hold public workshops and hearings in September and October. These events will provide additional opportunities to receive and consider additional public comments.

Goals and Evaluation Criteria

Guidance from the Project Charter and Comprehensive Plan

City Planning Department staff, along with a subcommittee of the Plan Commission and others, met between January and April 2016 to discuss the mission and goals of the project.

The team's mission is to enable and promote quality infill development in a manner that meets adopted policies in the City's Comprehensive Plan and other defined criteria. This development should provide a desirable mixture of affordable housing options to people of all income levels (Comprehensive Plan Goals H1 and H2); preserve existing housing stock where appropriate (Policy H3); sustainably realize density objectives (Goal LU 3); be designed to maintain and encourage attractive neighborhood character (Policy DP 3.8); be consistent with the Comprehensive Plan, adopted neighborhood plans and subarea plans; and be consistent with existing neighborhood character, and/or the neighborhood character envisioned in adopted neighborhood plans.

The goals of the project are to:

1. Communicate and review today's development standards and tools with descriptive graphics to illustrate implementation potential;
2. Develop recommendations to increase clarity and effectiveness of existing residential infill regulations;
3. Explore opportunities to better promote and encourage infill housing development in desired locations through potential changes in policies, code amendments, education and promotion strategies, and/or incentive programs;
4. Evaluate what, if any, further changes are needed to implement the City's Comprehensive Plan policies, and neighborhoods' visions as reflected in adopted neighborhood and subarea plans, for development of vacant or underdeveloped lots and parcels within an already built-up area; and
5. Establish a system to monitor trends in permit counts and valuation by area, and evaluate performance relative to the economy.

Finally, the project was organized according to four distinct phases to address its implementation. The first phase is to communicate and review today's standards. The second phase is gathering stakeholder input. Third, the project would identify citywide opportunities, and fourth, the project would identify geographic- or location-specific opportunities. Accordingly, the committee's recommendations are arranged according to these last two phases, citywide and location based, to acknowledge and assist this phasing.

Recommendation Impact/Feasibility Criteria

The project's purpose and desired communication outcomes from the public participation program (Appendix B) were used by groups within the committee in initial consideration during the workshops of the suggestions of the focus groups.

Impact is rated according to the following criteria:

- **How well does the recommendation address the infill project's purpose:**
 - Enable and promote quality development on vacant and underdeveloped lots and parcels in developed areas of the city and its urban growth area in a manner that:
 - Provides a desirable mixture of affordable housing options to people of all income levels, and sustainably realizes density objectives;
 - Is designed to maintain and encourage attractive neighborhood character;
 - Is consistent with the City of Spokane Comprehensive Plan, as well as adopted neighborhood plans and subarea plans; and,

- Is consistent with existing neighborhood character, and/or the neighborhood character envisioned in adopted neighborhood plans.
- **How well does the recommendation address one or more of the project’s communication objectives:**
 - Produce useful documents to describe today’s development standards and tools.
 - Increase public awareness of the infill tools and allowable development products.
 - Dialogue with stakeholders that results in productive recommendations to increase opportunities for development and new housing on vacant or underdeveloped sites in built-up areas.
 - Develop an easy-to-follow report and recommendations for future action based on the project’s findings.
 - Develop a plan for monitoring the effectiveness of infill development strategies developed through this process.

Feasibility is rated according to these following criteria:

- **How likely is the recommendation to be accomplished/implemented?**
 - Financial feasibility: Does the recommendation require new financial investment? Will it be possible to fund it? How?
 - Operational & legal feasibility: Is the recommendation legally and practically feasible?
 - Political feasibility: Are there political considerations that would prevent the recommendation from being viable? Is it sustainable in the event of a major leadership change?
 - Social feasibility: Would the recommendation be supported by the public?
 - Community partners: Are there community partners who are willing/able to collaborate?

City of Spokane Comprehensive Plan Policy

The City’s Comprehensive Plan contains a land use plan map and policies to guide the City’s activities in programming improvements, conducting business to form partnerships, and regulating development. A collection of relevant policies was prepared to assist in responding to the comments received in the focus group meetings. A portion of that list appears below. The full text of the City of Spokane’s Comprehensive Plan may be found online:

static.spokanecity.org/documents/business/resources/mostrequested/comp-plan-2015-full.pdf

The following five goals and their supporting and related policies are particularly relevant to the infill development project. These goals were used in guiding the discussions in the focus group meetings and work materials:

H 1 AFFORDABLE HOUSING

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

Related Policies:

- H 1.16 Partnerships to Increase Housing Opportunities - *Create partnerships with public and private lending institutions to find solutions that increase opportunities and reduce financial barriers for builders and consumers of affordable lower-income housing.*

H 2 HOUSING CHOICE AND DIVERSITY

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

Related Policies:

- H 2.3 Accessory Dwelling Units - *Allow one accessory dwelling unit as an ancillary use to single family owner-occupied homes in all designated residential areas as an affordable housing option.*
- H 2.7 Taxes and Tax Structure - *Support state consideration of property tax reform measures that provide increased local options that contribute to housing choice and diversity.*

H 3 HOUSING QUALITY

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

Related Policies:

- H 3.2 Property Responsibility and Maintenance - *Assist in and promote improved and increased public and private property maintenance and property responsibility throughout the city.*
- H 3.3 Housing Preservation - *Encourage preservation of viable housing.*

DP 3 FUNCTION AND APPEARANCE

Goal: Use design to improve how development relates to and functions within its surrounding environment.

Related Policies:

- DP 1.4 New Development in Established Neighborhoods - *Ensure that new development is of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood.*
- DP 2.2 Zoning and Design Standards - *Utilize zoning and design standards that have flexibility and incentives to ensure that development is compatible with surrounding land uses.*
- DP 3.1 Parking Facilities Design - *Make aesthetic and functional improvements to commercial areas in order to improve their image, appeal, and sales potential.*
- DP 3.8 Infill Development - *Ensure that infill construction and area redevelopment are done in a manner that reinforces the established neighborhood character and is architecturally compatible with the surrounding existing commercial and residential areas.*

LU 3 EFFICIENT LAND USE

Goal: Promote the efficient use of land by the use of incentives, density and mixed-use development in proximity to retail businesses, public services, places of work, and transportation systems.

Related Policies:

- LU 1.3 Single-Family Residential Areas - *Protect the character of single-family residential neighborhoods by focusing higher intensity land uses in designated centers and corridors.*
- LU 1.4 Higher Density Residential Uses - *Direct new higher density residential uses to centers and corridors designated on the land use plan map.*
- LU 3.1 Coordinated and Efficient Land Use - *Encourage coordinated and efficient growth and development through infrastructure financing and construction programs, tax and regulatory incentives, and focused growth in areas where adequate services and facilities exist or can be economically extended.*
- LU 3.2 Centers and Corridors - *Designate centers and corridors (neighborhood scale, community or district scale, and regional scale) on the land use plan map that encourage a mix of uses and activities around which growth is focused.*
- LU 3.11 Compact Residential Patterns - *Allow more compact and affordable housing in all neighborhoods, in accordance with neighborhood based design guidelines.*
- LU 3.12 Maximum and Minimum Lot Sizes - *Prescribe maximum, as well as minimum, lot size standards to achieve the desired residential density for all areas of the city.*
- LU 4.1 Land Use and Transportation - *Coordinate land use and transportation planning to result in an efficient pattern of development that supports alternative transportation modes consistent with the*

transportation chapter and makes significant progress toward reducing sprawl, traffic congestion, and air pollution.

- TR 2.4 Parking Requirements - *Develop and maintain parking requirements for vehicles that adequately meet the demand for parking yet discourages dependence on driving.*
- TR 2.6 Viable Walking Alternative - *Promote and provide for walking as a viable alternative to driving.*
- TR 3.1 Transportation and Development Patterns - *Use the city's transportation system and infrastructure to support desired land uses and development patterns, especially to reduce sprawl and encourage development in urban areas.*

In addition to the policy text, the Land Use Plan Map of the Comprehensive Plan guides the location of development. This is important to what housing types are generally appropriate for development based on the location. For example, the highest densities possible with attached houses, according to The Housing Partnership (2003, p. 2) are about 22 units per acre. Center and Corridor designations in the Comprehensive Plan provide for mixed-use development and high-density housing, with units per acre constrained only by building height and floor area ratio, which varies according to the type of center (Spokane Municipal Code [17C.122.080](#)). The Comprehensive Plan targets 32 units per acre for housing in the core of neighborhood centers, such as the one at South Perry Street and 9th Avenue, and up to 22 units per acre at the perimeter (Policy LU 3.2). For employment centers such as the nearby center along Sprague Avenue, the Comprehensive Plan designates a core of 44 units per acre transitioning again to 22 units per acre at the perimeter.

Other Adopted Policy

Subarea plans adopted as elements of the Comprehensive Plan by the City Council include the Fast Forward Spokane: Downtown Plan Update (2008). This subarea plan identifies several opportunity sites, interrelated strategies for different districts, and an overall complete streets model for implementation of a multi-modal transportation system Downtown.

Recommendation Priorities and Evaluation

The steering committee developed the following three groups of recommendation related to next-level planning efforts around infill development. The committee presents these for future research and planning efforts that will require further inquiry into the implementation methods, and identification of time and resources needed.

Each regulatory change proposed would require a separate, future public involvement process in addition to this recommendation by the subcommittee and acceptance by the Plan Commission and City Council.

The committee’s individual recommendations are evaluated below. Recommendations were considered a higher priority if they help implement more of the relevant goals and if they score high on the impact-feasibility matrix. Higher priorities were identified by groups within the committee using a set of criteria to that achieve both high impact and feasibility, as described at right. As a next step, further discussion is required to analyze the feasibility of each item evaluated here, as the Plan Commission, City Council, and identified agencies consider how or whether to implement these recommendations.

The evaluation matrices below are the committee’s recommendations arranged in three groups. The first group is assigned to those items for new processes ranked high-impact and high-feasibility. A second group of priority recommendations does not have both high impact and high feasibility. Finally, the third group regards adjustments or commitments to existing processes.

FEASIBILITY	HIGH	Quick wins: “Low Hanging Fruit” with relatively small demands that may be worth pursuing	No Brainer – biggest bang for your buck
	LOW	To be avoided: Difficult to implement with little impact, rarely worth pursuing.	Tough, but worthwhile
LOW IMPACT HIGH			

Evaluation of impact and feasibility made use of the matrix above and the criteria described under the Goals and Evaluation Criteria section, above.

High Impact | High Feasibility Recommendations

New processes ranked high-impact and high-feasibility.

Recommendation	Lead Dept. or Agency, if Implemented	Location	Notes	Initial Steering Committee Evaluation		
				Goals Implemented	Impact <ul style="list-style-type: none">Addresses project purpose/objective	Feasibility <ul style="list-style-type: none">Likely to be accomplished
Equal Ownership Opportunities C-7 Development regulations should provide equal opportunities for fee-simple divisions, owner and rental occupancy of individual higher-density housing units, such as attached housing and cottage housing, and accessory dwelling units. <ul style="list-style-type: none">Unit Lot Subdivision for New Development C-3 Amend unit lot subdivision policy to allow new development for separately owned units that do not directly front on a public street and that addresses lot coverage, more permissive setbacks, and allows alley-only, private driveway, or alternative access (like cluster developments) for project sites with frontage on a street.Dimensional Standards C-8 Review and update dimensional and other standards such as smaller lot sizes to support attached housing and more efficient use of land, provided the overall maximum density of the development does not exceed its designated density.	City of Spokane – Planning; City Council	Citywide	Dimensional standards should be made the same for fee-simple attached housing as for multi-family structures. Examples include allowing attached housing on the same lot width as multi-family housing in the Residential High-Density (RHD) zoning district. See SMC Table 17C.110-3 There is moderate feasibility for the dimensional standards aspect of this recommendation.	H 1 Affordable H 2 Choice DP 3 Function LU 3 Efficient	High	High

Definitions: Code Recommendations (“C”) are those that suggest changes to existing sections of Spokane Municipal Code.
Programmatic Recommendations (“P”) are those that involve changes to existing or new programs, and may initiate new sections of Spokane Municipal Code.
Improvement Recommendations (“I”) are identified improvements to include as projects in an appropriate Capital Improvement Program or Local Improvement District.

High Impact | High Feasibility Recommendations

New processes ranked high-impact and high-feasibility.

Recommendation	Lead Dept. or Agency, if Implemented	Location	Notes	Initial Steering Committee Evaluation		
				Goals Implemented	Impact <ul style="list-style-type: none">Addresses project purpose/objective	Feasibility <ul style="list-style-type: none">Likely to be accomplished
Utility Rates and Connection Fees P-11 Restructure utility rates and/or connection fees for multifamily development so that they do not favor single-family development over multi-family.	City of Spokane – Planning/Utilities; City Council	Citywide		H 1 Affordable H 2 Choice LU 3 Efficient	High	High
Infill Development Education Campaign P-3 Prioritize the development and implementation of a robust Infill Development Education Campaign and Communication Plan that will increase awareness and understanding of the benefits of infill housing through consistent and ongoing communication with developers, property owners, and neighbors. Include additional marketing tools to promote infill development and dispel myths regarding infill housing; and, develop presentation and education materials regarding infill housing and its role as a tool to development quality, attractive housing for all income levels.	City of Spokane Office of Neighborhood Services; Community, Housing and Human Services (“CHHS”) Affordable Housing Committee Planning re: Code amendments and Affordable housing	Citywide	A key component of the Education Campaign will be citizen involvement in the education process, and not only education by agency employees.	H 1 Affordable H 2 Choice H 3 Quality DP 3 Function LU 3 Efficient	High	High
Land Aggregation Entity P-7 Explore options to aggregate, hold, reuse, and/or resell existing and newly foreclosed, abandoned, and nuisance properties for better community use/benefit (e.g., a land bank).	City of Spokane – Office of Neighborhood Service/Asset Management; City Council Planning re: Code Change Private Organization	Citywide or Location-Specific	A new or existing nonprofit organization or agency might assume the role of a land bank or similar entity. A different, regulatory tool to encourage assembly of land large enough to redevelop is graduated density zoning.	H 1 Affordable H 2 Choice H 3 Quality LU 3 Efficient	High	High
Cottage Housing C-10 Cottage housing should allow for a portion of units with a higher maximum size and the ability to attach units and mix housing types.	City of Spokane – Planning; City Council	Residential Single Family (RSF) and Residential Agricultural (RA) Zones Citywide	Minimum unit size is set by the International Building Code. SMC 17C.110.350 currently limits all cottage units to a maximum of 1,000 square feet, including any attached garage, and units must be single, detached residences. Link to zoning map	H 1 Affordable H 2 Choice LU 3 Efficient	High	High

Other Recommendations for New Processes

These items would not have both a high impact and high feasibility. These items are ranked starting with highest feasibility to identify the ‘low-hanging fruit’ actions that might be readily integrated into a work program.

Recommendation	Lead Dept. or Agency, if Implemented	Location	Notes	Initial Steering Committee Evaluation		
				Goals Implemented	Impact <ul style="list-style-type: none">Addresses project purpose/objective	Feasibility <ul style="list-style-type: none">Likely to be accomplished
Housing Choices Gap Analysis P-4 Coordinate an analysis of gaps in housing choice with the intent of identifying tools, incentives, and code amendments necessary to encourage the development of housing forms that would reduce gaps in housing choice.	City of Spokane Planning	Citywide		H 1 Affordable H 2 Choice H 3 Quality LU 3 Efficient	Moderate	High
Land Management P-7d Improve management of existing and newly foreclosed, abandoned, and nuisance properties through code enforcement and other measures.	City of Spokane – Office of Neighborhood Service/Asset Management; City Council Planning re: Code Change	Citywide	This recommendation has a strong link to Land Aggregation Entity (P-7), which could offer more resources for cleanup of foreclosed properties. The City of Spokane (2016) Civil Enforcement Unit identified several measures to improve property management. Link to white paper. Examples: <ul style="list-style-type: none">Working with lenders/owners to clear title on propertiesPursuing nuisance abatement	H 1 Affordable H 2 Choice H 3 Quality	Low	High
Pocket Residential Development C-11 Pocket Residential Tool should be allowed outright in Residential Single-family (RSF) or with a conditional use permit rather than though a zoning change to Residential Single-family Compact (RSF-C).	City of Spokane – Planning; City Council	Residential Single-family (RSF) Zone Citywide	Link to zoning map	H 1 Affordable H 2 Choice LU 3 Efficient	Moderate	High
Transit-Oriented Parking Reductions C-5 Study reducing parking requirements for transit-oriented uses near bus routes with 15-minute weekday service.	City of Spokane – Planning	Near 15-Minute Weekday Transit Routes - Citywide	Currently, SMC 17C.230.130 provides that the planning director may approve reducing the minimum spaces required, considering proximity to transit. Such approvals are conditioned upon the project contributing toward a pedestrian and transit supportive environment next to the site and in the surrounding area. Parking reductions related to proximity to this type of transit should be made standard, rather than at the director’s discretion.	H 1 Affordable H 2 Choice DP 3 Function LU 3 Efficient	Moderate	High
Manufactured Homes C-15 Review and update the manufactured home age and minimum size standards on lots outside of a manufactured home park; and, explore modifications to local mobile home park size and ownership models.	City of Spokane – Planning; City Council	Citywide	Current manufactured home regulations require that only new manufactured home units are allowed outside manufactured home parks. Only a unit comprised of two or more fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long (864 SF). Roofing and siding material and roof pitch are regulated, with requirements to be set upon a permanent foundation and meet State energy code. Additional residential design standards may be warranted, but would be required to apply to all homes by State law. New manufactured home parks must be at least ten acres in size. SMC 17C.345 . This recommendation should be closely linked to Design Standards C-2.	H 1 Affordable H 2 Choice	Moderate	Low/Moderate
Defer Development Fees C-6 Explore paying development fees (all development fees – permits, connection, GFCs, etc.) at the end of the project instead of the beginning to assist by reducing the carrying cost (Note: define “end of project” and explore the timing of payment of fees).	City of Spokane – planning/Utilities/ City Legal; City Council	Citywide	<ul style="list-style-type: none">Transportation impact fees currently can be deferred. This process should be looked at as an example to enacting this recommendation.Section 17D.075.040 C Assessment of Impact Fees	H 1 Affordable	High	Low

Other Recommendations for New Processes

These items would not have both a high impact and high feasibility. These items are ranked starting with highest feasibility to identify the ‘low-hanging fruit’ actions that might be readily integrated into a work program.

Recommendation	Lead Dept. or Agency, if Implemented	Location	Notes	Initial Steering Committee Evaluation		
				Goals Implemented	Impact <ul style="list-style-type: none">Addresses project purpose/objective	Feasibility <ul style="list-style-type: none">Likely to be accomplished
Design Standards C-2 Create a committee of knowledgeable stakeholders who would facilitate the exploration of form-based, point-based or other system of menu options that extends design standards to all residential development types (including residential structures for which the predominant use/feature is a garage/shop). The development must comply with subarea plans and city design standards (Note: Encourage a committee of developers, designers and neighbors to facilitate the creation of a form-based, point-based or menu of options system).	City of Spokane – planning; City Council	Citywide	<p>The committee is divided on this recommendation, with some committee members believing that further study and analysis is needed on the underlined text and applicability to all residential development types.</p> <p>The City/council should set aside funds to hire a consultant to work holistically on a set of design standards for all residential units, from single family to multi-family, and centers and corridors design standards.</p> <p>This recommendation should be closely linked to Manufactured Homes C-15.</p>	H 3 Quality DP 3 Function	Moderate	Moderate
Foreclosure Properties P-7b Find tools to make upside-down/foreclosure (zombie) properties available for re-use or redevelopment.	City of Spokane – Office of Neighborhood Services (“ONS”); CHHS; City Council SNAP (Spokane Neighborhood Action Partners)	Citywide	<p>This recommendation has a strong link to Land Aggregation Entity (P-7), which could offer more resources for re-use or development of foreclosed properties. The City of Spokane (2016) Civil Enforcement Unit identified several measures to redevelop foreclosure and bank real estate owned properties. Link to white paper. Examples:</p> <ul style="list-style-type: none">GRIPS – a geographical real property information system to see scope and investment opportunitiesStreamlining or expediting foreclosuresPublic entity could acquire properties, give priority sales to neighbors, and credit documented landscaping and maintenance through partial lien forgiveness	H 1 Affordable H 3 Quality LU 3 Efficient	High	Low
Form Based Standards C-9 Enact a form-based strategy in appropriate locations, rather than standards for specific housing types.	City of Spokane – Planning; City Council	Likely Residential Areas near Downtown and Areas Near Centers - Citywide	<p>Form-based standards for established neighborhoods are usually prescriptive to the desired form of construction. This strategy could be implemented through subarea planning in residential neighborhoods to allow additional housing types, such as attached, duplex, triplex, etc., as well as small retail uses, as appropriate, that respond to the neighborhood context because their form or appearance is similar.</p> <p>Form based strategies could include:</p> <ul style="list-style-type: none">Removing owner-occupancy requirement for accessory dwelling unitsCreating a 4-12 Unit Building Multi-Family Zone in Transition Areas <p>This recommendation is less about use and more about form.</p>	H 1 Affordable H 2 Choice H 3 Quality DP 3 Function LU 3 Efficient	High	Low - Moderate

Other Recommendations for New Processes

These items would not have both a high impact and high feasibility. These items are ranked starting with highest feasibility to identify the ‘low-hanging fruit’ actions that might be readily integrated into a work program.

Recommendation	Lead Dept. or Agency, if Implemented	Location	Notes	Initial Steering Committee Evaluation		
				Goals Implemented	Impact <ul style="list-style-type: none">Addresses project purpose/objective	Feasibility <ul style="list-style-type: none">Likely to be accomplished
Financing Solutions P-10 To reduce barriers and encourage infill development, pursue strategies that mitigate the impact of low-value market areas on new development. Areas with large numbers of deteriorating houses can impact property appraisal of more well-kept homes and create barriers to new development.	City of Spokane – CHHS/Planning/Code Enforcement; City Council Neighborhood stakeholders	Likely Residential and/or Commercial Areas in Neighborhoods with Unusually Low Property Values	There are many potential tools available to combat the impact of low-value market areas, including, but not limited to, local target areas. The U.S. Department of Housing and Urban Development (HUD) may be a general funding source for many potential programs. Code enforcement can impact appraisals as well – this needs to be connected/linked to any new programs impacting appraisals.	H 1 Affordable H 2 Choice H 3 Quality LU 3 Efficient	High	Moderate
Integrated Parking Strategy P-1 Develop an Integrated Parking Strategy for Downtown Spokane. This could include expanding City Parking Services role in parking, the development of publicly owned parking structures, offering incentives for the development of structured parking or integrated structured parking, and/or developing a coalition of interested parties.	Downtown Spokane Partnership (“DSP”); City of Spokane	Downtown	Investigate potential to link to the Multiple Family Tax Exemption (C-14) recommendation and other strategies. An integrated parking strategy is currently being pursued in the University District.	H 1 Affordable DP 3 Function LU 3 Efficient	High	Moderate
Incentivizing Redevelopment of Existing Surface Parking and Underdeveloped Land P-2 Study the feasibility of creating a non-residential highest and best use taxation, or alternative use category other than undeveloped land, to address vacant lots, underdeveloped land, and surface parking lots Downtown.	City of Spokane –City Council/Admin Greater Spokane Incorporated; DSP	Downtown	Types of parking taxes include commercial parking taxes, which apply to priced parking, and non-residential parking taxes, which apply to both priced and unpriced parking. House bill HB2186 proposes to enable a non-residential parking tax statewide. Link to House Bill	H 1 Affordable DP 3 Function LU 3 Efficient	Low	Moderate
Pave Unpaved Streets & Alleys near Centers I-1 Unpaved streets and alleys, specifically alleys near Centers and Corridors and the Targeted Incentive Areas, should be paved to encourage infill development. Local Improvement Districts (LIDs) are a revenue source for paving streets and alleys in any location – reconsider recent changes to the LID ordinance that set a higher threshold for approval of LIDs.	City of Spokane – Planning/Integrated Capital management; City Council	Areas around Centers, Corridors, and the Targeted Incentive Areas	Link to zoning map; link to interactive Target Area Incentives map LID may be the only reliable source of revenue for unpaved streets and alleys. In order to impact targeted areas, consider a wholesale re-evaluation of LID program, including resetting locally adopted requirements to State levels.	H 1 Affordable H 2 Choice H 3 Quality LU 3 Efficient	High	Moderate
Increased Code Enforcement Activities P-12 Increase the ability of code enforcement to respond to complaints and develop other possible solutions for code violations, degrading properties and unmaintained vacant land. Explore establishing proactive code enforcement and / or revising substandard building code as possible options with ONS working with the Community Assembly as a partner.	City of Spokane – ONS / Community Assembly	Citywide		H 3 Quality	High	Moderate

Recommendations to Ongoing Processes

These recommendations relate to adjustment to or continuation of an existing City of Spokane program or Spokane County process. The items may be monitored for effectiveness in enabling infill development.

Recommendation	Lead Dept. or Agency, if Implemented	Location	Notes	Initial Steering Committee Evaluation		
				Goals Implemented	Impact <ul style="list-style-type: none">Addresses project purpose/objective	Feasibility <ul style="list-style-type: none">Likely to be accomplished
Developable Lands P-6 Produce and promote a developable lands inventory and map to assist developers in identifying sites with infill development potential and explore methodologies to capture data on availability of developable lands.	City of Spokane – Planning/Info. Technology; Spokane County, cities	Citywide	Available lands inventory is in process with Assoc. of Realtors and Spokane County. City of Spokane Planning Department is studying how to make existing data accessible to the public in 2016 via online mapping.	H 2 Choice H 3 Quality LU 3 Efficient	High	High
Targeting Infill Incentives C-1 Incentivize infill within and in close proximity (quarter-mile) of historically urban and urban core centers and corridors with current and new incentives. Continue to confine some incentives to or increase incentives in these areas and support the next phase of economic development and incentive work underway at the City.	City of Spokane – Planning (Economic Development Team); City Leadership/Council	Target Areas within and near Urban and Urban Core Centers and Corridors	<p>This recommendation should be strongly tied to both the Multiple-Family Tax Exemption C-14 and Targeted Investment Strategy P-5 recommendations. Link to interactive Target Area Incentives map</p> <p>The committee would recommend reductions to or elimination of transportation impact fees in targeted areas.</p>	H 1 Affordable H 2 Choice H 3 Quality LU 3 Efficient	High	High
Multiple-Family Tax Exemption C-14 Maintain and expand the Multiple-Family Tax Exemption to targeted qualifying sites. Expand the program through education. Explore extension of 12-year program to apply to workforce housing (i.e., household incomes above low-income) and consider using the City’s authority under MFTE to increase opportunities for mixed-income development based on area context.	City of Spokane – Planning; City Council	Target Areas to Be Determined	<p>Link to the map of the Multiple Family Tax Exemption Area - SMC 08.15.030(E)</p> <p>Mayor’s Housing Quality Task Force discussed a recommendation that is opposite/more difficult.</p> <p>This recommendation should be strongly linked to both the Targeting Infill Incentives C-1 and Targeted Investment Strategy P-5 recommendations.</p>	H 1 Affordable H 2 Choice H 3 Quality LU 3 Efficient	High	High
Targeted Investment Strategy P-5 Continue to identify additional potential areas for development and incentivize development in those areas, such as the targeted investment areas.	City of Spokane – Planning (Economic Development Team); City Council	Target Areas to Be Determined	The targeted investment strategy should be strongly tied to both the Targeting Infill Incentives and Multiple Family Tax Exemption recommendations.	H 2 Choice H 3 Quality LU 3 Efficient	High	High
Pedestrian Infrastructure I-2 Increase and prioritize, when possible, public investments in streets to create walkable, safe public right-of-ways that conform to City standards and facilitate infrastructure in accordance with the City of Spokane’s (2015c) Pedestrian Master Plan “Pedestrian Priority Zones” and target areas (bike/pedestrian-related infrastructure).	City of Spokane – Integrated Capital Mngmnt, Engineering and Streets/ Interdepartment (LINK)	Pedestrian Priority Zones and Target Areas	This recommendation should be coordinated with work by the Plan Commission transportation subcommittee to review of Comprehensive Plan, Chapter 4, Transportation. This work should also be coordinated with the projects funded by the vehicle tab fees and selected by the Citizen’s Transportation Advisory Board.	H 1 Affordable H 2 Choice H 3 Quality LU 3 Efficient	Moderate	High

Note: The committee recognized the need for the School District to identify and implement more efficient patterns of development and land use. However, it was agreed that such recommendation to the school district was outside of the purview of this sub committee’s role.

References

- Housing Partnership, The. (2003). *Filling in the spaces: Ten essentials for successful urban housing*. Retrieved September 7, 2016, from <https://static.spokanecity.org/documents/projects/infillhousing/filling-in-the-spaces.pdf>
- Spokane, City of. (2016). *Abandoned opportunity: White paper*. Retrieved September 15, 2016, from <https://static.spokanecity.org/documents/projects/mayors-housing-quality-task-force/additional-materials/abandoned-opportunity-white-paper.pdf>
- _____. (2015a). *City of Spokane's comprehensive plan*. Retrieved September 2, 2016 from <https://static.spokanecity.org/documents/business/resources/mostrequested/comp-plan-2015-full.pdf>
- _____. (2015b). *Draft land quantity analysis result and methodology*. Retrieved September 7, 2016, from <https://static.spokanecity.org/documents/business/resources/studies/other/city-spokane-2015-land-quantity-analysis-report.pdf>
- _____. (2008). *Fast forward Spokane: Downtown plan update*. Retrieved September 9, 2016, from <https://static.spokanecity.org/documents/business/resources/compplan/subarea/fast-forward-downtown-plan-update.pdf>
- _____. (2015c). *Pedestrian master plan*. Retrieved October 4, 2016, from <https://static.spokanecity.org/documents/projects/pedestrianplan/spokane-pedestrian-plan-adopted-2015-11-02.pdf>
- Spokane County. (2011). Countywide planning policies for Spokane County. Retrieved October 4, 2016, from <https://www.spokanecounty.org/DocumentCenter/View/1209>
- Spokane County Planning Technical Advisory Committee. (2015). *Population forecast and allocation: Periodic update under the Growth Management Act 2017 to 2037*. Retrieved September 8, 2016, from <https://static.spokanecity.org/documents/projects/shapingspokane/population-forecast-and-allocation.pdf>

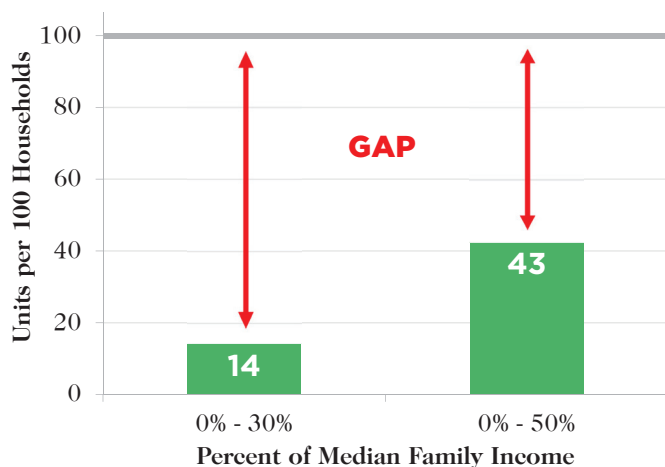
SPOKANE AREA



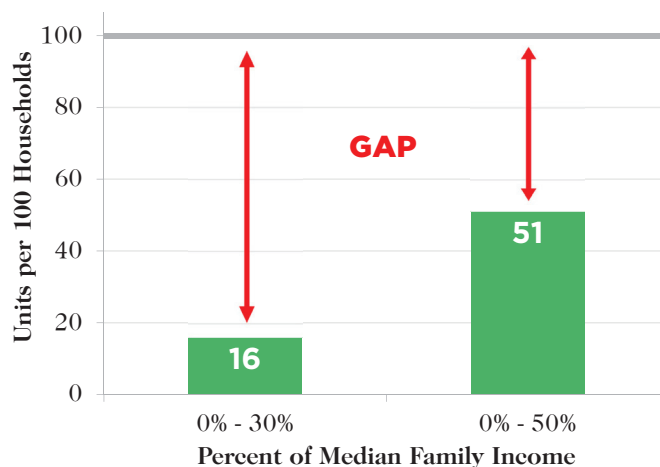
- Population: 389,272
- Area: 166 miles²
- Households: 157,490
- Median Family Income: \$62,900
- Low-income Renter Households: 40,032
- Subsidized Housing Units: 8,103

Affordable Housing Gap

Affordable and Available Housing Units for Every 100 Households



Forecasted Affordable and Available Housing Units for Every 100 Households in 2019

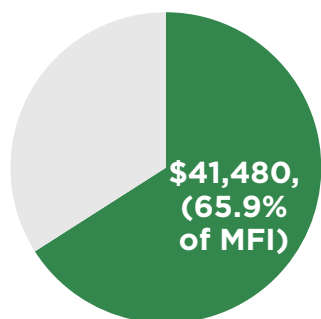


Housing Market

How Much of the Median Family Income (MFI) Must a Household Earn to Afford Rent?

4 people / 3 bedrooms

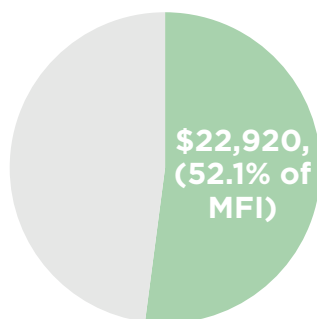
Fair Market Rent: \$1,037



■ required income

1 person / 1 bedroom

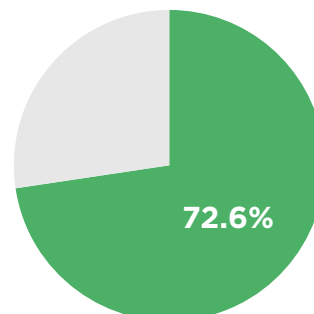
Fair Market Rent: \$573



■ required income

How Much of the Housing Stock Can the Median Family Income Afford to Buy?

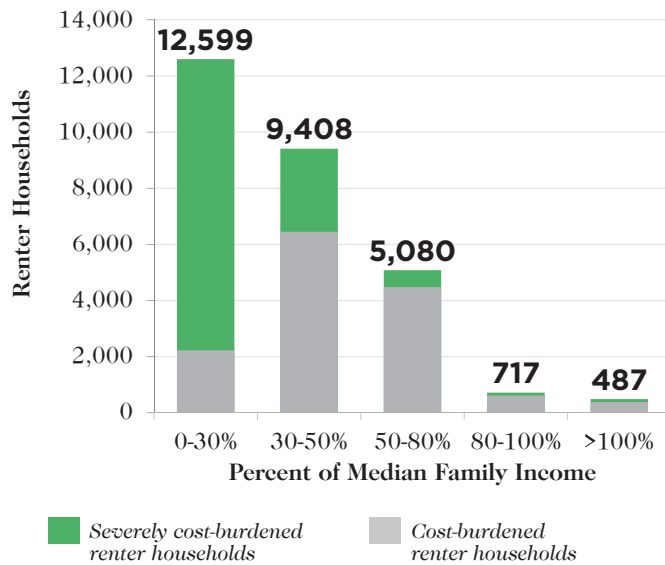
Maximum Affordable Home Value: \$243,493



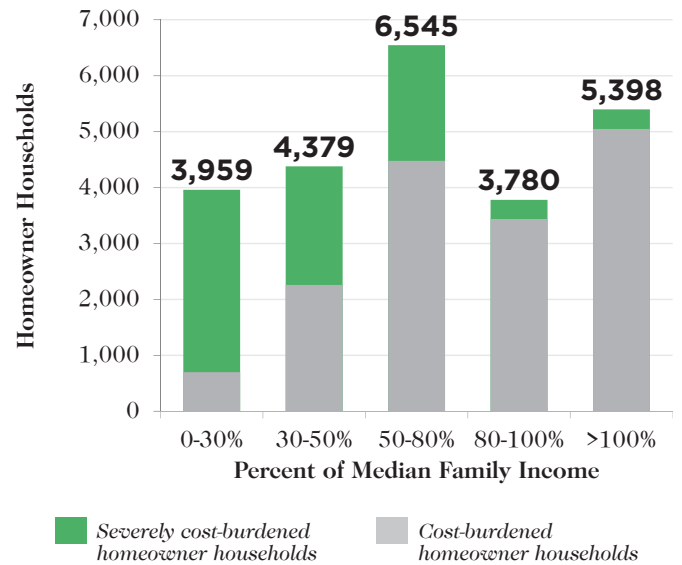
■ % of owner-occupied homes that are affordable

Cost Burden

Cost-Burdened **Renter** Households

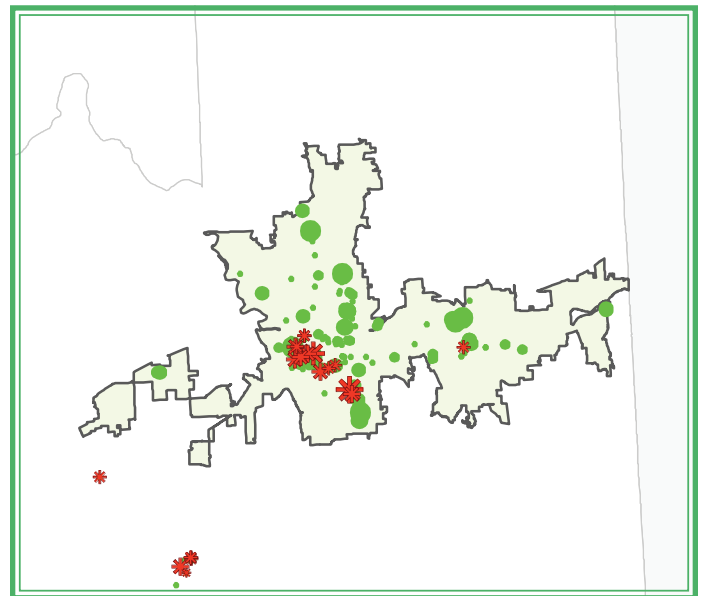
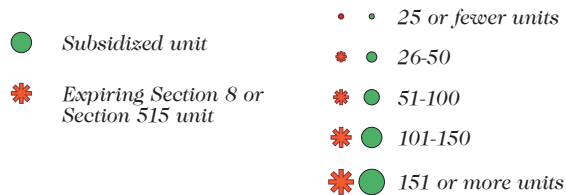


Cost-Burdened **Homeowner** Households



Subsidized Housing Inventory

Subsidized Housing Units, Including Those That Are Scheduled to Expire by 2017



Subsidized Inventory Characteristics

- Sites: 153
- Units: 8,103
- Section 8/Section 515 units set to expire by 2017: 967

Are There Enough Subsidized Units for Eligible Renter Households at Different Income Thresholds?

% of Median Family Income	Renter Households	Subsidized Units for Which They Are Eligible*		Units per 100 Households
		#	%	
0% - 30%	14,822	6,420	100.0%	43
30% - 50%	11,760	3,823	59.5%	33
50% - 80%	13,450	712	11.1%	5
80% - 100%	6,038	80	1.2%	1

* Income eligibility was not available for all units in the inventory

Substantive Public Comments Received - updated December 13, 2017

Date	Name	Comment Summary	Subject of Comment	Comment Start page
10/15/2017	Gilliland, Merle	Cottage housing is totally out of character with surrounding neighborhood. Request that cottage housing not occur on Five Mile Prairie	Cottage Housing	5
10/16/2017	Curryer, Alan	Requests floor area larger than 1200 square feet per unit, flexibility in achieving appearance goals of attached unit homes abutting streets.	Cottage Housing	12
10/25/2017	Arnold, Tom	Require fire suppression systems to save lives and structures. Consult with each neighborhood council to determine limitations/boundaries. Make sure sidewalks and transit serve areas allowed.	Cottage Housing	15
11/2/2017	Gilliland, Merle	Vacant parcels in 5-Mile not appropriate for small houses or cottage housing.	Small Houses, Cottage Housing	18
11/2/2017	Bennett, Marcella	Vacant parcels in 5-Mile not appropriate for small houses or cottage housing.	Small Houses, Cottage Housing	19
11/2/2017	McKee, Kevin	Great options to add to the tool bag for providing affordable housing.		20
11/2/2017	General Open House Comments - Summaries			21
11/6/2017	Whitten, Arthur	Recommend removal of required variety in design.	Cottage Housing	23
11/6/2017	Frank, Jim	Supports proposal. Need different set of standards for townhouses with alley access. Recommends deleting provisions for variety of unit building design.	Compact Lot Standards, Pocket Residential, Unit Lot Subdivision, Cottage Housing	28
11/8/2017	Farnham, Carol	Opposed to pocket residential housing in West Central neighborhood.	Pocket Residential	30
11/15/2017	Clark, Marshall	Supports proposal. Allow for garages without reducing the floor area of the unit.	Cottage Housing	32
11/15/2017	Forman, Bill	Peaceful Valley Neighborhood Council supports changes. Supports small home development.	Cottage Housing, Pocket Residential, Compact Lot Standards	35
11/15/2017	Brake, Gene	Opposes proposal.	Pocket Residential, Compact Lot Standards	37
11/16/2017	Facebook Live Post Questions and Comments			39
12/6/2017	West Central Neighborhood Council	Concerned about allowing compact lot standards and pocket residential in areas that are not near Centers and Corridors without a rezone.	Pocket Residential, Compact Lot Standards	46

Date	Name	Comment Summary	Subject of Comment	Comment Start page
12/7/2017	Community Frameworks	Supports changes. Should limit cottage housing attached unit homes only by size, rather than also limiting number of units per building. Allow offices in community building for property manager/social support. Require smaller development fees for smaller parcels or units. Supports reduction in lot width minimum.	Cottage Housing, Compact Lot Standards	47
12/8/2017	Kirby, Steve	Slightly supports proposal. Consider rezoning areas to increase density in city based on growth and services available.		49
12/12/2017	Bennett, Marcella	Only changes that preserve area character, and that are in the best interest of homeowners, should be incorporated.		52
12/13/2017	Brownlee, Kevin	Prefers areas near Centers and Corridors rather than STA high-frequency routes to achieve balance between neighborhood character and development interests.	Compact Lot Standards	55

From: [Gwinn, Nathan](#)
To: ["Merle Gilliland"](#)
Cc: ["Marcella Bennett"](#); [Condon, David](#); [Key, Lisa](#)
Subject: RE: Cottage Housing & Pocket Residential Code Amendments
Date: Monday, October 16, 2017 11:18:01 AM

Good morning Mr. Gilliland,

Thank you for your comment. I will include this message, as well as the written comment sheets and letter you submitted in September 2016, in the packets and public record for this file. For more information, please visit the project webpage:

<https://my.spokanecity.org/projects/infill-housing-strategies-infill-development/>

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Merle Gilliland [mailto:m.gilliland5@yahoo.com]
Sent: Sunday, October 15, 2017 8:37 PM
To: Gwinn, Nathan
Cc: Marcella Bennett; Merle Gilliland; Condon, David; Key, Lisa
Subject: Cottage Housing & Pocket Residential Code Amendments

Mr. Gwinn,

I understand the City's need to plan for the continuously growing housing needs. I have previously provided written comments as well as testimony of my concerns with the implementation of In-Fill with Cottage Housing on the Five Mile Prairie. Please include my previous comments in your packets to the Plan Commission and City Council. The City has identified numerous undeveloped parcels within the Five Mile Prairie area that, if developed, would be attractive to a developer for Cottage Housing. As I previously pointed-out such would be totally out of character with the surrounding neighborhood. The existing families have a lot at risk with such In-Fill projects. These families have tremendous investments in their homes. I have not seen any data that would indicate In-Fill housing incorporated into these neighborhoods would not cause depreciation of property values of surrounding housing.

My only experience with such Cottage Housing in Spokane is the recently almost completed Ledge on Five Mile Road. This development is totally within a neighborhood of the typical single family detached homes and totally out of character of the neighborhood.

Along with the City's pursuit of a code for Cottage Housing I respectfully request protections for the families on the Five Mile Prairie such that cottage housing will not

occur in their neighborhoods.

Thank you for your consideration.

Merle Gilliland
3007 W Horizon Avenue
Spokane, WA 99208

Infill Development Steering Committee Meetings

Date: 9/13/2016

Do you wish to provide verbal comments? Yes X No

PLEASE NOTE: Public comments are limited to three minutes each. Time for public comments will be provided at the end of the meeting.

I would like to yield my time to: NAME: _____

Comments: INTERESTED IN POLICY ON IN-FILL PROJECTS

(Please PRINT legibly)

NAME: MERLE GILLILAND

STREET ADDRESS: 3007 W HORIZON AVE

CITY: SPOKANE STATE: WA ZIP: 99208

Phone Number: 509-247-5888 E-mail Address: m.gilliland@yahoo.com

Merle Donald Gilliland

3007 W. Horizon Ave. Spokane, WA 99208

M. 509 847 5888 H. 509 474 9294

E-mail: m.gilliland5@yahoo.com

September 14, 2016

Lisa Key, Director
Planning and Development
City Hall, Third Floor
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Re: Planning for Spokane's Growth – 20 Year Plan
Infill Development Project
Infill Development Steering Committee's Report on September 13, 2016

Dear Director Key,

I appreciate the efforts of Nathan Gwinn, Omar Akkari, Melissa Owen and Tami Palm in preparing the report for the Infill Development Steering Committee. This task is a major effort and your staff is handling it in a very professional manner. I trust that my comments will be given due consideration.

A healthy city needs to grow and one needs to plan for that growth in order to remain healthy and to continue to improve upon the quality of life for the residents. In accommodating this growth in an orderly manner one needs to look at expanding the borders of the city, opportunities for infill development and changing zoning for higher density development where appropriate. This also provides an opportunity to create incentives to rid the city of blight areas. I witnessed this in Sacramento in the 1960's when many dilapidated buildings were taken down and new development sprung up; that re-vitalized the downtown area.

Opportunities for meeting housing needs for the broad spectrum of society must be included in a 20 year plan.

While looking at infill opportunities, the city has the responsibility to build in protections for established and well maintained neighborhoods. Approving plans for an infill project on small parcels of land within an established neighborhood of single family detached homes with a project of a much greater density is going to generate some homeowner unrest and possibly anger. I have been the victim of such groups getting organized and creating very powerful political objections to growth in Moraga, California, such that they overturned the city's process of approving planning standards.

The Five Mile Prairie area, approximately six miles from the downtown core area, has small and large undeveloped areas within the residential neighborhoods. In looking at possible densities the Planning Department may have to look into site specific detail as to acceptable densities while pursuing the goal of planning for expected growth. In the

planning process it may be necessary to look at being site specific for allowable densities. A density designation for a twenty acre infill parcel may differ from a density for an infill parcel of two acres.

When I mentioned that this current recession at the Infill Development Project Meeting on September 13th, for which we have not fully recovered, caused residential property values to drop as much as 37% the reaction included some prominently furrowed eyebrows. The number is a real number. Families that purchased homes in 2007 - 2008, most likely experienced such a loss in value. A number of homes in the Five Mile Prairie area were purchased in the 2007 - 2008 period. The City must be sensitive of this factor in pursuing policy that may have the effect of reducing property values.

The City of Spokane is a great place in which to live. Growth of the City is in all our best interests. How to proceed with this planning for growth is a real challenge. It is my hope that the residents of the Five Mile Prairie will get engaged in the process and provide helpful support.

Please find a vehicle whereby the residents of Five Mile Prairie are kept informed of your progress with this planning effort with appropriate notices.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Merle D. Gilliland', written in a cursive style.

Merle D. Gilliland

CC Mayor Condon

Infill Development Steering Committee Meetings

Date: 9/22/2016

Do you wish to provide verbal comments? Yes X No _____

PLEASE NOTE: Public comments are limited to three minutes each. Time for public comments will be provided at the end of the meeting.

I would like to yield my time to: NAME: _____

Comments: INTERESTED IN HOW PROGRAM WOULD AFFECT
FIVE MILE PRAIRIE AREA

(Please PRINT legibly)

NAME: MERLE GILLILAND

STREET ADDRESS: 3007 W HORIZON AVE

CITY: SPOKANE STATE: WA ZIP: 99208

Phone Number: 509-847-5888 E-mail Address: m.gilliland5@yahoo.com

From: [Alan Curryer](#)
To: [Gwinn, Nathan](#)
Subject: RE: comments on proposed revisions to Cottage Housing
Date: Monday, October 16, 2017 4:43:59 PM

Thanks so much. I look forward to learning more as these new rules are finalized.



Alan Curryer
CEO

Rockwood Retirement Communities

2903 E 25th Ave.
Spokane, WA 99223
T: 509-536-6845
F: 509-536-6662
www.rockwoodretirement.org

From: Gwinn, Nathan [mailto:ngwinn@spokanecity.org]
Sent: Monday, October 16, 2017 4:27 PM
To: Alan Curryer <Alan@rockwoodretirement.org>
Cc: 'Kay Murano' <kay@slhc.org>; Key, Lisa <lkey@spokanecity.org>; Black, Tirrell <tblack@spokanecity.org>
Subject: RE: comments on proposed revisions to Cottage Housing

Mr. Curryer,

Thank you for your comments. I will include the message in the public record for the file.

Cottage housing allows slightly more units per acre than other development. For information, the floor area proposed is an increase over the existing 1,000 square foot limitation, and the purpose is to preclude larger households than might occupy the site if the house sizes are smaller. The city already has 3-bedroom units developing under the 1,000 square foot standard.

However, please note that another aspect of this proposal is to allow pocket residential development – which does not have the associated increase in number of units per acre, and therefore the floor area limit becomes determined by the site area – generally more than 2,000 square feet average at maximum densities in most of the same areas where cottage housing is now allowed. A similar cottage-style development with as few as two housing units would therefore be possible on separate lots and larger homes, under the separate pocket residential section ([SMC 17C.110.360](#)), and without being limited to the cottage housing standards. In other words, a developer could do a project similar to cottage housing but with larger homes on newly created

separate lots, as long as the additional density is not necessary for the project.

Yes, while there is a minimum of four units proposed for cottage housing, there is no maximum number of units in the contemplated rules.

There is some flexibility built into the design guideline that each attached unit home abutting a public street be designed to appear like a detached single-family home. The only attached unit home I found in the handout is built away from the public street. As with the floor area limitation, this design guideline as proposed would not apply to pocket residential development, only to cottage housing.

A public hearing for this proposal has not been scheduled yet. I will pass along the public notice when that has been scheduled, as well as other opportunities for comment in the meantime.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Alan Curryer [<mailto:Alan@rockwoodretirement.org>]
Sent: Monday, October 16, 2017 1:05 PM
To: Gwinn, Nathan
Cc: Kay Murano
Subject: comments on proposed revisions to Cottage Housing

I was pleased to learn that the City is looking at revision to the rules to provide “Cottage Housing”. We have been contemplating different neighborhood models for senior living housing and the new rules are pretty much right on the mark with what we have in mind.

One comment I would like to share and ask that you consider is to increase the permitted size of the housing units. While 1200 might work just fine in some circumstances, having the ability to provide units in the 1400 – 1500 foot range would broaden the pool of interested seniors. I don’t feel units of this size are so large as to detract from the neighborhood concept or preclude the development from blending in well with most of Spokane’s neighborhoods.

Also, I am unclear as to how many units are permitted in the contemplated rules? I see that there must be a minimum of four, but would there be a maximum so long as the various requirements for common space and everything else are met?

The proposed rules state that attached unit homes abutting public streets shall be designed to appear like a detached single family home. My hope is that there will be sufficient flexibility in the final rules so that the developer would have flexibility in how to achieve this and that the only solution acceptable would not be as depicted in hand out provided.

That’s it for my comments. I won’t be able to attend the hearing but want you to know you have our

support.



Alan Curryer

CEO

Rockwood Retirement Communities

2903 E 25th Ave.

Spokane, WA 99223

T: 509-536-6845

F: 509-536-6662

www.rockwoodretirement.org

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From: [Gwinn, Nathan](#)
To: ["Arnold, Tom"](#)
Cc: [Kokot, Dave](#)
Subject: RE: Draft amendments to Cottage Housing and Pocket Residential
Date: Wednesday, November 01, 2017 10:00:02 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning Tom,

Thank you for taking time to look over the initial working draft and provide your comments. I have provided responses to the items in your message below.

- 1) The definition of building coverage in [SMC 17A.020.020](#) includes roofs and covered and uncovered decks, and no change is proposed to building coverage for development by zone in this ordinance. Stormwater treatment will be provided on site, with review specific to each new development project, and requirements dependent on conditions at the project site.
- 2) Dave Kokot, Fire Protection Engineer, who is copied above, provided the following information:
Building and Fire Codes are required to be met. For example, the Fire Code applies to single-family, two-family, and townhouse dwellings in regards to site fire flow and site access.

Fire sprinklers are required for one or two-family residential developments (including townhouses) where the number of dwelling units exceeds 30 on a single fire access road. Access is also required to be provided from approved fire apparatus setup locations to within 150' of all points around the dwelling along an acceptable path of travel (meaning pathways and not across lawns that could be covered with snow). Access roads for fire apparatus need to be a minimum of 20' clear width, 13'-6" clear height, constructed of all-weather surface with a minimum 28' internal and 50' external radius. Grass block is not acceptable. An approved turn-around (culdesac or hammerhead meeting the Municipal Fire Code dimensions) is required for dead-end fire lanes that exceed 150'.

Fire hydrants are to be located within 600 feet of all points around dwellings along an acceptable path of travel. For single family residential infill projects in existing developed areas, fire hydrants are allowed to be within 500 feet of the property line along an acceptable path of travel (SMC 17F.080.321), but they still need to comply with the distance around the dwelling.

As fire sprinklers are not required for one or two-family dwellings and townhouses, we waive the requirements for both site access and site fire flow when they are installed. For developments with more than 30 dwelling units on a single access road, the site access and fire flow is still required to be met as fire sprinklers would be required.

If you have any questions regarding this, please let me know.

- 3) The floor area for each unit is limited in cottage developments, and the total floor area ratio (FAR)

would continue to apply for each site for developments using pocket residential or the compact lot standards. No changes to density are proposed except for the possibility of an additional 20 percent for cottage developments whose units are all detached (min. 10 feet apart) and not more than 500 sq. ft. each.

4) The decision criteria under [SMC 17G.060.170](#) require that development standards for parking (minimum one space per unit plus one space for each bedroom over three), and the concurrency requirements of chapter 17D.010 SMC, be met at the time of development. Proximity to 15-minute frequent transit service has been part of the discussion for the compact lot standards, but is not part of the proposed draft at this time for this round of amendments.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Arnold, Tom [mailto:arnold@coffman.com]
Sent: Wednesday, October 25, 2017 9:18 AM
To: Gwinn, Nathan
Subject: RE: Draft amendments to Cottage Housing and Pocket Residential

Nathan,

Thanks for sending the below information. Being a Civil Engineer and previous City Engineer for the City of Spokane (2004 thru 2007) I have a couple of comments that you may have already been heard or addressed:

1) Increasing the impervious density of areas (ie roofs, walkways, garages, patios) in the City where there are poor draining soils; such as 5 Mile and Moran Prairie; may really exacerbate stormwater runoff and flooding problems. Is that being looked at – especially for adding cottage housing in existing established neighborhoods?

2) To address limited fire access and increased density with these types of development; are there discussions about requiring fire sprinklers for these residential units. The ability to fight and preserve adjacent homes from fire would be even more critical and adding the requirement for fire sprinklers for these units would really help give folks time to get out (save lives) and fire fighters a better chance at saving adjacent structures.

3) As you may be aware, this has been a hotly debated issue historically around university and CC campus areas, where the growth in student population has essentially decimated existing neighborhoods with cottage type units where home owners tend to pack in students to this type of existing and new cottage type garage/housing (best example Logan Neighborhood). Are there any discussions on preserving or specifically specifying or limiting the boundaries for this type of new development? Would need to be vetted w/ each neighborhood council.

4) Traffic and parking may become a real issue. I suggest that the City make sure sidewalks and STA bus routes robustly serve an area where this is allowed to help minimize the need for more automobiles.

Thanks for the opportunity to comment.

Sincerely,

Tom Arnold, P.E., LEED AP
Principal, Civil Engineering

Coffman Engineers, Inc.
p 509.328.2994 | f 509.328.2999 www.coffman.com

From: Gwinn, Nathan [<mailto:ngwinn@spokanecity.org>]
Sent: Friday, October 13, 2017 12:45 PM
To: Gwinn, Nathan <ngwinn@spokanecity.org>
Subject: Draft amendments to Cottage Housing and Pocket Residential

Good afternoon Infill Development Project Contacts,

I have attached a working draft of the cottage housing and pocket residential code amendment, the first of a series of ordinances that will be presented to the City Plan Commission beginning this fall. A public open house has been scheduled **November 2, 2017 from 4:00 to 6:30 PM** at West Central Community Center, 1603 N. Belt Street in Spokane. The draft text also includes a briefing paper and frequently asked questions to provide additional information.

Following last year's Infill Development Steering Committee recommendation, these first proposed code amendments are to Cottage Housing ([SMC 17C.110.350](#)) for larger unit floor area, additional house types, and subdivision of internal units. The draft includes slight corresponding increases in height, attention to design standards for development perimeters (to improve the transition and overall compatibility with the surrounding neighborhood), and to allow this form of development in the Residential Two-family (RTF) zone, in addition to areas currently allowed. Within the cottage housing process, additional bonus increase to the number of units allowed per acre is being considered for tiny housing projects (with smaller dwelling units and a community facility). I also attached summaries of proposals, to be updated on the [project webpage](#) as the draft evolves.

In addition to cottage housing, amendments are proposed to allow Pocket Residential (private access and new lots, in developments between 0.2 and 1.5 acres; [SMC 17C.110.360](#)), and some smaller lots, in the Residential Single-family (RSF) zone, but without any changes to aggregated (combined) housing units permitted per acre of land for these development tools. This would allow subdivisions of remaining irregular shaped land at the density already designated by the Comprehensive Plan. Unlike cottage housing, Pocket Residential does not permit an increase in the housing units per acre allowed, so developments using pocket residential and compact lot standards would be subject to similar development standards (height, setbacks) as surrounding development, with more limited design standards than required for cottage housing. More information can be

viewed online at the project webpage: <https://my.spokanecity.org/projects/infill-housing-strategies-infill-development/>

Please review the draft text to consider whether the amendments to the Development Code will meet the community's needs. The City seeks feedback about how the proposal is consistent with its [Comprehensive Plan](#) provisions; relevant policies are attached.

The procedure for text amendments to the development code is in [SMC 17G.025.010](#). I will provide additional information soon regarding the process and opportunities for participation.

Thank you for your time and attention,



Nathan Gwinn | Assistant Planner | Planning & Development

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org



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COMMENT SHEET

Open House for Infill Development Project

November 2, 2017

For more project info visit:

my.spokanecity.org/projects/infill-housing-strategies-infill-development/

Name: MERLE GILLILAND

ADDRESS: 3007 W HORIZON AVE, SPOKANE **PHONE NUMBER:** _____

E-MAIL CONTACT: mgilliland5@yahoo.com

FIVE MILE PRAIRIE THERE ARE NUMEROUS IN-FILL
PARCELS. THE IN-FILL OF THESE VACANT PARCELS
ARE INAPPROPRIATE FOR COTTAGE HOUSING
AND/OR SMALL HOUSES & SHOULD BE BUILT-OUT
WITH HOUSING CONSISTANT WITH SURROUNDING
HOUSES.

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you... We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Open House for Infill Development Project

November 2, 2017

For more project info visit:

my.spokanecity.org/projects/infill-housing-strategies-infill-development/

Name: MARCELLA BENNETT

ADDRESS: 3003 W. HORIZON AVE, SPOKANE **PHONE NUMBER:** _____

E-MAIL CONTACT: MARCELLA.BENNETT@hotmail.com

FIVE MILE PRAIRIE IS NOT AN APPROPRIATE
LOCATION FOR COTTAGE HOUSING OR OTHER
SMALL HOUSES. THE INFILL PARCELS SHOULD BE
BUILT OUT WITH HOUSES CONSISTENT WITH
THE EXISTING. THE EXISTING FAMILIES HAVE
INVESTED HEAVILY IN THEIR HOMES &
WOULD SUFFER IF COTTAGE HOUSING
WERE TO BE BUILT THERE.

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you... We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Open House for Infill Development Project

November 2, 2017

For more project info visit:

my.spokanecity.org/projects/infill-housing-strategies-infill-development/

Name: Kevin McKee

ADDRESS: 1608 N. Monroe

PHONE NUMBER: 509-475-4002

E-MAIL CONTACT: Kevin@KevinMcKee

Great option to add to the tool bag
for providing affordable housing.

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane

General Open House Comments

The comments summarized below were written notes placed under a "Like" or "Change" category for each subject. The open house was attended by 25 people, and held on November 2, 2017.

Date	Name	Comment Summary	Subject of Comment
11/2/2017	General Open House Comment	Pocket development must take into consideration the character of the neighborhood. The Ledge on 5 mile is completely out of character. (Category: "Change")	Pocket Residential
11/2/2017	General Open House Comment	Residential design to be compatible with surrounding neighborhoods. Maybe a little difficult in some areas of Spokane without well defined style (Category: "Change")	Pocket Residential
11/2/2017	General Open House Comment	Frontage on private driveway or walkway is good. (Category: "Like")	Pocket Residential
11/2/2017	General Open House Comment	The proposed application procedure and proposed regulation is good. (Category: "Like")	Pocket Residential
11/2/2017	General Open House Comment	Fronting on private access provides more architectural flexibility. (Category: "Like")	Pocket Residential
11/2/2017	General Open House Comment	No minimum lot size allows more options for home size. (Category: "Like")	Pocket Residential
11/2/2017	General Open House Comment	Must find inexpensive land to make either cottage or pocket work for affordable housing (public funded) looks good for market rate. (Category: "Change")	Cottage Housing
11/2/2017	General Open House Comment	The character of each neighborhood needs to be considered on each development. (Category: "Change")	Cottage Housing
11/2/2017	General Open House Comment	Incorporate neighborhood design elements into cottage developments. Front and side porches good too. (Category: "Like") (2 others agreed)	Cottage Housing
11/2/2017	General Open House Comment	The overall height on cottages/carriage houses are a great idea for the overall appearance. I have seen similar developments outside of Seattle without height restrictions and 1 or 2 make the majority look "tacky" and out of place. (Category: "Like")	Cottage Housing

Date	Name	Comment Summary	Subject of Comment
11/2/2017	General Open House Comment	Water department will have easement issues and metering and maintenance issues. (Category: "Like")	Cottage Housing
11/2/2017	General Open House Comment	Prefer citywide (Category: "Like")	Compact Lot Standards

Map: Options to Achieve Complementary Residential Development
Vote for preferred areas to allow reduced lot sizes.

Centers & Corridors 1/4 mile buffers	High Frequency Transit 1/4 mile buffer	Both CC & HFT
7 votes		7 votes

From: [Gwinn, Nathan](#)
To: ["Arthur Whitten"](#)
Subject: RE: Infill questions
Date: Monday, November 06, 2017 3:17:01 PM
Attachments: [image002.png](#)
[image003.png](#)

Thanks for your comments and questions, Arthur. I will include them in the public record for the file.

A parent site with an ADU would qualify, although 5,000 square feet is required for a lot (created) with an ADU ([SMC 17C.300.110\(A\)](#)).

PUDs have a separate process and section. Is there a particular provision in alt. residential subdivision that would be useful in a PUD?

I will pass your other comments regarding maximum floor area per unit and variety in architectural design onto the Plan Commission and include them in the ongoing discussion.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Arthur Whitten [<mailto:AWhitten@shba.com>]
Sent: Monday, November 06, 2017 11:39 AM
To: Gwinn, Nathan
Subject: Infill questions

Hi Nate,

I thought of a couple questions around the infill ordinances.

Under alt residential subdivision, could a parent site with an ADU qualify? Would everything under alt. residential subdivision apply to PUDs?

Under cottage housing: I've been doing some research on Kirkland's cottage housing ordinance which has a 1500 sqft maximum size and have gotten feedback advocating for the same to allow 3 bedroom units. Could there be inclusion of some higher sized units up to 1,500 sq ft or even removal of a maximum unit size as long as the site standards are met?

Also under cottage housing, I would recommend removal of section 5 (variety in design) D for the reasons stated to the Plan Commission in the comments.

Arthur

Arthur Whitten

**Government Affairs Director
Spokane Home Builders Association**

**5813 E. 4th Ave Ste. 201
Spokane Valley, WA 99212
509-532-4990
awhitten@shba.com**



From: [Gwinn, Nathan](#)
To: ["Jim Frank"](#)
Cc: [Key, Lisa](#); ["Arthur Whitten"](#); [Palmquist, Tami](#); [Black, Tirrell](#); [Becker, Kris](#)
Subject: RE: Infill - Follow up and examples
Date: Wednesday, November 29, 2017 9:41:00 AM

Good morning Jim,

I would like to follow up on your previous message with a closer analysis of the examples you presented related to the compact lot standards.

Example 1: 3000sf lot with 850sf footprint 2 story home is 1700sf+400sf 2 car garage + 100sf front covered porch=2200sf or FAR of 73%. Without front porch still 70%. you have to reduce to a 500SF footprint to meet the standard.

QUESTION: Does detached garage and covered porch count as "floor area" as it does in site coverage?

[Gwinn, Nathan] A detached or attached garage would not count as since accessory structures in residential zones, without living space, are not included in the calculation of "floor area" defined under [SMC 17A.020.060\(T\)](#). In any zone, covered porches would not count as "floor area" unless they are enclosed by walls more than 42 inches high for more than 50 percent of the perimeter.

For this example, $FAR = 1700sf/3000sf = 0.57$. That would be allowed as an attached home (townhouse); for this house type, the proposed compact lot standards allow a 0.65 FAR. It would not be allowed as a detached home, which limits the FAR to 0.5 – requiring a reduction of 200 sf to the floor area or an increase of 400 sf to lot size.

Building coverage is 1350 sf, which is within the existing/proposed 2,250 sf limit.

Example 2: 1100sf rancher+400sf detached garage+100sf covered porch= 1600sf or FAR of 53%.

[Gwinn, Nathan] For Example 2, $FAR = 1100sf/3000sf = 0.37$. This is within the 0.5 FAR limit for detached homes.

Building coverage is 1600 sf, which is within the 2,250 sf limit.

Example 3: Attached townhouse unit 1000sf footprint 2-story unit is 2000sf+400sf garage+100sf covered from porch= 2500sf or FAR of 83%. Still 80% not counting covered porch.

[Gwinn, Nathan] For Example 3, $FAR = 2000sf/3000sf = 0.67$. Since this exceeds the limit of 0.65 FAR for attached homes, this would require a reduction of 50 sf from the floor area or an increase of 77 square feet to lot size.

Building coverage is 2500 sf, which exceeds the 2,250 sf limit by 250 sf.

To provide updates related your cottage housing comments, the proposal has changed to not

include attached garages in the calculation of floor area, while still maintaining a 1000sf footprint and maximum 1200 sf floor area. Therefore, a 1200 sf cottage could include an attached garage of up to 400 sf, for a combined gross structural area of 1600 sf when including the maximum sized garage. The parking requirement is increased in the proposal by one space for three bedroom units, but is still only one space for one- and two-bedroom units. Further, the existing design standards in question, related to placement of similar units and variety in design, were discussed with the Plan Commission and removed from the proposal. An updated draft ordinance should be posted on the project webpage shortly:

<https://my.spokanecity.org/projects/infill-housing-strategies-infill-development/>

As mentioned previously, the City intends to look closer at FAR and standards for townhomes with alley access in proposed code amendments in the near future, possibly as early as January. I will let you know when any proposed language related to those standards has been prepared for input.

Thanks again,

Nathan Gwinn | Assistant Planner | City of Spokane

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Jim Frank [mailto:jfrank@greenstonehomes.com]
Sent: Monday, November 06, 2017 6:44 PM
To: Gwinn, Nathan
Cc: Key, Lisa; Arthur Whitten; Palmquist, Tami; Becker, Kris
Subject: Re: Infill

Thank you.

Jim Frank
Greenstone Corporation

Enriched Living. Lasting Value.
www.greenstonehomes.com

On 7/11/2017, at 12:42 PM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

Hi Jim,

I received your message this time. Thank you for resending it and for the phone call this afternoon. I will include this comment in the record and forward to the Plan Commission.

I offer a partial response to some of your questions, and I have forwarded your message to Tami Palmquist for further clarification if needed.

The compact lot standards will not change the limit in RSF areas of up to 2 attached

houses (the number of attached houses can be exceeded beyond 2 through a PUD). Neither garages (as attached or detached accessory structures), nor covered porches, are included in these residential areas in the calculation of Floor Area Ratio, which is explained in the definition of Floor Area in [SMC 17A.020.060\(T\)\(5-6\)](#):

T. Floor Area.

The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
2. Roof area, including roof top parking.
3. Roof top mechanical equipment.
4. Attic area with a ceiling height less than six feet nine inches.
5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached accessory structures (without living space), detached accessory structures (without living space).

U. Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

The limit on unit size is meant to be a slight increase to the current restriction—put in place as a result of the permitted density increase of 20 percent to control for such impacts as increased parking and population that would otherwise occur in a development with more residents in larger homes. As we discussed, if the pocket residential development is extended to the same area as cottage housing, then development could occur under PRD without the density increase or unit size restriction. However, I will include your comments in the discussion about the increasing maximum cottage housing unit floor area, as well as your comments regarding the difficulty in implementing variety in architectural design in the design standards.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Jim Frank [<mailto:jfrank@greenstonehomes.com>]
Sent: Monday, November 06, 2017 2:35 PM
To: Gwinn, Nathan; Key, Lisa
Cc: Arthur Whitten
Subject: Infill

Nathan and Lisa,

I have reviewed the urban infill code changes. Overall these are well done and very helpful. My comments below address a few issues that I believe are important. Site coverage (or FAR) are very restrictive and I believe need to be adjusted to allow homes on small lots. In the target approach you are using homebuyers are not looking for large yards and open space on the lot. In urban situations site coverage needs to be relaxed.

Thanks for all of the work you have put into these changes.

Jim

Compact Lot Standards:

This section is helpful. I believe FAR at .5 for detached and .65 for attached is too restrictive.

I think it would be helpful to illustrate graphically some examples to see the impact.

Example 1: 3000sf lot with 850sf footprint 2 story home is 1700sf+400sf 2 car garage + 100sf front covered porch=2200sf or FAR of 73%. Without front porch still 70%. you have to reduce to a 500SF footprint to meet the standard.

QUESTION: Does detached garage and covered porch count as “floor area” as it does in site coverage?

Example 2: 1100sf rancher+400sf detached garage+100sf covered porch= 1600sf or FAR of 53%.

Example 3: Attached townhouse unit 1000sf footprint 2-story unit is 2000sf+400sf garage+100sf covered from porch= 2500sf or FAR of 83%. Still 80% not counting covered porch.

This will allow small SF units but will be not effective for townhouses which will need different dimensional standards. Why not a different set of dimensional standards for attached units that would allow town homes? This is especially important for lot with alley access.

Pocket Residential Development

This section is helpful and the changes beneficial with the exception of site

coverage.

Unit Lot Subdivision

These changes are helpful. Are all of the advantages of Unit Lot Subdivision available in a PUD for larger project?

Cottage Development

These changes are helpful, in particular allowing subdivision using the Unit Lot Subdivision provisions. Why such a strict limit on unit size? At a minimum should allow a three bedroom home. I suggest the maximum unit size be eliminated. if it must be retained the I suggest raising the maximum unit size to 1500 feet with the building footprint maximum of 1000 sf.

Under section E. Design Standards I recommend deletion of subsection 6.e and f. AS you note in plan commission comments they are too restrictive and difficult to implement.



COMMENT SHEET

Open House for Infill Development Project

November 2, 2017

For more project info visit:

my.spokanecity.org/projects/infill-housing-strategies-infill-development/

Name: CAROL FARNHAM

ADDRESS: 2809 W. SUMMIT BLVD.

PHONE NUMBER: 509-326-2397

E-MAIL CONTACT: Cfarnham458@gmail.com

Re: Infill Housing

I think infill housing is a terrible idea for the West Central neighborhood because of the following:

1) West Central already has too many crummy & unmaintained rentals because of its lower income population & pocket residential housing will only promote & result in more of these!

2) It destroys the flavor of a historic residential neighborhood.

3) West Central homes are older with most having only a one-car garage. It already has too many additional cars parked on the street. More cars associated with PRH will end up on the street, impeding street cleaning & snow removal.

(over)

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you... We look forward to hearing from you!

Planning & Development Services, City of Spokane

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NOV 08 2017

PLANNING & DEVELOPMENT

- 4) West Central has had several older homes moved from the intersection of Boone & Ash/Maple onto vacant lots in the neighborhood, 2 of which have been sitting unfinished for over a year, thus creating an eye sore & inviting squatters & the City has made no effort to finish them. I ~~believe~~ believe pocket residential housing could become a like problem since the City doesn't seem to have much of an oversight & enforcement followup.
- 5) West Central does not need more ^{of} what would be low income, higher density housing!



Planning & Development Services
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3343

City of Spokane
Planning & Development Services
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3343

P.S. I also think the Monroe Street corridor project is a horrible idea. All it's going to do is create a huge bottleneck.

From: [Gwinn, Nathan](#)
To: ["Marshall Clark"](#)
Subject: RE: Online Open House this Thursday
Date: Thursday, November 16, 2017 11:14:01 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning Marshall,

It was good to talk with you. Thank you for your comment, which I will add to the public record for this file.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Marshall Clark [mailto:Marshall@clarkpacific.net]
Sent: Wednesday, November 15, 2017 9:57 AM
To: Gwinn, Nathan
Subject: RE: Online Open House this Thursday

Hello Nathan,

Thank you for speaking with me today. I would like to see the cottage housing amendment and allow for garages (both attached and/or detached) without reducing the square footage of the proposed 1,200 SF house.

Thank you,

Marshall Clark,

Designated Broker
Clark Pacific Real Estate
2320 N. Atlantic Suite 100
Spokane WA 99205
Phone: (509) 325-3333
Cell: (509) 994-7331
Fax: (509) 325-4534
Email: clark@clarkpacific.net

From: Gwinn, Nathan [mailto:ngwinn@spokanecity.org]
Sent: Tuesday, November 14, 2017 2:58 PM
To: Gwinn, Nathan
Subject: Online Open House this Thursday

Hello,

Please participate in an online open house this Thursday, November 16, at 7:00 AM by “tuning in” to the [City’s Facebook page](#). Between now and then, we invite you to ask questions in advance by replying or using the comments section following the blog post in the City’s Disqus interactive feature at the link below. Find more information and join in the discussion forum following the blog post at this link:

<https://my.spokanecity.org/news/stories/2017/11/14/infill-development-facebook-live-qa/>

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Gwinn, Nathan
Sent: Friday, October 13, 2017 12:45 PM
To: Gwinn, Nathan
Subject: Draft amendments to Cottage Housing and Pocket Residential

Good afternoon Infill Development Project Contacts,

I have attached a working draft of the cottage housing and pocket residential code amendment, the first of a series of ordinances that will be presented to the City Plan Commission beginning this fall. A public open house has been scheduled **November 2, 2017 from 4:00 to 6:30 PM** at West Central Community Center, 1603 N. Belt Street in Spokane. The draft text also includes a briefing paper and frequently asked questions to provide additional information.

Following last year’s Infill Development Steering Committee recommendation, these first proposed code amendments are to Cottage Housing ([SMC 17C.110.350](#)) for larger unit floor area, additional house types, and subdivision of internal units. The draft includes slight corresponding increases in height, attention to design standards for development perimeters (to improve the transition and overall compatibility with the surrounding neighborhood), and to allow this form of development in the Residential Two-family (RTF) zone, in addition to areas currently allowed. Within the cottage housing process, additional bonus increase to the number of units allowed per acre is being considered for tiny housing projects (with smaller dwelling units and a community facility). I also attached summaries of proposals, to be updated on the [project webpage](#) as the draft evolves.

In addition to cottage housing, amendments are proposed to allow Pocket Residential (private access and new lots, in developments between 0.2 and 1.5 acres; [SMC 17C.110.360](#)), and some smaller lots, in the Residential Single-family (RSF) zone, but without any changes to aggregated (combined) housing units permitted per acre of land for these development tools. This would allow subdivisions of remaining irregular shaped land at the density already designated by the Comprehensive Plan. Unlike cottage housing, Pocket Residential does not permit an increase in the housing units per acre allowed, so developments using pocket residential and compact lot standards would be subject to similar development standards (height, setbacks) as surrounding development,

with more limited design standards than required for cottage housing. More information can be viewed online at the project webpage: <https://my.spokanecity.org/projects/infill-housing-strategies-infill-development/>

Please review the draft text to consider whether the amendments to the Development Code will meet the community's needs. The City seeks feedback about how the proposal is consistent with its [Comprehensive Plan](#) provisions; relevant policies are attached.

The procedure for text amendments to the development code is in [SMC 17G.025.010](#). I will provide additional information soon regarding the process and opportunities for participation.

Thank you for your time and attention,



Nathan Gwinn | Assistant Planner | Planning & Development

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org



From: [Gwinn, Nathan](#)
To: [Martin, Abigail](#); william.forman@yahoo.com; [Freibott, Kevin](#); [Key, Lisa](#)
Subject: RE: Infill
Date: Thursday, November 16, 2017 11:01:00 AM

Good morning Bill,

Thanks for your comment. I will add it to the public record for this file.

The topic of manufactured homes was identified in the 2016 steering committee recommendations for further study. You are on the contact list for this project, so you should be notified when that proposal comes forward. Please see the infill development project webpage to follow updates and find the recommendations from 2016 related to manufactured housing in the summary report and recommendation:

<https://my.spokanecity.org/projects/infill-housing-strategies-infill-development/>

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Martin, Abigail
Sent: Wednesday, November 15, 2017 3:04 PM
To: william.forman@yahoo.com; [Freibott, Kevin](#); [Gwinn, Nathan](#); [Key, Lisa](#)
Subject: FW: Infill

Good afternoon, all!

Bill, thank you for your message and your due diligence on behalf of your neighborhood!

I'm also CCing Kevin (who you met at the Peaceful Valley meeting), Nathan and Lisa (Planning) who have been working on this. Hopefully, Kevin, Nathan and/or Lisa can get back to you regarding their thinking on the specifics you're referencing.

Best,
Abbey.

From: William Forman [<mailto:william.forman@yahoo.com>]
Sent: Wednesday, November 15, 2017 3:00 PM
To: Martin, Abigail <amartin@spokanecity.org>
Cc: Jan Loux <twux11@msn.com>
Subject: Infill

Abby

We discussed the city's infill proposal at our peaceful valley neighborhood council meeting

last week. Those in attendance were supportive of the changes proposed although they would have little impact on our neighborhood because we're already mostly zoned multi family or high density. We like the idea of our neighborhood being one with small houses on small lots rather than having very large multi-unit buildings. I still believe that the city needs to revisit the issue of manufactured homes. I like the idea of tiny homes. The current rules requiring them to be double wide is far too large for our neighborhood. Please keep me posted as to the thinking of the planning department on this issue.

Bill Forman
Chair, PVNC

[Sent from Yahoo Mail on Android](#)

From: [Gwinn, Nathan](#)
To: ["Gene Brake"](#)
Cc: [Mumm, Candace](#); [Stratton, Karen](#); [Mallahan, Jonathan](#); [Key, Lisa](#)
Subject: RE: Infill Housing Proposal Troubling
Date: Thursday, November 16, 2017 10:50:01 AM

Good morning Mr. Brake,

Thank you for your comment and engagement. I will add this comment to the public record for the file, and I will also add you to the project contact list regarding future related notifications. Please monitor the project page for updated information and past recommendations:

<https://my.spokanecity.org/projects/infill-housing-strategies-infill-development/>

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Gene Brake [mailto:genebrake01@gmail.com]
Sent: Wednesday, November 15, 2017 11:42 PM
To: Gwinn, Nathan
Cc: Mumm, Candace; Stratton, Karen
Subject: Infill Housing Proposal Troubling

Mr. Gwinn,

I'm troubled by the lack of information being provided to the neighborhoods regarding the upcoming plan to implement change targeting Infill Housing. I attend most every neighborhood council meeting and we have gotten no specific information on this plan, simply something is coming and you will hear about it. Now I see tomorrow morning you plan a 7am Facebook live event, with a plan to vote to accept the plan in December and January. I find out about this tonight. If an engaged member of the community doesn't know what's going on, I can assure you most residents have no idea.

We lived in Seattle when similar proposals were passed and they decimated our neighborhood in West Seattle. Row after row of substandard housing took the place of single family homes and once vital neighborhoods were destroyed. Developer ran the show with little to stand in their way, I fear that is what is happening here, a giveaway to developers. Cars lined the streets as there was no parking for these new units and walking safely down the street went out the window. How is it possible, for months there has been discussion supposedly led by city council to save historic housing yet these action wills contradict those plans. The plan to infiltrate RSF zones with this proposal will destroy our neighborhoods that are hanging on by a thread.

Interesting looking at the maps, the Northside is getting the brunt of this the South Hill is almost unscathed. Funny how that happens. I'm a Real Estate agent, I see a lot of houses and I see the sad state of affairs of our neighborhoods. There are huge quality differences between North and South side neighborhoods and well meaning, but misplaced policies like this

perpetuate that.

Candace and Karen, We need programs to help save and restore our Northside homes, not give developers more tools to destroy them. We should be looking for ways to open the door to home ownership for lower income residents and not just push them into tiny houses they will never own. We also must offer condominium projects that are close to mass transit AND designed for lower income residents. How can we promote that along the new Monroe St Corridor? We have to build up and not just out, this plan seems to be the opposite of that.

Please, help save our neighborhoods.

Thank you,
Gene Brake
509-981-5555

Comments on Webcast Post - November 16, 2017

1,249 People Reached
464 Video Views
80 Likes, Comments & Shares
124 Post Clicks



Kathy Wanner · 44:16 Given the growth planning factor of 1000 per year over the next 20 years will this plan meet the need over the next 20 years. What about the the following years?

1 · [November 16 at 7:45am](#)



City of Spokane - Municipal Government · The 20-year population forecasts are revised periodically. State law requires an update of the City's Comprehensive Plan every 8 years.

[November 20 at 10:32pm](#)



Patricia Arlene Kienholz · 3:18 How much vacant land are we talking about?

[November 16 at 7:04am](#)



City of Spokane - Municipal Government · Vacant land varies depending on the area of the city. The Spokane County Assessor's information on the value of assessed improvements to assessed land value for parcels in the city is displayed in the Development Factors Map Application: <http://arcg.is/2xbLWbR>

1 · [November 20 at 10:35pm](#)



Kelli Johnson · 30:36 The benefits to developers are obvious, but how is this a benefit to homeowners and their property values?

1 · [November 16 at 11:08am](#)



City of Spokane - Municipal Government · New cottage housing and pocket residential development under the proposal would follow design guidelines and standards that are meant to ensure proposals are compatible in character with existing development. Increased investment contributes to additional infrastructure and services, and may have a positive impact on property values.

[November 16 at 11:54am](#)



Kelli Johnson · 9:23 With homeowners already being concerned about builders being allowed to increase the number of homes on one acre or building multi family in their neighborhood which can decrease their home value increase traffic and increase traffic and parking issues, how is this going to benefit these homeowners? Why would they want this new planning process to take place?

[November 16 at 10:46am](#)



City of Spokane - Municipal Government · Cottage housing currently allows additional units per acre than other development, provided it complies with the smaller home size and common open space required. Although an additional housing type to attach 2 units are proposed for cottage housing, no multifamily dwellings are proposed, and development outside cottage housing may attach 2 units if they are subdivided on separate lots (one unit on each lot sharing a common wall). The new attached unit home would be required to be a maximum of 2,000 square feet total, including both units. Homeowners outside the development might prefer these larger buildings where larger homes are typical. Comments received have also indicated that larger units are more marketable to homebuyers, increasing the opportunity for for-sale development in cottage housing with fee-simple ownership of internal units, which would be possible under the proposal but is not allowed currently. Parking and traffic would be reviewed at the permit stage and should not exceed levels designated by the Comprehensive Plan.

[November 16 at 11:55am](#)



Kathy Wanner · **City of Spokane - Municipal Government** reviewing traffic at permitting stage is much too late. Infrastructure costs such as increased maintenance costs of roads shouldn't wait until permitting. Those costs should be projected in order to allocate addition dollars in current & future budget proposals.

[November 16 at 12:46pm](#)



Brian Weitzel · Great! Who wins the lottery when their home value drops because of this development?

I bet it won't be in neighborhoods that planning dept decision makers live in

Any bets?

November 17 at 6:04am



Kelli Johnson · 22:48 Will this only apply to currently vacant lots? Would this apply to any and all lots or just specific locations?

November 16 at 11:00am



City of Spokane - Municipal Government · The proposal would be available for both vacant and developed lots, however vacant lots are the purpose and may be easier to develop than currently developed land if existing structures prevent new development. Different locations in the city are affected by the different sections in the proposed amendments:

- Cottage Housing is currently allowed in the RSF zone, and would be extended to the RTF zone.
- Pocket residential development is currently allowed in several zones, and is proposed to be added to the RSF zone citywide.
- The compact lot standards are proposed to be applied to areas in the RSF zone that are within ¼ mile of Centers or on sites that share a side lot line with a higher density zone.

November 16 at 11:54am



City of Spokane - Municipal Government · 1:41 Read about infill development on the City's project page, <http://bit.ly/2z1ANQa>. You can post your questions and feedback here or email them to Nathan Gwinn at ngwinn@spokanecity.org.

Infill Housing Strategies/Infill Development

This project targets vacant land in built-up, residential areas designated for higher densities and areas that can support focused growth.

MY.SPOKANECITY.ORG

1 · November 16 at 7:58am · Edited



Kathy Wanner · 33:28 More housing is necessary but “planners” aren’t considering all the infrastructure impacts with more housing. No consideration for schools, roads, fire, & safety.

5 · November 16 at 7:34am



Mary Phillips · 36:38 Our police are over whelmed already. Shouldn’t we get police and fire staffed before we start building like this... it’s like we are putting the cart first ...

3 · November 16 at 7:37am



Rebecca Selby · 19:17 The “missing middle” that you are forcing into established neighborhoods. Yes, the development community sees dollar signs. We see traffic, worse road conditions with the additional traffic.

2 · November 16 at 7:20am



Rebecca Selby · 22:52 12 homes per acre folks. That’s a lot of additional traffic for our tired roads. I’d be happy to take city officials in a ride along on our tired Five Mile roads!

2 · November 16 at 7:23am



Brian Weitzel · Any bets this development won't be in the planners neighborhoods?

[1](#) · [November 17 at 6:05am](#)



Rebecca Selby · 14:20 How does cottage housing benefit the city over single family homes? More voters? More taxes being paid? Why is infill housing desirable?

[2](#) · [November 16 at 7:15am](#)



Brian Weitzel · It follows United Nations Agenda 2030 Sustainability Act protocols

Don't know what that means? Look into it.

[November 17 at 6:07am](#)



Rebecca Selby · That's right! My husband told me about that.

[November 17 at 12:09pm](#)



Kate Bee · 29:14 Thanks for your answers but relying on buffering and filtering effects are not going to do it for us when it comes to helping out people in a 1% vacancy rental market 😞

[1](#) · [November 16 at 7:30am](#)



Mary Phillips · 30:37 Good time... before we get too busy with our day. Evenings cut into dinner and family time and kids activities

[November 16 at 7:31am](#)



Kathy Wanner · 0:00 HOAs? Make sense for maintenance of area BUT doesn't exactly align with low income housing. Maintaining parking & common areas will equate to at least \$50 a month in just a small development.

[November 16 at 9:56am](#)



Rebecca Selby · 11:35 Is it the developers or city who want infill housing, it certainly isn't the neighborhoods! We don't want to see infill housing when our road conditions in our community can't support the traffic here already!

[1](#) · [November 16 at 7:12am](#)



Kate Bee · 22:26 Will the city prioritize affordable infill units by creating incentives for developers to include them? How can we make sure that renters and low-income folks benefit from more housing opportunities close to jobs and transit?

[5](#) · [November 16 at 7:23am](#)



Kathy Wanner · 37:08 Where can I read the proposal?

[3](#) · [November 16 at 7:38am](#)



Patricia Arlene Kienholz · 1:23 Thanks for getting up so early! Nice work!!

[2](#) · [November 16 at 7:02am](#)



Jessica Fisher · 41:56 Is there a good example city who has done this?

[2](#) · November 16 at 7:42am



Jessica Fisher · 34:20 The Spokesman wrote about Tiny Houses, will this create a tiny house neighborhood?

[1](#) · November 16 at 7:35am



Mariah Rose McKay · 11:40 So these updates wouldn't impact the required specs on a multi-family infill project at all?

November 16 at 7:12am



Jolene Delyea Baldwin · 30:25 How will this impact our police and fire departments? Will be a positive impact or a negative?

November 16 at 7:31am



Rebecca Selby · 32:30 Are the majority of cottage housing rental properties?

November 16 at 7:33am



Jonas Elber · 5:36 Will there be any changes to parking availability/requirements?

[1](#) · November 16 at 7:06am



Indiana Ludwick · 42:56 A 1,000 new people each year.. When Seattle is doing a 1000 a week...

November 16 at 7:43am



Gene Brake · 46:15 The fact the presenters couldn't point to specific success stories in other cities when asked about them is troubling. The passing suggestion of Seattle being a possible success story is not reassuring, considering the neighborhood being decimated there with their idea of infill housing solutions.

November 16 at 12:05pm



Patricia Arlene Kienholz · 25:51 What does it look like for our city and taxpayers if we don't do infill?

[1](#) · November 16 at 7:26am



Jessica Fisher · 12:21 If I have room in my backyard or above my garage, could I build an apartment?

[1](#) · November 16 at 8:28am



Brian Weitzel · No this will benefit large developers who make larger donations to the elected officials in your city

But not us

November 17 at 6:10am



Patricia Arlene Kienholz · 45:18 Where can they see the draft?

November 16 at 7:46am



Patricia Arlene Kienholz · 15:14 Can you talk about how often the cottage housing option has been used in the past?

[1](#) · November 16 at 7:16am



Danica Parkin · 0:00 I am very excited about these changes! I think it will help stop sprawl!

[November 16 at 11:50am](#)



Kelli Johnson · 15:25 Will this only apply to currently vacant lots? Would this apply to any and all lots or just specific locations?

[November 16 at 10:52am](#)



Steve Randock Jr · 5:21 I think the city should allow manufactured homes for the infill and cottage homes. If you are trying to keep housing prices down, manufactured homes cost approx 50% less than comparable site built homes and are built with the exact same materials. Building in a factory costs less. Make the codes with 3/12 and 4/12 roof pitches in mind as this keeps shipping cost down.

[3](#) · [November 16 at 10:36am](#)



Heather Wallace · Those units age and deteriorate causing more rundown housing that is regulated under personal property laws. Bad for neighbors and renters. Just look at the parks out in Airway Heights!

[November 16 at 4:40pm](#)



Steve Randock Jr · New Manufactured Homes use the exact same materials as site built homes. I think you are thinking of old mobile homes in a trailer park. Not the same thing.

[November 16 at 4:55pm](#) · [Edited](#)



Suzan Sebbas · 19:43 Will there be 55+ housing so seniors can support one another?

[November 16 at 12:46pm](#)



Kathy Wanner · 44:33 Where is the draft??

[1](#) · [November 16 at 7:45am](#)



Jonas Elber · 8:17 Thank you! 😊

[1](#) · [November 16 at 7:08am](#)



Mindy Jo Muglia · 46:14 Good stuff! Thanks!

[November 16 at 7:48am](#)



Gene Brake · 46:15 The concept of SFR zones is that just that, an area designated for single family homes. This plan allows an overlay of multiple units on what is now a single lot in SFR zones. This plan seems to be a giveaway to developers, which can't frankly be trusted to protect the neighborhoods, without rules that require them to. I see nothing in this plan to prevent a home from being demolished and then rebuilt as two units on that lot. The negative impacts on our neighborhoods can not be understated.

[November 16 at 12:01pm](#)



Patricia Arlene Kienholz · 19:50 GMA requires meeting population needs.

[November 16 at 7:20am](#)



Patricia Arlene Kienholz · 24:43 Within 1/4 mile of CC.

[November 16 at 7:25am](#)



Patricia Arlene Kienholz · 45:39 Thanks!

[November 16 at 7:46am](#)



Patricia Arlene Kienholz · 44:00 Richland?

[November 16 at 7:45am](#)



Randy Mann · 2:45 Everyone knows what infill development is. 🤔

[November 18 at 9:11pm](#)



Jessica Fisher · 22:08 Will this make neighborhoods feel more like Perry District and Garland neighborhoods? Is it good for businesses?

[1 · November 16 at 7:22am](#)



Anne Stuyvesant Whigham · 1:27 Why was this held so early. I'm concerned that the City used innovative techniques to include citizen input and then you hold a hearing at 7 a.m.

[1 · November 16 at 8:45am](#)



Jessica Fisher · 19:37 Will this make neighborhoods feel more like Perry District and Garland neighborhoods? Is it good for businesses?

[November 16 at 8:30am](#)



Mariah Rose McKay · 1:53 Hi Omar, this briefing is REALLY early!

[2 · November 16 at 7:02am](#)



Rebecca Selby · 20:22 It's all about dollar \$ign\$ for the city. No thank you.

[November 16 at 7:21am](#)



Kelli Johnson · 35:05 Would it be possible to get even ONE of my questions answered???

[November 16 at 11:12am](#)



Jessica Fisher · This video is no longer live. The live broadcast started at 7 a.m. that is why they are not answering your questions.

[November 16 at 11:57am](#)

Dear Project Manager,

We, the West Central Neighborhood Council, are concerned about the proposed changes to zoning regulations regarding infill, specifically that certain properties can have additional development without obtaining a zoning review. These changes have the potential to unhealthily increase density and damage neighborhood character. We already have a process in place for circumventing zoning requirements that allows neighbors and citizens to offer input, helping ensure a positive outcome for all. Allowing a way around this diminishes the voice of citizens and gives more power to developers, which is especially troublesome in a low-income neighborhood like West Central.

These changes will take place both along Centers and Corridors and within a quarter mile of high-frequency transit lines. The 21 bus route will soon be changing to a high-frequency line. Therefore, a tremendous portion of the neighborhood would be negatively impacted by these changes, including the historic district of Nettleton's Addition. We ask that these infill changes are suspended along high-frequency transit lines, and only take effect around Centers and Corridors.

Thank you,

Andy Rathbun, Vice-Chair

West Central Neighborhood Council

December 7, 2017

Mr. Nathan Gwinn, Planner
Planning & Development Department
808 West Spokane Falls Boulevard
Spokane, WA 99201-3333

Dear Mr. Gwinn,

We are excited to see code changes proposed that will continue to encourage new development and support affordable rental and homeownership projects in the city. We have presented some comments and suggestions to further this shared goal.

As you are aware, we are using the Cottage Housing Ordinance for Transitions' Home Yard Cottages project. Due to the current requirement that all units be detached, we had to design separate buildings even for very small studio units. We support allowing units to be attached to both reduce unit costs and increase site efficiency. In the proposed regulation, a maximum of two units may be attached. We would suggest that instead of a maximum number of attached units, that only the maximum residential building square footage of 2,000 sf be established. This would allow, for example, four 500 sf units or two 1,000 sf units to be attached in a single building.

While typically only residential uses are permitted outright in residential zones, Cottage Housing presents a unique challenge especially for rental units. This is because in developments such as Home Yard Cottages, the individual units will be rented, creating a multifamily organizational structure while maintaining single family buildings. In multifamily residential developments, building managers have offices. However, since in our case the site is zoned Residential Single Family, office was not an allowable use. Consequently, designated office space was not allowed. We would suggest that offices for a Property Manager and Social Service Support, which significantly enhance primary residential use, be allowed in the community building of cottage developments.

Our understanding is that while smaller lots and units can be developed under these ordinances, the associated development fees would remain the same as lots and units of more than double the size. Therefore, we hope that fee reductions for smaller parcels and/or fees based on unit floor area could be investigated. Maybe a scalable fee structure, or an Equivalent Residential Unit factor, which bases connection fees on a percentage of average usage could be considered. It seems to us that addressing the fee structure is an important component for maximizing the effectiveness of this tool to promote affordable homeownership.

During the development of Transitions' Home Yard Cottages, the design team experienced significant variation in interpretation of requirements between permit clerks staff and the written requirements for permit. While all departments and staff were pleasant and professional, it seems the ordinance is not systematically applied in each department. This tension or inconsistency seems to be rooted in a land use that is multifamily and a construction type that is more aligned with single family. Generally, the feasibility for an affordable housing project like this is enhanced when it is more aligned with the regulations for multifamily.

The proposed reduction in the minimum lot width from 40 to 36 feet in the Compact Lot Standards is a great start towards more efficient use of property and smaller units.

We would encourage you to continue in this direction to allow narrower parcels for zero-lot line development of townhouses permitted outright in residential zones.

We hope that the City continues to improve and revise these ordinances to encourage further development opportunities, especially for affordable rental units and homeownership.

Thank you for your work in promoting innovative development tools in Spokane.

Sincerely,



Deb Elzinga

Executive Director

Community Frameworks

From: [Gwinn, Nathan](#)
To: ["Steve Kirby"](#)
Subject: RE: Infill written comment
Date: Friday, December 08, 2017 12:51:01 PM

Thank you, Steve. I will include your comment in the updated hearing packet. See you probably Wednesday at the hearing.

Sincerely,
Nathan Gwinn

Nathan Gwinn | Assistant Planner | City of Spokane

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Steve Kirby [mailto:kirby@tikorconsulting.com]
Sent: Friday, December 08, 2017 10:12 AM
To: Gwinn, Nathan
Subject: Infill written comment

Thanks Nathan,

Here is what I am submitting and, unless I have drama at work, I'll plan to attend the hearing.

I recently looked at adding a second house to my lot since I have fairly large lawn to one side of my house - I think around 3000 sq ft.

As I was researching options for my lot I discovered the planning commission is looking at new rules at 'infill' regulation to increase the density within the city. The rules might allow me to build, and I am slightly supportive of the regulation, but I think there is a better way.

Rather than add additional rules to allow 'Infill' in zones such as RSF, why not just rezone larger areas of the city? Say to RTF or RMF? Or, even better, look at the growth and services available and consider rezoning large parts of Spokane to support long-term, sustainable growth.

Said another way, the infill regulation is a short term fix for a bigger problem. Rather than work on a short term fix, why not go for the long-term solution?

Spokane needs to increase density. The interest in infill regulation supports this view. Increased density will benefit us both in improved revenue, and may allow for the development of actual neighborhoods in the City. I was surprised that city, based on conversations with the planning department, was resistant to rezoning of their own initiative. How is the city to increase density if the city does not rezone to support that development? How is the Comprehensive Plan supposed to be implemented? The only alternative I am

aware of is spot zoning, which no one likes, or passing additional rules to allow for development such as the infill law, which is a stop gap.

Looking at the long-term 5,10,50 year growth plan the city will have to rezone. There is no alternative unless we want stagnation and sprawl. So why not start the process now? We have a plan, the Comprehensive Plan. We have an identified problem, supported by the infill proposal. And you have the authority under eminent domain to rezone if it is necessary and good. I think it is necessary and good.

There is large gap in Spokane code that may be causing this issue. The Plan Commission is **not** empowered to rezone within the City Limits (See SMC 4.12.010). They can amend the Comprehensive Plan and determine zoning for areas that are annexed, but, at least by my read of the law, only the City Council could consider rezoning large areas of the city within the corporate limits.

There **will** be resistance from some home owners that want to keep their larger lots. I suspect that there are neighborhoods that would **not** be rezoned both for practical and pragmatic reasons.

That said, I think there may be other people, such as myself, who would love to redevelop. They can make a single house into, say, 4 units. Allowing for such development may also help in addressing the low income housing needs if high densities were allowed in more areas. It also encourages the use of existing services since the City (or County) would not have to expand.

There are many areas that I think could be ripe for development if the zoning were changed. Areas just off Division are an obvious one as much of it RSF even 100 ft west of Division Central Core. The South hill on the edges nearest Downtown and neighborhood cores I believe are ripe as well for higher densities. My own lot is an example.

You can also look at the success of Kendall Yards as pointing to the demand for higher density. There, a single developer was able to make the investment, but would it be easier if the city allowed individuals to development organically?

I think the City needs to take a hard look at rezoning. Other cities do it, and I do not see any good, long-term, alternatives.

Thanks,
Steve Kirby
1088 S. Napa St
Spokane, WA 99202
509 795 4863
kirby@tikorconsulting.com

Zoning background: <https://en.wikipedia.org/wiki/Zoning>

Background material from City of Portland.

Portland zoning code: <https://www.portlandoregon.gov/bps/31612>

Zoning Amendment process: <https://www.portlandoregon.gov/bds/article/74275>

Overview of City of Portland Rezoning:

<http://www.inhabitportland.com/blog/2017/3/14/portland-zoning-changes>

Spokane Comprehensive Plan:

<https://my.spokanecity.org/shapingspokane/comprehensive-plan/>

Eminent Domain/Zoning case (current case law and Spokane specific):

<http://courts.mrsc.org/supreme/070wn2d/070wn2d0207.htm>

Spokane Municipal Code: <https://my.spokanecity.org/smc/?Section=04.12.010>

Great article describing Kendall Yards:

<http://www.spokesman.com/stories/2017/apr/28/jim-franks-kendall-yards-development-arose-from-vi/#/0>

From: [Gwinn, Nathan](#)
To: ["Marcella Bennett"](#)
Cc: [Merle Gilliland](#); [Key, Lisa](#)
Subject: RE: Reminder: Notice of Public Hearing and Notice of SEPA Determination
Date: Wednesday, December 13, 2017 7:59:00 AM

Good morning Marcella,

Thank you for your attendance and comments through this process. I will include this comment with the public record for this file and provide it to the Plan Commission.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Marcella Bennett [<mailto:marcellabennett@hotmail.com>]
Sent: Tuesday, December 12, 2017 3:09 PM
To: Gwinn, Nathan
Cc: Merle Gilliland; Key, Lisa
Subject: Re: Reminder: Notice of Public Hearing and Notice of SEPA Determination

Nathan,

Thank you for the continued opportunity to respond to the infill code revisions. I have attended several informational meetings and made comments.

It is not just the home but the character of the area in which the home is located that sells the property to the perspective buyer. Preserving these values is paramount for future sellers and buyers. Being true to those values ensures everyone wins and the city of Spokane will continue to have appealing, diverse neighborhoods.

Economic development is important to all citizens. It is the duty of the Planning Department to incorporate only those changes or additions to the existing codes which are in the best interest of current and future home owners. We are relying on your expertise and sensitivity.

Marcella L. Bennett
3003 W Horizon Ave.
Spokane, WA 99208

509-467-7422

From: Gwinn, Nathan <ngwinn@spokanecity.org>
Sent: Tuesday, December 12, 2017 1:08 PM
To: Gwinn, Nathan

Subject: Reminder: Notice of Public Hearing and Notice of SEPA Determination

Good afternoon – This is a quick reminder of the Plan Commission hearing regarding the first round of infill code revisions, scheduled to begin tomorrow at 4:00 PM.

Thank you,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Gwinn, Nathan
Sent: Wednesday, November 29, 2017 4:48 PM
To: Gwinn, Nathan
Subject: Notice of Public Hearing and Notice of SEPA Determination

The Spokane City Plan Commission will hold a public hearing on Wednesday, December 13, 2017, beginning at 4:00 PM in the Council Chambers, Lower Level of City Hall, 808 W. Spokane Falls Blvd., to hear public testimony related to amendments to the Development Code, related to **cottage housing, pocket residential development, and compact lot standards**. The proposal would expand areas where these alternative residential development methods may be used at the levels permitted by the comprehensive plan, while enhancing design guidelines. Any person may submit written comments on the proposed actions, appear at the public hearing, or call for additional information:

Planning & Development Department
Attn: Nathan Gwinn, Planner

808 West Spokane Falls Boulevard

Spokane, WA 99201-3333
Phone (509) 625-6893
ngwinn@spokanecity.org

Documents posted to the project webpage have been updated. Documents relating to this text amendment are available for viewing at:
my.spokanecity.org/projects/infill-housing-strategies-infill-development/

Location: Certain residential zones in the city of Spokane: specifically, the RA, RSF, RSF-C, and RTF zones. A zoning map is available for viewing at:
maps.spokanecity.org

Description of Proposal: Code amendments to Cottage Housing (SMC 17C.110.350) for larger unit floor area, subdivision of internal units, slight increases in height and density, attention to standards for development perimeters, and to allow in the RTF zone. Also, allow Pocket Residential (private access and new lots; SMC

17C.110.360), and some smaller lots (Table 17C.110-3), in the RSF zone, with no changes to aggregate site density for those development tools, using limited design standards.

SEPA: A Determination of Non Significance was issued on November 29, 2017 under WAC 197-11-340(2); the lead agency will not act on this proposal for at least 14 days. Comments regarding this DNS must be submitted no later than **12:00 PM December 13, 2017, if they are intended to alter the DNS.**

Only the applicant, persons submitting written comments and persons testifying at a hearing may appeal the decision of the Plan Commission and City Council.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or msteinolfson@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.

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: [Kevin Brownlee](#)
To: [Gwinn, Nathan](#)
Subject: RE: Infill Code Revisions
Date: Wednesday, December 13, 2017 8:58:47 AM

Thanks, Nathan.

----- Original message -----

From: "Gwinn, Nathan" <ngwinn@spokanecity.org>
Date: 12/13/17 8:08 AM (GMT-08:00)
To: "'kdbrownlee@comcast.net'" <kdbrownlee@comcast.net>, "Key, Lisa" <lkey@spokanecity.org>
Cc: "Stuckart, Ben" <bstuckart@spokanecity.org>, "Mumm, Candace" <cmumm@spokanecity.org>, "Stratton, Karen" <kstratton@spokanecity.org>, "Waldref, Amber" <awaldref@spokanecity.org>, "Fagan, Mike" <mfagan@spokanecity.org>, "Beggs, Breean" <bbeggs@spokanecity.org>, "Kinnear, Lori" <lkinnear@spokanecity.org>
Subject: RE: Infill Code Revisions

Good morning Kevin,

Thank you for your comment. I will include it with the public record for this file.

For information, proximity to CC zones relates to only one of the subject areas of the proposed infill code revisions. In the draft ordinance currently proposed before the Plan Commission, the compact lot standards would be applied only around the CC zones, rather than also to areas near the frequent transit routes. Please see proposed SMC 17C.110.209(B) on p. 11 of the draft posted under Related Documents at the [project webpage](#).

However, the availability of pocket residential development would be extended throughout the entire Residential Single-Family (RSF) zone as proposed (SMC 17C.110.360(B) on p. 30). However, creating new lots for single-family residences will likely require a short plat, involving public notice. Cottage housing is also currently available throughout the RSF zone as a Type II conditional use, and is proposed to remain so (SMC 17C.110.350(B) and (C) on p. 14).

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: kdbrownlee@comcast.net [mailto:kdbrownlee@comcast.net]
Sent: Wednesday, December 13, 2017 6:21 AM
To: Gwinn, Nathan; lkeys@spokanecity.org
Cc: Stuckart, Ben; Mumm, Candace; Stratton, Karen; Waldref, Amber; Fagan, Mike; Beggs, Breean; Kinnear, Lori
Subject: Infill Code Revisions

Good Morning,

After attending one of the code revision open houses and reviewing the material, aligning the infill revisions with Centers and Corridors designations appears to be the most precise alternative proposed. My concerns about alignment with STA high-frequency routes are that these routes and frequencies are fluid and outside the control of the City. That alternative would result in zoning and development where it's no longer a priority.

The Centers and Corridors concept was developed for exactly this purpose. In the effort to balance neighborhood character and development interests, this is the obvious choice.

Thank you for your consideration,

Kevin Brownlee

2828 W. Sharp Ave.

Spokane, WA 99201

(509) 328-3730

COVER SHEET

Infill Development Code Revisions

1.1 Cottage Housing and Pocket Residential Code Amendments

Recommended by Spokane City Plan Commission to City Council for Adoption

17A.020.010	“A” Definitions	4
17A.020.030	“C” Definitions	13
17A.020.040	“D” Definitions	27
17A.020.130	“M” Definitions	33
17A.020.190	“S” Definitions	36
17C.110.030	Characteristics of Residential Zones	50
17C.110.115	Housing Types Allowed	52
17C.110.200	Lot Size	53
17C.110.209	Compact Lot Standards	59
17C.110.350	Cottage Housing	60
17C.110.360	Pocket Residential Development	77
17C.230.130	Parking Exceptions	86
17G.080.065	((Unit Lot)) <u>Alternative Residential</u> Subdivisions	90

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

01/22/2018

<u>Date Rec'd</u>	1/9/2018
<u>Clerk's File #</u>	ORD C35576
<u>Renews #</u>	

<u>Submitting Dept</u>	PLANNING	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	LISA KEY 625-6187	<u>Project #</u>	
<u>Contact E-Mail</u>	LKEY@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	First Reading Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0650 - SIGN CODE RELATED AMENDMENTS		

Agenda Wording

An ordinance relating to sign standards amending SMC 17C.340.110, 17C.370.030, 17A.020.010, 17A.020.020, 17A.020.030, 17A.020.040, 17A.020.050, 17A.020.060, 17A.020.090, 17A.020.130

Summary (Background)

Code updates to other development code necessitated by amendments to Sign Code (SMC 17.240.40), to include changes to the definitions section addressed in SMC 17A.020; to address sign regulations for home occupations contained in SMC 17C.340; and, to address sign regulations for existing neighborhood commercial structures in 17C.370

<u>Fiscal Impact</u>	Grant related? NO	<u>Budget Account</u>
	Public Works? NO	

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

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	KEY, LISA	<u>Study Session</u>	
<u>Division Director</u>	TRAUTMAN, HEATHER	<u>Other</u>	Urban Development
<u>Finance</u>	ORLOB, KIMBERLY	<u>Distribution List</u>	
<u>Legal</u>	RICHMAN, JAMES	dkinder@spokanecity.org	
<u>For the Mayor</u>	DUNIVANT, TIMOTHY	lkey@spokanecity.org	
<u>Additional Approvals</u>		jrichman@spokanecity.org	
<u>Purchasing</u>		tpalmquist@spokanecity.org	
<u>CITY COUNCIL</u>	MCDANIEL, ADAM	dcompton@spokanecity.org	
		tblack@spokanecity.org	
		amullerleile@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

17A.020.140, 17A.020.160, 17A.020.190 to title 17C of the Spokane Municipal Code and setting and effective date.

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

sbishop@spokanecity.org

Briefing Paper City Council

Division & Department:	Neighborhood & Business Services / Planning
Subject:	Sign Code Amendments and Sign Code-Related Amendments
Date:	January 9, 2018
Author (email & phone):	Amy Mullerleile (amullerleile@spokanecity.org ; 509-625-6194) Lisa Key (lkey@spokanecity.org ; 509-625-6187)
City Council Sponsor:	Amber Waldref
Executive Sponsor:	Lisa Key
Committee(s) Briefed:	Urban Development, January 8, 2018
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Comprehensive Plan Policy DP 2.17 Ordinance No. C35490 and C35555 U.S. Supreme Court Decision <i>Reed v. Gilbert</i> , 135 S. Ct. 2218, 192 L.Ed.2d 236 (2015)
Strategic Initiative:	
Deadline:	April 10, 2018
Outcome: (deliverables, delivery duties, milestones to meet)	Updated sign code that is compliant with federal law and consistent with current practices and other municipal code provisions.
<p>Background/History: <i>Provide brief history e.g. this is the 3rd and final 5 year extension of the contract which was put in place in 2007.</i></p> <ul style="list-style-type: none"> On April 10, 2017 City Council passed Ord. No. C35490 Imposing an immediate moratorium on the relocation of off-premises signs into areas having a center and corridor zoning designation or sites located in an historic district. On May 22, 2017 a public hearing was held and the expiration was extended to November 22, 2017. On October 9, 2017, the City Council passed Ord. No. C35555, extending the expiration of the moratorium to April 10, 2018. In 2015 the U.S. Supreme Court issued a decision in the case of <i>Reed v. Town of Gilbert, AZ</i> providing new guidance on acceptable regulations on noncommercial signage. City staff from the Development Services Center maintained a list of recommended updates and clarifications to the City's current sign code, in anticipation of the planned 2018 Sign Code amendment process, for ease of interpretation and administration of that code. 	
<p>Executive Summary:</p> <ul style="list-style-type: none"> In response to the events described above, planning and legal staff performed an audit on the existing sign code and presented proposed changes to a group of community stakeholders. Over the course of 2 months the work group provided feedback on the proposed edits. Additional outreach was conducted in the form of a website, digital open house, social media campaign, and outreach to targeted stakeholders. Several workshops were held with the City's Plan Commission. The feedback received was incorporated into a draft that was presented to the Plan Commission and a public hearing was held on October 11. The Plan Commission unanimously recommended the adoption of the proposed changes by City Council. Since the Plan Commission additional changes have been added to the draft as a result of 	

feedback from the City Council and staff. Those changes are reflected in an errata table which has been attached.

- *As a result of the changes to the sign code there were other areas of the Spokane Municipal Code that needed to be updated to ensure consistency between chapters. These changes include incorporating sign specific definitions directly into the sign code chapter as well as correcting contradictory signage standards that currently exist for the same use.*
- *A public hearing was held on these housekeeping on December 13, 2017 and the Plan Commission unanimously recommended their adoption by City Council, with one minor recommended revision.*
- *Because these ordinances were heard by Plan Commission separately, we are bringing them forward to City Council as separate, but related ordinances.*

Budget Impact:

No budgetary impact

Approved in current year budget? ☒ Yes ☐ No

Annual/Reoccurring expenditure? ☐ Yes ☒ No

If new, specify funding source:

Other budget impacts: (revenue generating, match requirements, etc.)

Operations Impact:

Consistent with current operations/policy? ☒ Yes ☐ No

Requires change in current operations/policy? ☐ Yes ☒ No

Specify changes required:

Known challenges/barriers:

ORDINANCE NO. C35576

An ordinance relating to sign standards amending SMC 17C.340.110, 17C.370.030, 17A.020.010, 17A.020.020, 17A.020.030, 17A.020.040, 17A.020.050, 17A.020.060, 17A.020.090, 17A.020.130, 17A.020.140, 17A.020.160, 17A.020.190 to title 17C of the Spokane Municipal Code and setting and effective date.

WHEREAS, on April 10, 2017 the City Council adopted Ordinance No. C35490, imposing an immediate, six-month moratorium on the relocation of off-premises signs into areas of Spokane having a center and corridor zoning designation; setting a public hearing; and declaring an emergency; and

WHEREAS, on May 22, 2017 the City Council held a public hearing on Ordinance No. C35490, received a staff report, presentation by the proponents and opponents of the moratorium, heard public testimony, adopted findings of fact, extended the moratorium for an additional six months and set an expiration date of November 22; and

WHEREAS, during the moratorium, Planning Department staff conducted workshops with the Plan Commission and City Council to discuss revisions to the City's sign regulations to (i) address the concerns that prompted the Council's adoption of the moratorium and (ii) to meet the guidelines set forth in the U.S. Supreme Court's opinion in *Reed v. Gilbert*, 135 S. Ct. 2218, 192 L.Ed.2d 236 (2015) and other applicable law (the "Sign Code Update"); and

WHEREAS, the Plan Commission held workshops on the proposed Sign Code Update on June 14, 2017, September 13, 2017, and September 27, 2017, and a public hearing on October 11, 2017; and

WHEREAS, based on written and verbal testimony that is a part of the record and is summarized in the City Plan Commission Recommendation, Findings and Conclusions adopted on October 25, 2017, the Plan Commission unanimously recommended that the City Council adopt the proposed Sign Code Update; and

WHEREAS, the changes proposed by the Sign Code Update necessitated amendments to other sections of the Spokane Municipal Code for consistency and administrative purposes; and

WHEREAS, the Plan Commission held workshops on the proposed cleanup amendments on October 25, 2017 and November 8, 2017 and a public hearing on December 13, 2017; and

WHEREAS, based on written and verbal testimony that is a part of the record and is summarized in the City Plan Commission Recommendation, Findings and Conclusions adopted on January 10, 2018, the Plan Commission unanimously recommended that the City Council adopt the proposed amendments; and

WHEREAS, on November 14, 2017, the responsible official issued a determination of non-significance (DNS) under SEPA (Chapter 43.21C RCW) relating to the proposed amendments and notice of said DNS was published in the Spokesman Review on November 29, and December 6, 2017.

WHEREAS, the City complied with RCW 36.70A.370 in processing this Ordinance.

NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That SMC Section 17C.340.110 is amended to read as follows:

Section 17C.340.110 Development Standards

Structural alteration to accommodate the occupation is not permitted:

- A. unless required by code, a separate outside access to the area devoted to the occupation is not permitted;
- B. the occupation, including storage, does not occupy more than twenty-five percent of the residence's finished floor area, nor in any case more than two hundred square feet;
- C. the occupation does not occupy any accessory structure, including an attached garage;
- D. the number of persons engaged in the home occupation may not exceed two persons. This may consist of either one family member and one nonfamily member or two family members;
- E. ~~((there is no commercial advertising, except that there may be one nonilluminated sign, up to three square foot in area, bearing the name and occupation of the occupant, placed flat against the building;))~~ The sign standards are stated in chapter 17C.240 SMC, Signs;
- F. There is no window or outdoor display.
- G. Any stock of goods has been produced on the premises.
- H. No use is made of equipment or material that produces vibration, noise, dust, smoke, odor, or electrical interference to the detriment of surrounding residences.
- I. There are no deliveries or shipments to or from the premises of such quantities or frequency as would involve commercial motor vehicles or suggest a need for a customer parking area.
- J. The property shall retain its residential appearance and character.
- K. No commercial use of the streets shall be allowed as specified in [SMC 17C.319.100](#).

Section 2. That SMC Section 17C.370.030 is amended to read as follows:

Section 17C.370.030 Procedure

- A. Planning Director Administrative or Hearing Examiner Decision.
 - 1. Establishing a use under this chapter in an eligible structure requires following the same application and posting process as a Type II or III Conditional Use Process as provided in [chapter 17G.060 SMC](#). A Type III application is required

for projects that have a floor area of three thousand square feet or more, including building additions, and for any non-residential project on a site that does not have frontage on a designated arterial (principal, minor, or collector). For projects that do not exceed this threshold, a Type II conditional use permit application is required, except the planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest.

2. The planning director administrative decision or hearing examiner decision is only for the use approved through the process. If a proposed change of use for the site proposes other uses that are not within the use category description approved for the site, a new planning director administrative decision or hearing examiner decision is required to determine the requirements that the new use shall follow.
- B. The fee for the planning director administrative decision is the same as a Type I application. The fee for a Type III hearing examiner decision shall be the same as a Type III application.
- C. A predevelopment meeting as provided in [SMC 17G.060.040](#) is required before an application may be submitted.
- D. Decision criteria are found in [SMC 17G.060.170](#) and applications shall follow the same procedures for a Type II or III conditional use process, as may be applicable depending on the type of application reviewed.
- E. If the planning director or hearing examiner makes a determination with supporting findings that the benefits of the proposed use and improvements to the existing structure and the property on which the structure is located would mitigate potential negative impacts on the residential character of the area, then a planning director administrative decision or hearing examiner decision may be granted consistent with the following uses. The director or hearing examiner may make a determination with supporting findings that a proposed use is not permitted because the nature of the use would have negative impacts on the residential character of the area that cannot be mitigated with conditions of approval.
 1. Uses Not Allowed.
Sale or leasing of:
 - a. motorized consumer vehicles,
 - b. fire arms,
 - c. weapons,
 - d. marijuana.
 2. Uses Allowed:
 - a. Office uses found in [SMC 17C.190.250](#);
 - b. Retail sales and service uses found in [SMC 17C.190.270](#); and
 - c. Uses allowed within the RMF zone found in [SMC 17C.110.100](#).
- F. Development and operation standards in addition to the base zone:
 1. The structure on the site must have been originally legally built to accommodate a non-residential use and, at the time of application, its existing use must not be classified within the institutional use category as described in Article V of [chapter 17C.190 SMC](#), which may be converted under [SMC 17C.320.060](#).
 2. Reserved.
 3. The site must be located within the RA, RSF, RTF, RMF, or RHD zones.
 4. The site size may not be expanded and the uses approved under this section may not expand onto surrounding sites beyond the site area existing on July 26, 2012. Any expansion of existing structures is subject to the current applicable

development standards, except structures larger than five thousand square feet shall not be expanded. A planting of L2 see-through buffer as described by [SMC 17C.200.030](#) shall be required for any structural expansion or provision of additional off-street parking.

5. Parking and loading requirements are specific to the use authorized by the hearing examiner or director and shall follow the standards in [chapter 17C.230 SMC](#) Parking and Loading for a Neighborhood Retail Zone (NR).
 6. Business operation hours shall be determined by the hearing examiner or director. Operational hours for non-residential uses operating later than ten p.m. and earlier than five a.m. will need to demonstrate that all off-site impacts will be fully mitigated.
 7. Drive through facilities are prohibited.
 8. Outdoor storage is prohibited. Outdoor seating areas and daytime display of merchandise is allowed.
 9. Lighting shall be provided within parking lots and along pedestrian walkways. Lighting fixtures shall be limited to sixteen feet in height. All lighting shall be shielded from producing off-site glare.
 10. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt.
 11. The signage standards ~~((for the CC4 zones))~~ in [SMC 17C.240.150, Table 17C.240-1](#) shall apply. ~~((Temporary outdoor signage is prohibited except that one sandwich board sign is permitted.))~~ If the a sandwich board sign is erected in the public right-of-way it must be consistent with ~~((SMC 17C.240.240))~~[SMC 17C.240.244](#).
- G. If the hearing examiner or planning director determines that proposed use is appropriate for the site, the hearing examiner or director may attach additional conditions to the decision that may include items such as:
1. Building and property improvements that must be completed prior to issuance of a certificate of occupancy.
 2. Conditions needed to mitigate off-site impacts consistent with [SMC 17C.220](#) Off-Site Impacts.
 3. Specific conditions under which the use may operate.
- H. Appeals.
- The decisions of the planning director may be appealed to the hearing examiner as provided for in [SMC 17G.060.210](#) and follow an appeal process consistent with a Type II Conditional Use Permit application. The decisions of the hearing examiner may be appealed to superior court as provided for in [SMC 17G.060.210](#).

Section 3. That SMC Section 17C.020.010 is amended to read as follows:

Section 17C.240.070 Prohibitions

[Section 17A.020.010](#) "A" Definitions

- A. Abandoned Sign Structure.
~~((A sign structure where no sign has been in place for a continuous period of at least six months.))~~[See SMC 17C.240.015.](#)
- B. Aboveground Storage Tank or AST.
Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of

pipings connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.

C. Accepted.

A project for which the required plans have been found to be technically adequate.

D. Accessory Dwelling Unit (ADU).

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. "Mother-in-law apartments,"
2. "Accessory apartments," or
3. "Second units."

E. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
 - a. Garages,
 - b. Decks,
 - c. Fences,
 - d. Trellises,
 - e. Flagpoles,
 - f. Stairways,
 - g. Heat pumps,
 - h. Awnings, and
 - i. Other structures.

3. See also [SMC 17A.020.160](#) ("Primary Structure").

F. Accessory Use.

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

G. Activity.

See Regulated Activity.

H. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

I. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified anatomical areas," as defined in [SMC 17A.020.190](#), or "specified sexual activities," as defined in [SMC 17A.020.190](#). A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:
 - a. At least thirty percent of the establishment's displayed merchandise consists of said items; or

- b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or
 - c. At least thirty percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or
 - d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
 - e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
 - f. The establishment regularly offers for sale or rental at least two thousand of said items; or
 - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using "adult," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests.
 - 2. For purposes of this definition, the term "floor space" means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.
- J. Adult Business.
An "adult bookstore or adult video store," an "adult entertainment establishment," or a "sex paraphernalia store."
- K. Adult Entertainment Establishment.
- 1. An "adult entertainment establishment" is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to "specified sexual activities" as defined in [SMC 17A.020.190](#) or "specified anatomical areas" as defined in [SMC 17A.020.190](#) for observation by patrons therein.
 - 2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of "specified sexual activities" or "specified anatomical areas."
 - 3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.
- L. Adult Family Home.
A residential use as defined and licensed by the state of Washington in a dwelling unit.
- M. Agency or Agencies.
The adopting jurisdiction(s), depending on the context.
- N. Agricultural Activities.
- 1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;
 - b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;

- d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
 - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;
 - g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
 - h. Maintaining agricultural lands under production or cultivation.
- 2. The City of Spokane shoreline master program defines agriculture activities as:
 - 1. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
 - 2. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.
- O. Agricultural Land.
Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.
- P. AKART.
An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.
- Q. Alkali Wetlands.
Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.
- R. Alley.
See “Public Way” ([SMC 17A.020.160](#)).
- S. Alteration.
A physical change to a structure or site.
 - 1. Alteration does not include normal maintenance and repair or total demolition.
 - 2. Alteration does include the following:
 - . Changes to the facade of a building.
 - a. Changes to the interior of a building.
 - b. Increases or decreases in floor area of a building; or
 - c. Changes to other structures on the site, or the development of new structures.
- T. Alteration of Plat, Short Plat, or Binding Site Plan.
The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of

existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).

U. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

V. [Deleted]

W. [Deleted]

X. [Deleted]

Y. [Deleted]

Z. API 653.

The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.

AA. Appeal.

A request for review of the interpretation of any provision of [Title 17 SMC](#).

AB. Appeal – Standing For.

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;
 - b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
 - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
 - d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

AC. Applicant.

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. "Owners" are all persons having a real property interest. Owners include:

1. Holder of fee title or a life estate;
2. Holder of purchaser's interest in a sale contract in good standing;
3. Holder of seller's interest in a sale contract in breach or in default;
4. Grantor of deed of trust;
5. Presumptively, a legal owner and a taxpayer of record;
6. Fiduciary representative of an owner;
7. Person having a right of possession or control; or

8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

AD. Application – Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in [SMC 17G.060.090](#).

AE. Aquaculture.

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.

AF. Aquatic Life.

Shall mean all living organisms, whether flora or fauna, in or on water.

AG. Aquifer or Spokane Aquifer.

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

AH. Aquifer Sensitive Area (ASA).

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of [SMC 17E.050.260](#).

AI. Aquifer Water Quality Indicators.

Common chemicals used for aquifer water quality screening. These are:

1. Calcium,
2. Magnesium,
3. Sodium,
4. Total hardness,
5. Chloride,
6. Nitrate-nitrogen, and
7. Phosphorus.

AJ. Archaeological Areas and Historical Sites.

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.

AK. Architectural feature.

Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

AL. Architectural Roof Structure.

Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.

1. Area of Shallow Flooding.
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).
2. The base flood depths range from one to three feet.
3. A clearly defined channel does not exist.
4. The path of flooding is unpredictable and indeterminate.
5. Velocity flow may be evident.
6. AO is characterized as sheet flow and AH indicates ponding.

AM. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
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4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

AN. Area of Special Flood Hazard.

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

AO. Arterial.

See:

1. "Principal Arterials" – [SMC 17A.020.160](#),
2. "Minor Arterials" – [SMC 17A.020.130](#),
3. "Collector Arterial" – [SMC 17A.020.030](#), or
4. "Parkway" – [SMC 17A.020.160](#).

AP. Assisted Living Facility.

A multi-family residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.
2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

AQ. Attached Housing.

Two or more dwelling units that are single-family residences on individual lots attached by a common wall at a shared property line. These include:

1. Townhouses,
2. Row houses, and

3. Other similar structures

AR. Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.
3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

AS. Available Capacity.

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).

AT. Average Grade Level.

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

AU. Awning

A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

Section 4. That SMC Section A.020.020 is amended to read as follows:

Section 17A.020.020 "B" Definitions

A. Backed Sign.

~~((A sign where the faces of the sign are parallel or within twenty degrees of parallel to each other.))~~ See SMC 17C.240.015.

B. Balloon Sign.

~~((A sign that is blown up with air or gas.))~~ See SMC 17C.240.015.

C. Bank Carving.

The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

D. Bank Erosion.

The incorporation of masses of alluvium or other weak bank materials into a stream channel.

E. Bankfull Width.

1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
2. For lakes, ponds, and impoundments, line of mean high water.

3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.
- F. Banner.
~~((A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind. See also Flag.)) See SMC 17C.240.015.~~
- G. Bas-relief
Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.
- H. Base Flood.
 1. The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the “one hundred year flood.”
 2. Designation on maps always includes the letters A or V.
- I. Basement.
The portion of a building having its floor sub-grade (below ground level) on all sides.
- J. Bedrock.
Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.
- K. Bee.
Any stage of development of the common domestic honeybee, *Apis mellifera* species.
- L. Beekeeper.
A person owning, possession, or controlling one or more colonies of bees.
- M. Best Available Science.
Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.
- N. Best Management Practices.
The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.
- O. Bikeways/Pathways.
Facilities designated for use by commuters and recreational users on foot or bicycle. The following types of bikeway facilities are identified and further defined in the Spokane Regional Pedestrian/Bikeway Plan published by the Spokane Regional Transportation Council:
 1. Residential bikeway.
 2. Shared-use lane.
 3. Paved shoulder.
 4. Bicycle lane.
 5. Shared-use pathway.
- P. Binding Site Plan – Final.

A drawing to a scale which:

1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters provided in [SMC 17G.080.060](#);
2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and
3. contains provisions making any development be in conformity with the site plan.
4. A binding site plan can only be used on property zoned commercial or industrial.

Q. Binding Site Plan – Preliminary.

A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks, and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

R. Block.

A group of lots, tracts, or parcels within well-defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines, or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-of-way lines.

S. Block Frontage.

All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

T. Board.

The board of county commissioners of Spokane County.

U. Boating Facilities.

Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high-water marks.

V. Boundary Line Adjustment.

A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

W. Breakaway Wall.

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

X. Breezeway.

A breezeway is a roofed passageway joining two separate structures.

Y. Building.

1. A “building” is a structure, or part, used or intended for supporting or sheltering any use or occupancy.
2. The term includes “factory-built structure” and “mobile home.”
3. “Building” does not include a recreational vehicle.

4. "Building" means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.

Z. Building Base

The plinth or platform upon which a building wall appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

AA. Building Coverage.

Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis, or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.
2. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.
3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.

AB. Building Envelope.

The area of a lot that delineates where a building may be placed.

AC. Building Frontage.

The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street

AD. Build-to Line.

An alignment establishing a certain distance from the property line (street right-of-way line) along which the building is required to be built.

AE. Bulkhead.

A solid or open pile wall erected generally parallel to and near the ordinary high-water mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a "hard" shoreline stabilization measure.

Section 5. That SMC Section 17A.020.030 is amended to read as follows:

Section 17A.020.030 "C" Definitions

A. Candidate Species.

A species of fish or wildlife, which is being reviewed, for possible classification as threatened or endangered.

B. Carport.

A carport is a garage not entirely enclosed on all sides by sight-obscuring walls and/or doors.

C. Cellular Telecommunications Facility.

They consist of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals

to a central switching computer that connects the mobile unit with the land-based telephone lines.

D. Central Business District.

The general phrase “central business district” refers to the area designated on the comprehensive plan as the “downtown” and includes all of the area encompassed by all of the downtown zoning categories combined.

E. Certificate of Appropriateness.

Written authorization issued by the commission or its designee permitting an alteration or significant change to the controlled features of a landmark or landmark site after its nomination has been approved by the commission.

F. Certificate of Capacity.

A document issued by the planning services department indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

G. Certified Erosion and Sediment Control Lead (CESCL).

An individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess the:

1. site conditions and construction activities that could impact the quality of stormwater, and
2. effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.

The CESCL shall have current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State department of ecology.

H. Change of Use.

For purposes of modification of a preliminary plat, “change of use” shall mean a change in the proposed use of lots (e.g., residential to commercial).

I. Channel Migration Zone (CMZ).

A corridor of variable width that includes the current river plus adjacent area through which the channel has migrated or is likely to migrate within a given timeframe, usually one hundred years.

J. Channelization.

The straightening, relocation, deepening, or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

K. City.

The City of Spokane, Washington.

L. Clear Street Width.

The width of a street from curb to curb minus the width of on-street parking lanes.

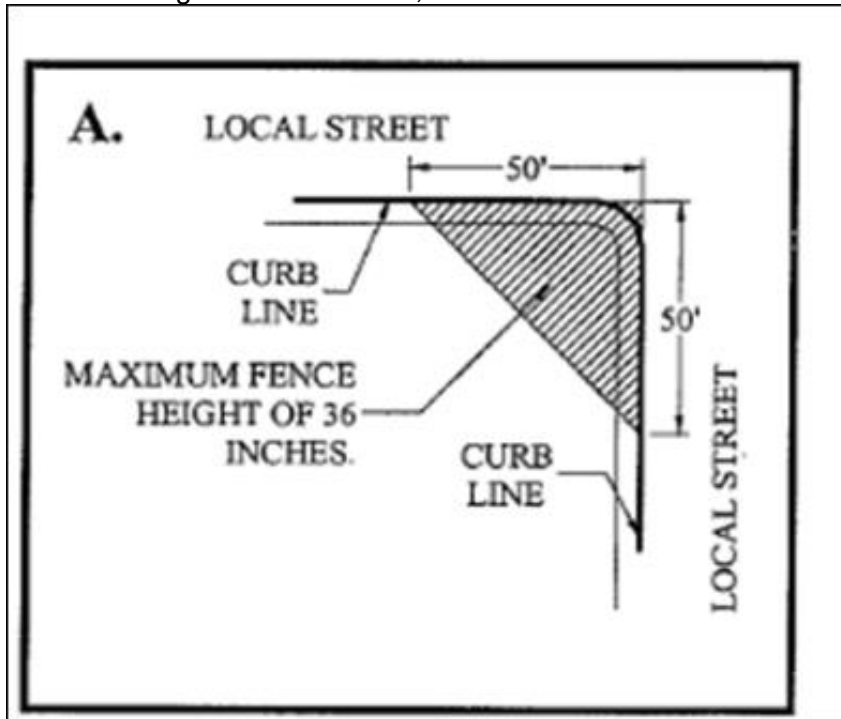
M. Clear Pedestrian Zone

Area reserved for pedestrian traffic; typically included herein as a portion of overall sidewalk width to be kept clear of obstructions to foot traffic.

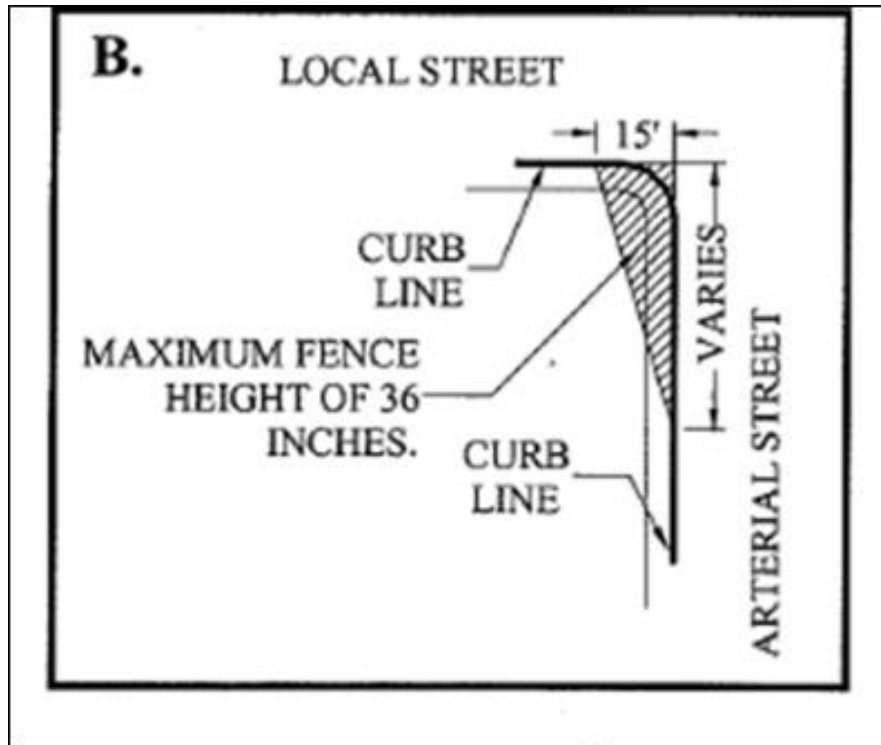
N. Clear View Triangle

A clear view maintained within a triangular space at the corner of a lot so that it does not obstruct the view of travelers upon the streets.

1. A right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or

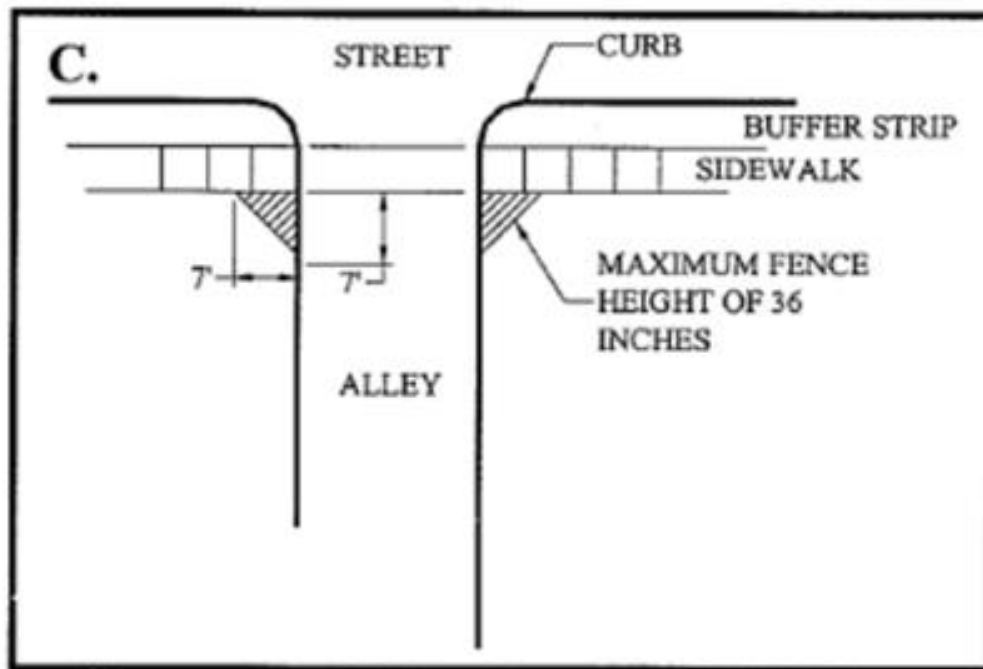


2. A right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or



A right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:

- the inside line of the sidewalk; or
- if there is no sidewalk, a line seven feet inside the curb line.



- O. Clear Zone.
An unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles.
- P. Clearing.
The removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.
- Q. Cliffs.
 1. A type of habitat in the Washington department of fish and wildlife (WDFW) priority habitat and species system that is considered a priority due to its limited availability, unique species usage, and significance as breeding habitat. Cliffs are greater than twenty-five feet high and below five thousand feet elevation.
 2. A "cliff" is a steep slope of earth materials, or near vertical rock exposure. Cliffs are categorized as erosion landforms due to the processes of erosion and weathering that produce them. Structural cliffs may form as the result of fault displacement or the resistance of a cap rock to uniform downcutting. Erosional cliffs form along shorelines or valley walls where the most extensive erosion takes place at the base of the slope.
- R. Closed Record Appeal Hearing.
A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that relies on the existing record created during a quasi-judicial hearing on the application. No new testimony or submission of new evidence and information is allowed.
- S. Collector Arterial.
A relatively low speed street serving an individual neighborhood.
 1. Collector arterials are typically two-lane roads with on-street parking.
 2. Their function is to collect and distribute traffic from local access streets to principal and minor arterials.
- T. Co-location.
Is the locating of wireless communications equipment from more than one provider on one structure at one site.
- U. Colony.
A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen, and brood.
- V. Commercial Driveway.
Any driveway access to a public street other than one serving a single-family or duplex residence on a single lot.
- W. Commercial Vehicle.
Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.
- X. Commission – Historic Landmarks.
The City/County historic landmarks commission.

Y. Community Banner.

~~((A temporary banner made of sturdy cloth or vinyl that is not commercial advertising that has the purpose of the promotion of a civic event, public service announcement, holiday decorations, or similar community and cultural interests and is placed on a structure located in the public right-of-way, subject to procedures authorized by city administrator.))~~See SMC 17C.240.015.

Z. Community Meeting.

An informal meeting, workshop, or other public meeting to obtain comments from the public or other agencies on a proposed project permit prior to the submission of an application.

1. A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public, and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.
2. A community meeting does not constitute an open record hearing.
3. The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

AA. Compensatory Mitigation.

Replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:

1. Restoration.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.
2. Re-establishment.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
3. Rehabilitation.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.
4. Creation (Establishment).
The manipulations of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.
5. Enhancement.
The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is

undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

6. Protection/Maintenance (Preservation).

Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

AB. Comprehensive Plan.

The City of Spokane comprehensive plan, a document adopted pursuant to chapter 36.70A RCW providing land use designations, goals and policies regarding land use, housing, capital facilities, housing, transportation, and utilities.

AC. Conceptual Landscape Plan.

A scale drawing showing the same information as a general site plan plus the location, type, size, and width of landscape areas as required by the provisions of [chapter 17C.200 SMC](#).

1. The type of landscaping, L1, L2, or L3, is required to be labeled.
2. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.

AD. Concurrency Certificate.

A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to [chapter 17D.010 SMC](#), Concurrency Certification.

AE. Concurrency Facilities.

Facilities for which concurrency is required in accordance with the provisions of this chapter. They are:

1. transportation,
2. public water,
3. fire protection,
4. police protection,
5. parks and recreation,
6. libraries,
7. solid waste disposal and recycling,
8. schools, and
9. public wastewater (sewer and stormwater).

AF. Concurrency Test.

The comparison of an applicant's impact on concurrency facilities to the available capacity for public water, public wastewater (sewer and stormwater), solid waste disposal and recycling, and planned capacity for transportation, fire protection, police protection, schools, parks and recreation, and libraries as required in [SMC 17D.010.020](#).

AG. Conditional Use Permit.

A "conditional use permit" and a "special permit" are the same type of permit application for purposes of administration of this title.

AH. Condominium.

Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

AI. Confidential Shelter.

Shelters for victims of domestic violence, as defined and regulated in chapter 70.123 RCW and WAC 248-554. Such facilities are characterized by a need for confidentiality.

AJ. Congregate Residence.

A dwelling unit in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.

AK. Conservancy Environments.

Those areas designated as the most environmentally sensitive and requiring the most protection in the current shoreline master program or as hereafter amended.

AL. Container.

Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.

AM. Context Areas

Established by the Regulating Plan, Context Area designations describe and direct differing functions and features for areas within FBC limits, implementing community goals for the built environment.

AN. Conveyance.

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means a mechanism for transporting water from one point to another, including pipes, ditches, and channels.

AO. Conveyance System.

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, and most flow control and water quality treatment facilities.

AP. Copy.

~~((Letters, characters, illustrations, logos, graphics, symbols, writing, or any combination thereof designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental, or lease of premises))~~See SMC 17C.240.015.

AQ. Cottage Housing.

1. A grouping of individual structures where each structure contains one dwelling unit.
2. The land underneath the structures is not divided into separate lots.
3. A cottage housing development may contain no less than six and no more than twelve individual structures in addition to detached accessory buildings for storing vehicles. It may also include a community building, garden shed, or other facility for use of the residents.

AR. Council.

The city council of the City of Spokane.

AS. County.

Usually capitalized, means the entity of local government or, usually not capitalized, means the geographic area of the county, not including the territory of incorporated cities and towns.

AT. Covenants, Conditions, and Restrictions (CC&Rs).

A document setting forth the covenants, conditions, and restrictions applicable to a development, recorded with the Spokane County auditor and, typically, enforced by a property owner's association or other legal entity.

AU. Creep.

Slow, downslope movement of the layer of loose rock and soil resting on bedrock due to gravity.

AV. Critical Amount.

The quantity component of the definition of critical material.

AW. Critical Aquifer Recharge Areas (CARA).

Critical aquifer recharge areas (CARA) include locally identified aquifer sensitive areas (ASA) and wellhead protection areas.

AX. Critical Areas.

Any areas of frequent flooding, geologic hazard, fish and wildlife habitat, aquifer sensitive areas, or wetlands as defined under [chapter 17E.010 SMC](#), [chapter 17E.020 SMC](#), [chapter 17E.030 SMC](#), [chapter 17E.040 SMC](#), and [chapter 17E.070.SMC](#).

AY. Critical Facility.

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to:

1. schools;
2. nursing homes;
3. hospitals;
4. police;
5. fire;
6. emergency response installations; and
7. installations which produce, use, or store hazardous materials or hazardous waste.

AZ. Critical Material.

1. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:
domestic and industrial water supply,
 - a. domestic and industrial water supply,
 - b. agricultural irrigation,
 - c. stock water, and
 - d. fish propagation.
 Used herein, the designation is distinguished from state or other designation.
2. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto.

BA. Critical Material Activity.

A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials.

A list of critical materials activities is contained in the Critical Materials Handbook.

A. Critical Materials Handbook.

The latest edition of a publication as approved and amended by the division director of public works and utilities from time to time to accomplish the purposes of this chapter.

1. The handbook is based on the original prepared by the Spokane water quality management program ("208") coordination office, with the assistance of its technical advisory committee. It is on file with the director of engineering services and available for public inspection and purchase.
2. The handbook, as approved and modified by the division director of public works and utilities, contains:
 - a. a critical materials list,
 - b. a critical materials activities list, and
 - c. other technical specifications and information.
3. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.

BC. Critical Review.

The process of evaluating a land use permit request or other activity to determine whether critical materials or critical materials activities are involved and, if so, to determine what appropriate measures should be required for protection of the aquifer and/or implementation of the Spokane aquifer water quality management plan.

BD. Critical Review Action.

1. An action by a municipal official or body upon an application as follows:
 - a. Application for a building permit where plans and specifications are required, except for Group R and M occupancies ([SMC 17G.010.140](#) and [SMC 17G.010.150](#)).
 - b. Application for a shoreline substantial development permit ([SMC 17G.060.070\(B\)\(1\)](#)).
 - c. Application for a certificate of occupancy ([SMC 17G.010.170](#)).
 - d. Application for a variance or a certificate of compliance ([SMC 17G.060.070\(A\)](#) or [SMC 17G.060.070\(B\)\(1\)](#)).
 - e. Application for rezoning ([SMC 17G.060.070\(A\)](#)).
 - f. Application for conditional permit ([SMC 17G.060.070\(A\)](#)).
 - g. Application for a business license ([SMC 8.01.120](#)).
 - h. Application for a permit under the Fire Code ([SMC 17F.080.060](#)).
 - i. Application for a permit or approval requiring environmental review in an environmentally sensitive area ([SMC 17E.050.260](#)).
 - j. Application for connection to the City sewer or water system.
 - k. Application for construction or continuing use of an onsite sewage disposal system ([SMC 13.03.0149](#) and [SMC 13.03.0304](#)).
 - l. Application for sewer service with non-conforming or non-standard sewage ([SMC 13.03.0145](#), [SMC 13.03.0314](#), and [SMC 13.03.0324](#)).
 - m. Application involving a project identified in [SMC 17E.010.120](#).
 - n. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.
 - o. Application for an underground storage tank permit ([SMC 17E.010.210](#)); and
 - p. Application for permit to install or retrofit aboveground storage tank(s) ([SMC 17E.010.060\(A\)](#) and [SMC 17E.010.400\(D\)](#)).
2. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

BE. Critical Review Applicant.

A person or entity seeking a critical review action.

BF. Critical Review Officer – Authority.

1. The building official or other official designated by the director of public works and utilities.
2. For matters relating to the fire code, the critical review officer is the fire official.
3. The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.
4. The critical review officer imposes requirements based upon this chapter, regulations, and the critical materials handbook.
5. The officer may adopt or add to any requirement or grant specific exemptions, where deemed reasonably necessary, considering the purpose of this chapter

BG. Critical Review Statement.

A checklist, disclosure form, or part of an application for a critical review action, disclosing the result of critical review. Where not otherwise provided as part of the application process, the critical review officer may provide forms and a time and place to file the statement.

BH. Cumulative Impacts.

The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

BI. Curb Ramp.

A ramp constructed in the sidewalk to allow wheelchair access from the sidewalk to the street.

BJ. Cutbank.

The concave bank of a moving body of water that is maintained as a steep or even overhanging cliff by the actions of water at its base.

Section 6. That SMC Section 17A.020.040 is amended to read as follows:

Section 17A.020.040 “D” Definitions

A. Day.

A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

B. Debris Flow.

Slow moving, sediment gravity flow composed of large rock fragments and soil supported and carried by a mud-water mixture.

C. Debris Slide.

A shallow landslide within rock debris with the slide usually occurring within a relatively narrow zone.

- D. “Decibel (dB)” means the measure of sound pressure or intensity.
- E. Dedication.
The deliberate appropriation of land, or an easement therein, by its owner for any general and public uses, reserving to the owner no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been devoted, and accepted for such use by or on behalf of the public. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat, or binding site plan showing the dedication thereon or by dedication deed to the City. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan, or at the City’s option, by the City recording such dedication deed with the Spokane County auditor.
- F. Degraded Wetland.
A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.
- G. Demolition or Partial Demolition.
The destruction, removal, or relocation, in whole or in part, of a building or structure or a significant feature of a building or structure that is of important historical character. Demolition (or partial demolition) does not include the removal of past additions for the express purpose of restoration of a structure to its historic appearance, form, or function. Demolition (or partial demolition) does not include the destruction or removal of portions of a building or structure that are not significant to defining its historic character. This exclusion is valid so long as the demolition is done as part of a design review application approved pursuant to [chapter 17C.040 SMC](#).
- H. Density.
The number of housing units per acre as permitted by the zoning code.
- I. Denuded.
Land that has had the natural vegetative cover or other cover removed leaving the soil exposed to mechanical and chemical weathering.
- J. Department.
Any of the departments of engineering services, planning services, fire department, or parks and recreation for which responsibility has been assigned by charter or code for administration.
- K. Design Departure.
Any change that is sought to modify or waive a design requirement (R) or waive a design presumption (P) contained within the design standards. The design departure process is found in [chapter 17G.030 SMC](#), Design Departures.
- L. Design Guidelines.
A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project’s design.
- M. Design Review Board.

The design review board is defined in [chapter 4.13 SMC](#). The design review board was previously named design review committee. Any reference to design review committee is the same as a reference to the design review board.

N. Designation.

The declaration of a building, district, object, site, or structure as a landmark or historic district.

O. Desired Character.

The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted subarea plans or design guidelines for an area.

P. Detailed Site Plan.

A general site plan to which the following detailed information has been added:

1. Natural vegetation, landscaping, and open spaces.
2. Ingress, egress, circulation, parking areas, and walkways.
3. Utility services.
4. Lighting.
5. Signs.
6. Flood plains, waterways, wetlands, and drainage.
7. Berms, buffers, and screening devices; and
8. Such other elements as required in this chapter.

Q. Developable Area.

Land outside of a critical area and associated buffer including wetlands, fish and wildlife habitat conservation areas, riparian habitat area, landslide areas, steep slope areas, floodplain, floodway, shallow flooding, channel migration zone, and associated buffers, or any other restricted area on a particular piece of property.

R. Development.

Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

S. Development Activity – Floodplain.

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

T. Development Approval.

Any recommendation or approval for development required or permitted by this code.

U. Development Codes.

The state-adopted codes, boiler and pressure vessel, building, electrical, elevator, fire, mechanical, plumbing, and related publications adopted by the City, along with other provisions of this code that relate to private access to, use and obstruction of public

right-of-way, and engineering standards that relate to private construction of public utilities and facilities.

V. Development Permit.

Any permit issued by the City authorizing construction, including a building permit, conditional use permit, substantial development permit, or other permit required by the City.

W. Dike.

An artificial embankment placed at a stream mouth or delta area to hold back sea water for purposes of creating and/or protecting arable land from flooding.

X. Direct Impact.

An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.

Y. Directional.

Any of the four basic compass directions, abbreviated as follows: N, S, E, W, SE, NE, SW, NW shall also be considered as a directional. A directional is placed in front of the root roadway name.

Z. Directional Sign.

~~((A sign exclusively limited to guiding the circulation of motorists or pedestrians on the site.))~~ See SMC 17C.240.015.

AA. Director.

The administrative official of the department responsible for compliance with this code, the development codes, and the land use codes. These include the director of building services, director of engineering services, and the director of planning services.

AB. Discharge (n).

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means runoff, excluding offsite flows, leaving a proposed development through overland flow, built conveyance systems, or infiltration facilities.

AC. Discharge (v).

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, or placing of any material so that such material enters and exits from the MS4 or from any other publicly owned or operated drainage system that conveys storm water. The term includes other verb forms, where applicable.

AD. Discharger.

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means any person that discharges to the City's MS4 or any other publicly owned or operated drainage system that conveys, manages, or disposes of stormwater flows.

AE. District.

A geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of buildings, objects, sites, and/or structures united by past events or aesthetically by plan or physical development.

AF. Disturbance Area.

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means an area where soils are exposed or disturbed by development, both existing and proposed. The disturbance area includes staging and storage areas, structures, and areas needed for vehicle access and maneuvering.

AG. Dock.

All platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation.

AH. Documented Habitat.

Habitat classified by state or federal agencies as critical to the survival of endangered or threatened or sensitive animal, fish, or plant species.

AI. Domestic Animal.

1. Large Domestic Animals.

- a. Animals including, but not limited to, horses, donkeys, burros, llamas, alpacas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type.
- b. Young of horses, mules, donkeys, burros, and llamas under one year in age.
- c. Bovines under ten months in age.
- d. Sheep, goats, and swine under three months in age are not included when counting large animals.

2. Small Domestic Animals.

- a. Fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined.
- b. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type.
- c. Small livestock are defined as:
 1. swine- breeds include miniature Vietnamese, Chinese or oriental pot-bellied pigs (*sus scrofa vittatus*),
 2. other small pig breeds such as Kunekune, Choctaw, and Guinea hogs,
 3. all breeds of goats excluding mature large meat breeds such as Boers, and
 4. all breeds of sheep excluding mature large meat breeds such as Suffolk or Hampshire sheep.
 5. No horned rams shall be permitted as a small livestock.
 6. Under no circumstance shall a small livestock exceed thirty-six inches shoulder height or one hundred and fifty pounds in weight.
- d. Young small animals, livestock or fowl under three months in age are not included when counting small animal, livestock or fowl.

AJ. Drainage Ditch.

An artificially created watercourse constructed to drain surface or ground water. Ditches are graded (man-made), channels installed to collect and convey runoff from fields and roadways. Ditches may include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities, or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Ditches channels that support fish are considered to be streams.

AK. Dredge Spoil.

The material removed by dredging.

AL. Dredging.

The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies; maintenance dredging and other support activities are included in this definition.

AM. Drift Cell.

Or “drift sector” or “littoral cell” means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

AN. Driveway.

An all-weather surface driveway structure as shown in the standard plans.

AO. Duplex.

A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

AP. Dwelling Unit.

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

Section 7. That SMC Section 17A.020.050 is amended to read as follows:

Section 17A.020.050 “E” Definitions

A. Early Notice.

The lead agency’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (Mitigated Determination of Nonsignificance [DNS] procedures).

B. Easement.

A right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes.

C. Ecological Functions.

Or “shoreline functions” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem. See WAC 173-26-201(2)(c).

- D. Eave
The lower border of a roof that overhangs the wall, typically associated with exposed sloped roof elements.
- E. Ecologically Intact Shorelines.
Those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Ecologically intact status of a shoreline is determined on a case-by-case basis.
- F. Economic Hardship.
An owner's inability to make reasonable economic use of a historic structure as determined pursuant to [SMC 17D.040.230](#).
- G. Ecosystem-wide Processes.
The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.
- H. Electric Sign.
~~((Any sign containing electrical wiring, lighting, or other electrical components, but not including signs illuminated by a detached exterior light source.))~~See SMC 17C.240.015.
- I. Elevated Building.
For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.
- J. Emergent Wetland.
A wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous wetland vegetation as the uppermost vegetative strata.
- K. Enclosed Roof Structure
Conditioned, occupiable structure extending beyond the roof line of a building; commonly termed a penthouse. For purposes of the HFBC, Enclosed Roof Structures must be set back from the parapet of a building to qualify for height limit exceptions.
- L. Endangered Species.
A wildlife species whose prospects for survival are in immediate danger because of a loss or change in habitat, exploitation, predation, competition, disease, disturbance, or contamination and that are designated as such by a governmental agency.

- M. Enhancement.
See "Compensatory Mitigation" ([SMC 17A.020.030](#)).
- N. Erosion.
The wearing away of the ground surface as a result of mass wasting or the movement of wind, water, soil, and/or ice.
- O. Essential Habitat.
Habitat necessary for the survival of federally listed threatened, endangered and sensitive species and state listed priority species.
- P. Ex Parte Communication.
Any oral or written communication made by any person, including a City employee or official, pertaining to a matter that is or will be within the jurisdiction of the hearing examiner made outside of a public record.
- Q. Existing Manufactured Home Park or Subdivision – Floodplain.
A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 1, 2004.
- R. Exotic.
Any species of plants or animals that are not indigenous and are foreign to the planning area.
- S. Expansion to an Existing Manufactured Home Park or Subdivision – Floodplain.
The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.
- T. Extirpation.
The local destruction of or extermination of a species.
- U. Extraordinary Hardship.
That the strict application of the provisions of this code and/or rules adopted to implement this code would prevent all economically viable use of the property.

Section 8. That SMC Section 17A.020.060 is amended to read as follows:

[Section 17A.020.060](#) "F" Definitions

- A. Facade.
All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.
- B. Facade Easement.
A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner's

exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.

The department, district, or agency responsible for providing the specific concurrency facility.

D. Factory-built Structure.

1. "Factory-built housing" is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.
2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

E. Fair Market Value.

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

F. Fascia Sign.

~~((A single-faced sign attached flush to a building or other structure or a sign consisting of light projected onto a building or other structure. Fascia signs do not include signs that are attached to or projected onto structures defined as sign structures by this chapter.))~~ See SMC 17C.240.015.

G. Feasible (Shoreline Master Program).

1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
 - a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - b. The action provides a reasonable likelihood of achieving its intended purpose; and
 - c. The action does not physically preclude achieving the project's primary intended legal use.
2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

H. Feature.

To give special prominence to.

I. Feeder Bluff.

Or “erosional bluff” means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

J. Fill.

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

K. Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter [17D.020 SMC](#), Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the life-supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

M. Flag.

~~((A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as~~

~~a banner regardless of how it is anchored or supported. See also "Banner.")~~ See SMC 17C.240.015.

N. Float.

A floating platform similar to a dock that is anchored or attached to pilings.

O. Flood Insurance Rate Map or FIRM.

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

P. Flood Insurance Study (FIS).

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Q. Flood or Flooding.

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

R. Flood-proofing.

Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.

S. Floodway.

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As defined under Section 90.58.030 RCW, or as amended.

T. Floor Area.

The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
2. Roof area, including roof top parking.
3. Roof top mechanical equipment.
4. Attic area with a ceiling height less than six feet nine inches.
5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached accessory structures (without living space), detached accessory structures (without living space).

U. Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

V. Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

W. Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

X. Freestanding Sign.

~~((A sign on a frame, pole, or other support structure that is not attached to any building.))~~ See SMC 17C.240.015

Y. Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

Section 9. That SMC Section 17A.020.090 is amended to read as follows:

Section 17A.020.090 “I” Definitions

A. Illegal Discharge.

Any direct or indirect non-storm water discharge to MS4.

B. Illicit Connection(s).

Any man-made conveyance that is connected to the MS4 in violation of [chapter 17D.060 SMC](#).

C. Illicit Discharge.

This term is covered in [SMC 17D.060.190](#).

D. Illuminated Wall Highlights.

Lighted areas that highlight a building’s architectural or structural features and that do not convey a message or image. Illuminated wall highlights can either be created by light projected onto a feature or highlighting a feature with neon tubing or other light fixture.

E. Impact Fee.

A charge or fee assessed by the City which mitigates all or any portion of a direct impact.

F. Impermeable Sediment.

Sediment restricting the flow of water.

G. Impervious Surface

Ground surfaces and coverings composed of water-impenetrable materials such as asphalt, concrete, brick, stone and rooftops.

- H. Improvements.
Improvements require under conditions of approval such as streets, drainage facilities, and utilities.
- I. Incentives.
Such rights or privileges as may from time to time exist to compensate the owner for the imposition of controls on a designated district or landmark.
- J. In-ground Storage Tank (IST).
Any one or a connected combination of tanks that is used to contain an accumulation of liquid critical materials, the aggregate of which (including the volume of piping connected thereto) is more than sixty gallons that is situated to any degree within the ground, and the entire exterior surface of the tank cannot be fully visually inspected. The surface area of tank located above the ground will be treated as an aboveground storage tank (AST), and the area below the ground will be treated as an underground storage tank (UST).
- K. In-kind Compensation.
The restoration or replacement of a wetland with hydrogeomorphic characteristics closely approximating those of a specified wetland.
- L. Inner Gorge Slope.
Canyon walls created by a combination of stream downcutting/undercutting and mass wasting on the slope walls. Inner gorges may show evidence of recent movement, such as landslides, surface erosion, vertical tracks of disturbance vegetation, or areas that are concave in contour and/or profile. The steepness of inner gorges varies with the underlying materials. Slope gradients as gentle as about twenty-eight degrees (fifty-three percent) can be unstable in gorges, cut into incompetent bedrock, weathered materials or unconsolidated deposits. A minimum vertical height of ten feet is usually applied to distinguish between inner gorges and slightly incised streams. The top edge of an inner gorge is typically distinguished by a distinct break in slope. The upper boundary of an inner gorge is assumed to be a line along the first break in slope of at least ten degrees (seventeen percent).
- M. In-stream Structure.
A structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.
- N. Infiltration.
The downward entry of water into the immediate surface of soil.
- O. Integral Curb and Gutter.
Concrete curb and gutter which is formed and placed as one unit.
- P. "Interior Noise Level" means the average level of sound expressed in decibels (dB) measured in any habitable room with exterior windows and doors closed.
- Q. Interpretive Signs.

~~((A sign that identifies historic buildings or sites where important events occurred or which serve educational, cultural, historical, or scientific purposes.))~~See SMC 17C.240.015.

R. Interstitial Monitoring.

A method of leak detection based on determining if there has been a failure of one of the containment layers surrounding an interstitial space. Monitoring methods may include the:

1. detection of pressure changes within the space;
2. detection of vapors from the contained material within the space; or
3. physical detection of contained material, or water from outside the container, within the space.

S. Interstitial Space.

The volume between two separate layers of a secondary or multiple containment system. The space may be filled with air or other gas or it may be filled with a porous material.

T. Invasive Species.

A species that is:

1. non-native (or alien) to city of Spokane; and
2. whose introduction causes or is likely to cause economic or environmental harm, or harm to human health.

Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive species introductions.

U. Isolated Wetlands.

Those wetlands which:

1. are outside of and not contiguous to any hundred-year floodplain of a lake, river, or stream; and
2. have no contiguous hydric soil or hydrophytic vegetation between the wetland and any waters of the United States.

Section 10. That SMC Section 17A.020.130 is amended to read as follows:

Section 17A.020.130 “M” Definitions

A. Main Assembly Area.

The principal room for persons gathering for religious services.

B. Maintenance.

Or “repair” means those usual activities required to prevent a decline, lapse, or cessation from a lawfully established condition or to restore the character, scope, size, and design of a serviceable area, structure, or land use to a state comparable to its previously authorized and undamaged condition. This does not include any activities that change the character, scope, or size of the original structure, facility, utility, or improved area beyond the original design.

C. Manufactured Home.

1. "Manufactured home" is a single-family dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.
 2. "Manufactured home accessory structure" is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch, or storage structure, which is ordinarily appurtenant.
- D. Manufactured Home Park.
Two or more manufactured homes or mobile homes used as dwelling units on a single parcel or lot.
- E. Marquee Sign.
~~((A sign incorporated into or attached to a marquee or permanent canopy.))~~See SMC 17C.240.015.
- F. Marsh.
A low, flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, or other hydrohytic plants. Shallow water usually stands on a marsh at least during part of the year.
- G. Mean Annual Flow.
The average flow of a river or stream (measured in cubic feet per second) from measurements taken throughout the year. If available, flow data for the previous ten years should be used in determining mean annual flow.
- H. Mining.
The extraction and removal of sand, gravel, minerals, or other naturally occurring material from the earth for economic use.
- I. Minor Arterials.
A two- to four-lane facility which collects and distributes traffic from principal arterials to collector arterials and local access streets.
- J. Mitigation – Mitigate.
An action which avoids a negative adverse impact and is reasonable and capable of being accomplished.
- K. Mitigation – Mitigation Sequencing.
The use of any or all of the following actions listed in descending order of preference:
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.

L. Mobile Home.

A factory-built dwelling built prior to June 15, 1976, to standards other than the housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the housing and urban development Manufactured Home Construction and Safety Standards Act.

M. Mobile Home Park.

Any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

N. Modification to a Preliminary Plat, Short Plat, or Binding Site Plan.

A change, prior to recording, of an approved preliminary plat, preliminary short plat, or binding site plan that includes, but is not limited to, the addition of new lots or tracts, or a change of the boundaries or dimensions of lots or tracts.

O. Modular Home.

A single-family dwelling unit (which may be in the form of a factory-built or manufactured housing permit as well as a standard building permit) constructed in a factory in accordance with International Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes "pre-fabricated," "panelized," and "factory-built" units.

P. Modulation.

A measured and proportioned inflection in a building's face. Articulation, modulation, and their interval create a sense of scale important to residential buildings.

Q. Monitoring.

Periodic evaluation of a wetlands restoration, creation, or enhancement site or habitat management plan area to determine changes at the site, such as vegetation growth, hydrologic changes, soil development, and use of the site by birds and animals.

R. Monument.

A physical survey monument as shown in the City's standard plans.

S. Monument Sign.

~~((A freestanding sign where the base of the sign structure is on the ground or a maximum of twelve inches above the lowest point of the ground adjacent to the sign. The width of the top of the sign structure can be no more than one hundred twenty percent of the width of the base.))~~See SMC 17C.240.015.

T. Multi-family Residential Building.

A common wall dwelling or apartment house that consists of three or more dwelling units.

U. Multiple Containment.

A means of spill or leak control involving a containment structure having one or more layers of material between the primary container and the environment.

1. Containment layers must be resistant to the material stored.
2. The volume within the containment system must be at least as large as the primary container.
3. Containment layers may be separated by an interstitial space.

V. Municipal Separate Storm Sewer System (MS4).

A conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under state law such as sewer district, flood control district, or drainage district, designated and approved management agency under section 208 of the Clean Water Act that discharges to water of the United States;
2. designed or used for collecting or conveying stormwater;
3. which is not a combined sewer; and
4. which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR (Code of Federal Regulation) 122.2.

W. MUTCD.

The U.S. department of transportation Manual on Uniform Traffic Control Devices.

Section 11. That SMC Section 17A.020.140 is amended to read as follows:

Section 17A.020.140 "N" Definitions

A. National Pollutant Discharge Elimination System (NPDES).

The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State department of ecology.

B. National Register.

The register maintained pursuant to P.L. 89-655, 80 Stat. 915, as amended.

C. Native Plant Community.

The collective product of individual plants indigenous to a particular locale responding to shared habitats.

D. Native Vegetation.

Plant species, which are indigenous to the planning area.

E. Natural Location of Drainage Systems.

The location of those predominate channels, swales, and pre-existing and established systems as defined by the earliest documented topographic contours existing for the

subject property, either from maps or photographs, site inspections or other appropriate means.

F. New Construction – Floodplain.

Structures for which the date of complete application for permit commenced on or after July 1, 2004.

G. New Manufactured Home Park or Subdivision – Floodplain.

A manufactured home park or subdivision for which a complete application, as defined by [SMC 17G.060.090](#), for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the permit for the individual unit.

H. NFPA 30.

The National Fire Prevention Association's flammable and combustible liquids code.

I. "Noise level reduction (NLR)" means the amount of noise reduction required through construction and incorporation of sound reduction materials and design to reduce interior noise levels.

J. "Noise reduction coefficient (NRC)" means the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.

K. No Net Loss of Shoreline Ecological Functions.

A public policy goal that means the maintenance of the aggregate total of the City's shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss standard commensurate with its scale and character.

L. Nominal Driveway Width.

The driveway width measured at the face of curb, from driveway joint to driveway joint, as shown in the standard plans.

M. Nomination.

The process by which a building, district, object, site, or structure is recommended for placement on a register.

N. Nonbuildable Tract.

Land reserved for specified uses including, but not limited to:

1. reserve tracts,
2. recreation,
3. open space,
4. critical areas,
5. surface water retention,
6. utility facilities and access.

Nonbuildable tracts are not considered lots or building sites.

O. Nonconforming Development.

An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.

P. Nonconforming Sign.

~~((A sign that was created and issued a permit in conformance with development regulations, but which subsequently, due to a change in the zone or land use regulations, is no longer in conformance with the current applicable development standards.))~~See SMC 17C.240.015.

Q. Nonconforming Situation.

A nonconforming residential density, nonconforming development or nonconforming use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development.

R. Nonconforming Use.

A use or the amount of floor area of a use that was allowed by right when established or a use that obtained a required land use approval when established, that is now prohibited in the zone due to a subsequent change in the zone or zoning regulations.

S. Non-water Oriented Uses.

A use that is not water-dependent, is not water-related, and is not water-enjoyment. Non-water oriented uses have little or no relationship to the shoreline and are not considered priority uses under the shoreline management act. Any use that does not meet the definition of water-dependent, water-related, or water-enjoyment is classified as non-water oriented.

T. Noxious Weeds.

Those plants which are non-native, highly destructive, and competitive as defined by chapter 17.10 RCW, or as amended.

U. Nursing Home.

A residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves.

1. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence.
2. This definition excludes hospitals or sanitariums.

Section 12. That SMC Section 17A.020.160 is amended to read as follows:

Section 17A.020.160 "P" Definitions

A. Painted Wall Highlights.

~~((Painted areas that highlight a building's architectural or structural features and that do not convey a message or image.))~~ See SMC 17C.240.015.

B. Painted Wall Sign.

~~((A sign applied to a building wall with paint or a thin layer of vinyl, paper, or similar material adhered directly to the building surface and that has no sign structure.)) See SMC 17C.240.015.~~

C. Parcel.

See "Lot" ([SMC 17A.020.120](#)).

D. Parkway.

1. A street serving as a principal, minor, or collector arterial, typically with recreational or scenic opportunities.
2. Parkways will often have landscaped medians.

E. Party of Record.

Any person who has appeared at a hearing of the hearing examiner by presenting testimony or making written comment.

F. Paved Area.

1. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses.
2. Graveled areas are not paved areas.

G. Pedestrian Buffer Strips (PBS).

A hard-surfaced or planted area(s) between travel or parking lanes and sidewalks, also called planting strips. PBS improves safety by separating vehicles and pedestrians and provide space for drainage, street trees and snow storage.

H. Pedestrian Path

A continuous, unobstructed, reasonably direct route between an on-site parking lot and a Primary Building Entry designed and suitable for pedestrian use. Minimum requirements for Pedestrian Paths are listed in Section 17C.123.040 of the FBC.

I. Pedestrian-Scaled Fixtures (lighting)

Pole-mounted light fixtures placed and designed to illuminate foot-traffic areas including exterior lots, pathways or sidewalks. For purposes of the HFBC, Pedestrian-Scaled Fixtures are defined by height as measured from ground to bottom of shade or bulb.

J. Pedestrian-Scaled Signs

~~((Permanent, first-floor, exterior signs designed and placed to address pedestrian traffic; may be mounted flush with or projecting from a column, building wall, awning or transom.))~~ See SMC 17C.240.015.

K. Pedestrian Street.

1. A street designated on the official zoning map as a pedestrian street where development standards are required to promote a pedestrian friendly street. Pedestrian streets offer a pleasant and safe walking environment. Design features include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables, and bike racks, and visually interesting buildings close to the sidewalk.

L. Performance Guarantee.

A “financial guarantee” providing for and securing to the City the actual construction and installation of the required improvements.

M. Performance/Warranty Retainer.

A “financial guarantee” both providing for and securing to the City the actual construction and installation of such improvements, and securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of the improvements.

N. Permanent Erosion and Sediment Control Measures.

A combination of plants, mulch, sod, matting, erosion control blankets, and permanent structures that will provide long-term soil stabilization.

O. Permanent Sign.

~~((Any sign not classified as a temporary sign.))~~ See SMC 17C.240.015.

P. Permanent Stabilization.

See Permanent Erosion and Sediment Control Measures.

Q. Permeable Sediment.

Sediment permitting the flow of water.

R. Person.

Any natural person, whether acting individually or in a representative capacity, partnership, joint venture, corporation, or other legal entity.

S. Pier.

Any platform structure, fill, or anchored device in or floating upon water bodies to provide moorage for watercraft engaged in commerce, including, but not limited to, wharves, mono-buoys, quays, ferry terminals, and fish weighing station.

~~((T. Pitched Roof Sign.~~

~~A sign attached to a roof with a pitch of one to four or greater and placed parallel to the building wall.))~~

~~((U.))~~ T. Planned Capacity.

For all capital facilities, except transportation, capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion, or modification project is contained in the current adopted City of Spokane comprehensive plan, capital improvement program and scheduled to be completed within six years. (RCW 36.70A.020).

~~((V.))~~ U. Planned Capacity for Transportation Facilities.

Capacity for transportation facilities, including roads and transit, that does not exist, but where transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

1. These strategies may include:

- a. increased public transportation service,
- b. ride sharing programs,
- c. demand management, and
- d. other transportation systems management strategies.

2. For transportation facilities, “concurrent with the development” shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)(b)).

~~((W.))~~ V. Planned Unit Development (PUD).

1. A planned unit development is a project permit for an overlay zone, approved by the hearing examiner, which does not fully comply with all of the development standards of the base zone in which it is located, but is approved based on superior or innovative design.
2. The City may permit a variety of types, design, and arrangement of structures and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety, and welfare.

~~((X.))~~ W. Plans.

Planning documents, which are developed by the various departments of the City, pertaining to the orderly development of public facilities.

~~((Y.))~~ X. Planting Zone

Area for street trees, ground cover or other plantings; typically included herein as a portion of overall sidewalk width reserved for locating permanent trees and tree grates.

~~((Z.))~~ Y. Plat – Final.

A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys, or other divisions and dedications and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

~~((AA.))~~ Z. Plat – Preliminary.

1. A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a subdivision required by this chapter and chapter 58.17 RCW.
2. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

~~((AB.))~~ AA. Plaza.

Areas generally open to the public on a controlled basis and used for passive recreational activities and relaxation.

Plazas are paved areas typically provided with amenities, such as seating, drinking, and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

~~((AC.))~~ AB. Plinth

The base or platform upon which a building wall or column appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

~~((AD.))~~ AC. Pollutant.

Any substance which is prohibited or limited by applicable laws or regulations, which is released or discharged in conjunction with development. Any substance that causes or contributes to violation of air, land, or water quality standards, released or discharged.

~~((AE.))~~ AD. Pollution.

Contamination, or other alteration of the physical, chemical, or biological properties of air, land, water or wetlands, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into air, land, water, or wetlands as will or is likely to cause a nuisance or render such air, land, water, or wetlands harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wildlife, fish, native vegetation, or other aquatic life.

~~((AF.))~~ AE. Potential Geologically Hazardous Areas.

Areas designated on maps maintained in the City's planning services department. They are classified "potential" because they have not been confirmed by field investigation nor do they necessarily include the full extent of all geologically hazardous areas within the City. The maps are intended to alert property owners, purchasers, developers, etc., to the possible existence of significant geological hazards, which may warrant further geotechnical study.

~~((AG.))~~ AF. Practicable Alternative.

An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes and having less impact to critical areas. It may involve using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project.

~~((AH.))~~ AG. Predevelopment Meetings.

Meetings between City or agency staff and an applicant or their representatives prior to formal submission of a detailed application. They are intended to provide an overview of the regulatory requirements, application process, and procedural submission requirements.

~~((AI.))~~ AH. Principal Buildings

Where multiple buildings occupy a single lot, those buildings that are associated with the prevailing use of that site.

~~((AJ.))~~ AI. Primary Building Entry

Access or entrance of first rank, importance or value, visually associated with the prevailing ground-floor use of a building.

~~((AK.))~~ AJ. Primary Building Walls.

Any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. If an individual tenant space does not have a street facing wall, or does not have a street facing wall containing a public entrance, then the primary building wall for that individual tenant space is any wall containing a public entrance that faces a parking area on the site. (See Figure 1, [SMC 17C.240.130](#), Primary Building Walls)

~~((AL.))~~ AK. Primary Container.

The container that is in direct contact with the material of concern during the course of normal transport, use, or storage.

~~((AM.))~~ AL. Primary Drainage Basin.

The basin of the stream or tributary within which a project is proposed, not including basins of major tributaries. For the purpose of this regulation the primary drainage basin of:

1. Latah Creek is not a part of the primary drainage basin of the Spokane River,
2. Marshall Creek is not a part of the primary drainage basin of Latah Creek.

~~((AN:))~~ AM. Primary Structure.

1. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.
2. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

~~((AQ:))~~ AN. Primary Use.

1. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed or ordinarily used.
2. A site may have more than one primary use.

~~((AP:))~~ AQ. Principal Arterials.

A four- to six-lane street serving as a primary facility for access between the central business district, major employment districts, and major shopping centers.

~~((AQ:))~~ AP. Priority Habitats.

Habitat areas determined by WDFW to have unique or significant value to many species and that meet one or more of the following criteria:

1. High wildlife density.
2. High species diversity.
3. Important wildlife breeding habitat.
4. Important wildlife seasonal ranges.
5. Important movement corridors.
6. Limited availability.
7. High vulnerability to habitat alteration.

~~((AR:))~~ AQ. Priority Species.

A wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration, and/or their recreational importance.

~~((AS:))~~ AR. Private Street.

Roadway which is not controlled or maintained by a public authority, and which serve two or more properties.

~~((AT))~~ AS. Project Permit or Project Permit Application.

Any land use or environmental permit or license required for a project action, including, but not limited to, building permits, short plats, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits, or approvals required by the critical area ordinance, and site specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations, except as otherwise specifically identified under RCW 36.70B.140.

~~((AU.))~~ AT. Projecting Sign.

~~((A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.))~~ See SMC 17C.240.015.

~~((AV.))~~ AU. Protected Species.

A general classification of animals by WDFW that includes all those species not classified as listed, game, fur-bearing, or non-protected. This also includes all birds not classified as game or non-protected.

~~((AW.))~~ AV. Proximity.

That two or more properties are either adjacent or separated by a street or alley.

~~((AX.))~~ AW. Public Access.

The public's right to get to and use the City's public waters, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic streets and overlooks, viewing towers, and other public sites or facilities.

~~((AY.))~~ AX. Public Facilities.

Any City-owned, operated, or contracted public facility or service in whole, or in part, whether existing or planned, including, but not limited to:

1. parks,
2. recreation facilities,
3. playgrounds,
4. streets,
5. transportation facilities,
6. open spaces,
7. fire facilities,
8. storm water drainage ponds, and
9. all such appurtenances and improvements.

~~((AZ.))~~ AX. Public Property.

Any City-owned real property, air space, or other interest in real estate, including streets, alleys, or other public rights-of-way, owned by or controlled by this municipality or any other governmental unit.

~~((BA.))~~ AZ. Public Way.

1. A dedicated "public way" is a tract of land:
 - a. conveyed or reserved by deed,
 - b. dedicated by plat, or
 - c. acquired by decree of court,
 - d. which has been accepted and dedicated by action of the city council to the public right-of-way and for secondary use as an easement for public utilities.
2. An "alley" is a public way, usually not exceeding sixteen feet in width, designed or intended to provide secondary access to abutting properties.

Section 13. That SMC Section 17A.020.180 is amended to read as follows:

Section 17A.020.180 “R” Definitions

A. RCW.

The Revised Code of Washington, as amended.

~~((B. Real Estate Sign.~~

~~A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent.))~~

~~((C.))~~ B. Reasonable Cause.

A reasonable basis to believe or suspect that there is storage, seepage, spillage, accumulation, or use of critical materials or the pursuit of critical materials activities at a site or premises.

~~((D.))~~ C. Reconsideration – Request For.

A request to the appeal body to consider again or reverse the decision on the permit application.

~~((E.))~~ D. Recreational Vehicle.

A vehicle, which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~((F.))~~ E. Recycling Drop-off Center.

A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil.

1. Processing of materials is limited to glass breaking and separation.
2. Recycling materials are not sold to a recycling drop-off center.
3. A recycling drop-off center is intended for household or consumer use.
4. Use by commercial or industrial establishments is not included.
5. Unattended drop-off stations for single materials, such as newsprint, are also not included.

~~((G.))~~ F. Recycling Operation.

A use where one or more recycling materials are accumulated, stored, sorted, or processed.

1. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses.
2. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors.
3. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

~~((H.))~~ G. Redivision.

The redivision of a lot located within a previously recorded plat or short plat.

~~((I.))~~ H. Regional Shopping Mall – Enclosed.

A group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large “anchor” stores, such as department stores. The common walkway or “mall” is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.

~~((J.))~~ I. Registered Neighborhood Organization.

A community development block grant (CDBG) neighborhood steering committee, a neighborhood council, or other neighborhood or community group within the City that:

1. Represents a specifically designated geographic area;
2. Is governed by bylaws and has elected officers; and
3. Has registered as such with the City and is on the current list of registered neighborhood organizations.

~~((K.))~~ J. Regularly.

Occurring consistently and repeatedly on an ongoing basis.

~~((L.))~~ K. Regulated Substance.

A critical material as referred to in 42 U.S.C. 6991(2).

~~((M.))~~ L. Related Persons.

One or more persons related either by blood, marriage, adoption, or guardianship, and including foster children and exchange students; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendment Act of 1988, 42 U.S.C. 3604(f)(3)(b) and the Washington Housing Policy Act, RCW 35.63.220.

~~((N.))~~ M. Repair (see also “Maintenance”).

An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design, and drain, dredge, fill, flood, or otherwise alter additional wetlands are not included in this definition.

~~((O.))~~ N. Reservoir.

A body of water collected and stored in an artificial pool that is intended for future use.

~~((P.))~~ O. Residential Zone.

Those zones from RA through RHD.

~~((Q.))~~ P. Responsible Party.

A person who is either:

1. The property owner or person authorized to act on the owner's behalf; or
2. Any person causing or contributing to a violation of this chapter.

~~((R-))~~ Q. Restoration.

See "Compensatory Mitigation" ([SMC 17A.020.030](#)).

~~((S-))~~ R. Revetment.

A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to slow down bank erosion and minimize lateral stream movement.

~~((T-))~~ S. Right-of-way.

A public or private area that allows for the passage of people or goods.

1. Right-of-way includes passageways such as:
 - a. freeways,
 - b. streets,
 - c. bike paths,
 - d. alleys, and
 - e. walkways.
2. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

~~((U-))~~ T. Riparian.

1. Riparian habitat is defined as an area that contains elements of both aquatic and terrestrial ecosystems, which mutually influence each other.
2. It is the area where the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are influenced by perennial or intermittent water, and the biological and physical properties of the adjacent aquatic ecosystems are influenced by adjacent vegetation, nutrient, and sediment loading, terrestrial wildlife, and organic debris from the land.
3. Riparian vegetation includes not only streamside vegetation that is dependent upon presence of water, but also on the upland vegetation that is part of the zone of influence in the riparian area.
4. Riparian habitats have high wildlife density and high species diversity. They serve as important wildlife breeding and seasonal ranges. They are important movement corridors and are highly vulnerable to habitat alteration.

~~((V-))~~ U. Riparian Habitat Area (RHA).

A defined area used to manage and buffer impacts to wildlife habitat and consists of landscape features that support fish and wildlife in areas near water bodies such as streams, rivers, wetlands and lakes.

~~((W-))~~ V. Riparian Wetland.

Wetlands located at the shore of a lake or river. The transitional area between aquatic and upland ecosystems that is identified by the presence of vegetation that requires or tolerates free or unbound water or conditions that are more moist than normally found in the area.

~~((X-))~~ W. Riprap.

A layer, facing, or protected mound of stones placed to prevent erosion, scour, or sloughing of a structure of embankment; also, the stone so used.

~~((Y.))~~ X. River Delta.

Those lands formed as an aggradational feature by stratified clay, silt, sand, and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels.

~~((Z.))~~ Y. Riverine.

Situated alongside or associated with a river.

~~((AA.))~~ Z. Roadway.

1. Curbed roadways within the City limits and other urbanized areas are commonly and generically referred to as “streets.” Roadways outside the urban areas are most often not curbed, and are commonly and generically referred to as “roads.”
2. Within the context of this code, “roadway” refers to any traveled way, either public or private, that has been platted or otherwise specifically dedicated for the purpose of circulation and will require a name in accordance with chapter [17D.050A SMC](#).

~~((AB.))~~ AA. Roadway Name.

Roadway names consist of three parts:

1. Direction.
2. Root name; and
3. Suffix.

~~((AC.))~~ AB. Rock Shore.

Those shorelines whose bluffs and banks are typically composed of natural rock formations.

~~((AD.))~~ AC. Rockfall.

The falling of rocks from near vertical cliffs.

~~((AE.))~~ AD. Roof Line.

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.

~~((AF. Roof Top Sign.~~

~~A sign on a roof that has a pitch of less than one-to-four.))~~

~~((AG.))~~ AE. Root Name.

A maximum of two words, which are not considered part of the directional or suffix.

~~((AH.))~~ AF. Runoff.

Water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. It includes stormwater and water from other sources that travels across the land surface.

((Al.)) AG. Runoff and Infiltration Controls.

Measures adopted to prevent damage due to flooding and erosion problems.

Section 14. That SMC Section 17A.020.190 is amended to read as follows:

Section 17A.020.190 "S" Definitions

A. Salmonid.

Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.

B. Sandwich Board Sign.

~~((A self-supporting A-shaped freestanding temporary sign with only two visible sides that are situated adjacent to a business, typically on a sidewalk.))~~ See SMC 17C.240.015.

C. Scrub-shrub Wetland.

An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.

D. Secondary Building Walls.

Exterior building walls that are not classified as primary building walls.

E. Secondary Containment.

A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.

F. Sediment.

Mineral or organic matter deposited as a result of erosion.

G. Sedimentation.

The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.

H. SEPA Rules.

Chapter 197-11 WAC adopted by the department of ecology.

I. Service Area.

A geographic area defined by the City, which encompasses public facilities that are part of a plan.

J. Serviceable.

Means presently useable.

K. Setback.

The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:

1. "Front setback" means a setback that is measured from a front lot line.
2. "Rear setback" means a setback that is measured from a rear lot line.
3. "Side setback" means a setback that is measured from a side lot line.
4. "Street setback" means a setback that is measured from a street lot line.

L. Sex Paraphernalia Store.

A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:

1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
2. Any establishment located within an enclosed regional shopping mall.

M. Sexual Device.

Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

N. Shall.

Unless the context indicates otherwise, the term "shall" means:

1. In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with "must";
2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
3. The future tense of the verb "to be."

O. Shallow Groundwater.

Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.

P. Shorelands.

Or "shoreline areas" or "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.

Q. Shoreline and Ecosystems Enhancement Plan and Program.
See SMC 17E.020.090, Habitat Management Plans.

R. Shoreline Buffer.

1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
3. The term “buffer area” has the same meaning as “buffer.”

S. Shoreline Enhancement.

Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.

T. Shoreline Environment Designations.

The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).

U. Shoreline Habitat and Natural Systems Enhancement Projects.

1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
2. Provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline, projects may include shoreline modification actions such as:
3. Modification of vegetation,
4. Removal of nonnative or invasive plants,
5. Shoreline stabilization, dredging, and filling.

V. Shoreline Jurisdiction.

See “Shorelands.”

W. Shoreline Letter of Exemption.

Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under SMC 17E.060.300 and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.

X. Shoreline Master Program.

1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
2. For the City of Spokane, the shoreline master program includes the:
 - a. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
 - b. Shoreline Regulations (chapter 17E.060 SMC),
 - c. City of Spokane Shoreline Restoration Plan (stand-alone document), and
 - d. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

Y. Shoreline Mixed Use.

Combination of water-oriented and non-water oriented uses within the same structure or development area.

Z. Shoreline Modifications.

Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

AA. Shoreline Protection.

1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.
2. The terms "Shoreline protection measure" and this term have the same meaning.
3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.

AB. Shoreline Recreational Development.

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, water-related and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms.

AC. Shoreline Restoration.

1. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.
2. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

AD. Shoreline Stabilization.

Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the ordinary high-water mark. Other construction classified as shore defense works include groins, jetties, and breakwaters, which are intended to influence wave action, currents, and/or the natural transport of sediments along the shoreline.

AE. Shoreline Structure.

A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

AF. Shorelines Hearings Board (SHB).

The shorelines hearings board is a quasi-judicial body with powers of de novo review authorized by chapter 90.58 RCW to adjudicate or determine the following matters:

1. Appeals from any person aggrieved by the granting, denying, or rescinding of a permit issued or penalties incurred pursuant to chapter 90.58 RCW.
2. Appeals of department rules, regulations, or guidelines; and
3. Appeals from department decisions to approve, reject, or modify a proposed master program or program amendment of local governments which are not planning under RCW 36.70A.040.

AG. Short Plat – Final.

The final drawing of the short subdivision and dedication, prepared for filing for record with the Spokane county auditor and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

AH. Short Plat – Preliminary.

1. A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a short subdivision required by this title and chapter 58.17 RCW.
2. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.

AI. Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. (RCW 58.17.020(6)).

AJ. Sign.

~~((1. Materials placed or constructed or light projected, but not including any lawful display of merchandise, that:~~

- ~~1. Conveys a message or image, and~~
- ~~2. Is used to inform or attract the attention of the public~~
- ~~2. Some examples of signs are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, murals, diagrams, banners, flags, or projected slides, images, or holograms.~~
- ~~3. The scope of the term sign does not depend on the content of the message or image conveyed.)) See SMC 17C.240.015.~~

AK. Sign – Animated Sign.

~~((A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.)) See SMC 17C.240.015.~~

AL. Sign – Electronic Message Center Sign.

~~((An on-premises sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means including signs using a video display method.)) See SMC 17C.240.015.~~

AM. Sign Face.

~~((The portion of a sign which contains lettering, logo, trademark, or other graphic representations. (See SMC 17C.240.140, Sign Face Area.)) See SMC 17C.240.015.~~

AN. Sign – Flashing Sign.

~~((1. A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a strobe-like fashion for the purpose of drawing attention to the sign.
2. Time and temperature signs are excluded from this definition.
3. For the purpose of this title, electronic message centers consistent with the standards of SMC 17C.240.240(J) shall not be considered flashing signs.)) See SMC 17C.240.015.~~

AO. Sign Maintenance.

~~((Normal care needed to keep a sign functional, such as cleaning, painting, oiling, and changing of light bulbs.)) See SMC 17C.240.015.~~

AP. Sign – Off-premises.

~~((A sign relating, through its message and content, to a business activity, use, product, or service not available on the premises upon which the sign is erected.)) See SMC 17C.240.015.~~

AQ. Sign Repair.

~~((Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.)) See SMC 17C.240.015.~~

AR. Sign Structure.

~~((A structure specifically intended for supporting or containing a sign.)) See SMC 17C.240.015.~~

AS. Significant Vegetation Removal.

The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.

1. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
2. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

AT. Single-family Residential Building.

A dwelling containing only one dwelling unit.

AU. Single-room Occupancy Housing (SRO).

A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.
2. SRO includes structures commonly called residential hotels and rooming houses.

AV. Site.

Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

AW. Site – Archaeological.

1. A place where a significant event or pattern of events occurred. It may be the:

- a. Location of prehistoric or historic occupation or activities that may be marked by physical remains; or
 - b. Symbolic focus of a significant event or pattern of events that may not have been actively occupied.
2. A site may be the location of a ruined or now non-extant building or structure if the location itself possesses historic, cultural, or archaeological significance.

AX. Slump.

The intermittent movement (slip) of a mass of earth or rock along a curved plane.

AY. SMC.

The Spokane Municipal Code, as amended.

AZ. Soil.

The naturally occurring layers of mineral and organic matter deposits overlaying bedrock. It is the outer most layer of the Earth.

BA. Sound Contours.

A geographic interpolation of aviation noise contours as established by the 2010 Fairchild AFB Joint Land Use Study and placed on the official zoning map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.

BB. Sound Transmission Class (STC).

A single-number rating for describing sound transmission loss of a wall, partition, window or door.

BC. Special Drainage District (SDD).

An area associated with shallow groundwater, intermittent standing water, or steep slopes where infiltration of water and dispersion of water into the soils may be difficult or delayed, creating drainage or potential drainage problems. SDDs are designated in SMC 17D.060.130.

BD. Special Event Sign.

~~((A temporary sign used to announce a circus, a carnival, festivals, or other similar events.))~~ See SMC 17C.240.015.

BE. Species of Concern.

Species native to Washington State listed as state endangered, state threatened, state sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

BF. Specified Anatomical Areas.

They are human:

1. Genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered;
2. Male genitals in a discernibly turgid state, even if completely and opaquely covered.

BG. Specified Sexual Activities.

Any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

BH. Spokane Regional Stormwater Manual (SRSW).

A technical document establishing standards for stormwater design and management to protect water quality, natural drainage systems, and down-gradient properties as urban development occurs.

BI. Spokane Register of Historic Places.

The register maintained by the historic preservation office, which includes historic landmarks and districts in the City and County.

BJ. Sports Field.

An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.

BK. Stabilization.

The process of establishing an enduring soil cover of vegetation or mulch or other ground cover and may be in combination with installation of temporary or permanent structures.

BL. Standard Plans.

Refers to the City of Spokane's standard plans.

BM. Standard References

Standard engineering and design references identified in SMC 17D.060.030.

BN. State Candidate Species.

Fish and wildlife species that WDFW will review for possible listing as state endangered, threatened, or sensitive.

BO. State Endangered Species.

Any wildlife species native to the State of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.

BP. State Register.

The register maintained pursuant to chapter 195, Laws of 1977, 1st ex. sess., section 6 (chapter 27.34 RCW).

BQ. State Sensitive Species.

Any wildlife species native to the State of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

BR. State Threatened Species.

Any wildlife species native to the State of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.

BS. Stealth Facilities.

Any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. Architecturally screened roof-mounted antennas;
2. Building-mounted antennas painted to match the existing structure;
3. Antennas integrated into architectural elements; and
4. Antenna structures designed to look like light poles, trees, clock towers, bell steeples, or flag poles.

BT. Stewardship.

Acting as supervisor or manager of the City and County's historic properties.

BU. Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

BV. Stormwater Management Program (SWMP).

A set of actions and activities designed to reduce the discharge of pollutants from the regulated MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in S5 or S6 of the Eastern Washington Phase II Municipal Permit (WAR04-6505) and any additional actions necessary to meet the requirements of applicable TMDLs.

BW. Story.

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except:

1. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;
2. That portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;
3. That portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. A basement or unused under-floor space is a story if the finished floor level directly above is either more than:
 - a. Six feet above grade for more than half of the total perimeter, or
 - b. Twelve feet above grade at any point.

BX. Stream.

A naturally occurring body of periodic or continuously flowing water where the:

1. Mean annual flow is greater than twenty cubic feet per second; and
2. Water is contained with a channel (WAC 173-22-030(8)).

BY. Street.

See "Public Way" (SMC 17A.020.160).

BZ. Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
 - a. Principal arterial.
 - b. Minor arterial.
 - c. Collector arterial.
 - d. Local access street.
 - e. Parkway.
2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under SMC 17A.020.160, "P" Definitions.

CA. Street Frontage.

The lot line abutting a street.

CB. Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

CC. Structural Alteration.

- ~~((1. Modification of a sign, sign structure, or awning that affects size, shape, height, or sign location.~~
- ~~2. Changes in structural materials; or~~
- ~~3. Replacement of electrical components with other than comparable materials.~~
- ~~4. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to a non-electrified sign would all be structural alterations.~~
- ~~5. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.)) See SMC 17C.240.015.~~

CD. Structure.

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:
 - a. Buildings,
 - b. Decks,
 - c. Fences,
 - d. Towers,
 - e. Flag poles,
 - f. Signs, and

- g. Other similar objects.
- 2. Structure does not include paved areas or vegetative landscaping materials.

CE. Structure – Historic.

A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

CF. Subdivision.

A division or redivision of land into ten or more lots, tracts, or parcels for the purpose of sale, lease, or transfer of ownership (RCW 58.17.020).

CG. Subject Property.

The site where an activity requiring a permit or approval under this code will occur.

CH. Sublevel Construction Controls.

Design and construction requirements provided in SMC 17F.100.090.

CI. Submerged Aquatic Beds.

Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.

CJ. Substantial Damage – Floodplain.

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the assessed value of the structure before the damage occurred.

CK. Substantial Development.

For the shoreline master program, shall mean any development of which the total cost or fair market value exceeds the dollar amount set forth in RCW 90.58 and WAC 173-26 for any improvement of property in the shorelines of the state.

CL. Substantial Improvement – Floodplain.

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred.
2. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
3. The term does not, however, include either any:
 - a. Project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - b. Alteration of a structure listed on the National Register of Historic or State Inventory of Historic Places.

CM. Suffix.

Describes the roadway type and is located after the root roadway name (i.e., street, avenue, court, lane, way, etc.). The appropriate suffix shall be used in accordance with SMC 17D.050A.040(U).

Section 14. Severability Clause. If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, the decision shall not affect the validity of the remaining portions of this Ordinance.

ADOPTED BY THE CITY COUNCIL ON January ____ , 2018.

(Delivered to the Mayor on the ____ day of January ____, 2018)

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

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

01/22/2018

<u>Date Rec'd</u>	1/9/2018
<u>Clerk's File #</u>	ORD C35577
<u>Renews #</u>	

<u>Submitting Dept</u>	PLANNING	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	LISA KEY 625-6187	<u>Project #</u>	
<u>Contact E-Mail</u>	LKEY@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	First Reading Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0650 - SIGN CODE ORDINANCE		

Agenda Wording

An ordinance relating to sign standards amending SMC 17C.240.010, 17C.240.060, 17C.240.070, 17C.240.090, 17C.240.120, 17C.240.130, 17C.240.140, 17C.240.150, 17C.240.180, 17C.240.220, 17C.240.230, 17C.240.240, 17C.240.250, 17C.240.260, 17C.240.270,

Summary (Background)

Code amendments to Sign Code (SMC 17.240.40), to address a moratorium (Ord. No. C35490) related to the relocation of off-premises signs in center and corridor zoning designations or an historic district; to address the 2015 U.S. Supreme Court decision in the case of Reed v. Town of Gilbert, AZ providing new guidance on acceptable regulations regarding "content-neutrality"; and, to address a series of sign code clarifications and corrections, as necessary for consistent code administration.

<u>Fiscal Impact</u>	Grant related? NO	<u>Budget Account</u>
	Public Works? NO	

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

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	KEY, LISA	<u>Study Session</u>	
<u>Division Director</u>	TRAUTMAN, HEATHER	<u>Other</u>	Urban Development
<u>Finance</u>	ORLOB, KIMBERLY	<u>Distribution List</u>	
<u>Legal</u>	RICHMAN, JAMES	dkinder@spokanecity.org	
<u>For the Mayor</u>	DUNIVANT, TIMOTHY	lkey@spokanecity.org	
<u>Additional Approvals</u>		jrichman@spokanecity.org	
<u>Purchasing</u>		tpalmquist@spokanecity.org	
<u>CITY COUNCIL</u>	MCDANIEL, ADAM	dcompton@spokanecity.org	
		tblack@spokanecity.org	
		amullerleile@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

17C.240.280; adopting new sections 17C.240.015, 17C.240.025, 17C.240.241, 17C.240.242, 17C.240.243, 17C.240.244, 17C.240.245, 17C.240.246, 17C.240.247, 17C.240.310 to chapter 17C.240; repealing SMC 17C.240.020, 17C.240.080, 17C.240.100, 17C.240.160, 17C.240.190, 17C.240.200, 17C.240.290, and 17C.240.300 to title 17C of the Spokane Municipal Code and setting and effective date.

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

sbishop@spokanecity.org

Briefing Paper City Council

Division & Department:	Neighborhood & Business Services / Planning
Subject:	Sign Code Amendments and Sign Code-Related Amendments
Date:	January 9, 2018
Author (email & phone):	Amy Mullerleile (amullerleile@spokanecity.org ; 509-625-6194) Lisa Key (lkey@spokanecity.org ; 509-625-6187)
City Council Sponsor:	Amber Waldref
Executive Sponsor:	Lisa Key
Committee(s) Briefed:	Urban Development, January 8, 2018
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Comprehensive Plan Policy DP 2.17 Ordinance No. C35490 and C35555 U.S. Supreme Court Decision <i>Reed v. Gilbert</i> , 135 S. Ct. 2218, 192 L.Ed.2d 236 (2015)
Strategic Initiative:	
Deadline:	April 10, 2018
Outcome: (deliverables, delivery duties, milestones to meet)	Updated sign code that is compliant with federal law and consistent with current practices and other municipal code provisions.
<p>Background/History: <i>Provide brief history e.g. this is the 3rd and final 5 year extension of the contract which was put in place in 2007.</i></p> <ul style="list-style-type: none"> On April 10, 2017 City Council passed Ord. No. C35490 Imposing an immediate moratorium on the relocation of off-premises signs into areas having a center and corridor zoning designation or sites located in an historic district. On May 22, 2017 a public hearing was held and the expiration was extended to November 22, 2017. On October 9, 2017, the City Council passed Ord. No. C35555, extending the expiration of the moratorium to April 10, 2018. In 2015 the U.S. Supreme Court issued a decision in the case of <i>Reed v. Town of Gilbert, AZ</i> providing new guidance on acceptable regulations on noncommercial signage. City staff from the Development Services Center maintained a list of recommended updates and clarifications to the City's current sign code, in anticipation of the planned 2018 Sign Code amendment process, for ease of interpretation and administration of that code. 	
<p>Executive Summary:</p> <ul style="list-style-type: none"> In response to the events described above, planning and legal staff performed an audit on the existing sign code and presented proposed changes to a group of community stakeholders. Over the course of 2 months the work group provided feedback on the proposed edits. Additional outreach was conducted in the form of a website, digital open house, social media campaign, and outreach to targeted stakeholders. Several workshops were held with the City's Plan Commission. The feedback received was incorporated into a draft that was presented to the Plan Commission and a public hearing was held on October 11. The Plan Commission unanimously recommended the adoption of the proposed changes by City Council. Since the Plan Commission additional changes have been added to the draft as a result of 	

feedback from the City Council and staff. Those changes are reflected in an errata table which has been attached.

- As a result of the changes to the sign code there were other areas of the Spokane Municipal Code that needed to be updated to ensure consistency between chapters. These changes include incorporating sign specific definitions directly into the sign code chapter as well as correcting contradictory signage standards that currently exist for the same use.*
- A public hearing was held on these housekeeping on December 13, 2017 and the Plan Commission unanimously recommended their adoption by City Council, with one minor recommended revision.*
- Because these ordinances were heard by Plan Commission separately, we are bringing them forward to City Council as separate, but related ordinances.*

Budget Impact:

No budgetary impact

Approved in current year budget? ☒ Yes ☐ No

Annual/Reoccurring expenditure? ☐ Yes ☒ No

If new, specify funding source:

Other budget impacts: (revenue generating, match requirements, etc.)

Operations Impact:

Consistent with current operations/policy? ☒ Yes ☐ No

Requires change in current operations/policy? ☐ Yes ☒ No

Specify changes required:

Known challenges/barriers:

ORDINANCE NO. C35577

An ordinance relating to sign standards amending SMC 17C.240.010, 17C.240.060, 17C.240.070, 17C.240.090, 17C.240.120, 17C.240.130, 17C.240.140, 17C.240.150, 17C.240.180, 17C.240.220, 17C.240.230, 17C.240.240, 17C.240.250, 17C.240.260, 17C.240.270, 17C.240.280; adopting new sections 17C.240.015, 17C.240.025, 17C.240.241, 17C.240.242, 17C.240.243, 17C.240.244, 17C.240.245, 17C.240.246, 17C.240.247, 17C.240.310 to chapter 17C.240; repealing SMC 17C.240.020, 17C.240.080, 17C.240.100, 17C.240.160, 17C.240.190, 17C.240.200, 17C.240.290, and 17C.240.300 to title 17C of the Spokane Municipal Code and setting and effective date.

WHEREAS, on April 10, 2017 the City Council adopted Ordinance No. C35490, imposing an immediate, six-month moratorium on the relocation of off-premises signs into areas of Spokane having a center and corridor zoning designation; setting a public hearing; and declaring an emergency; and

WHEREAS, on May 22, 2017 the City Council held a public hearing on Ordinance No. C35490, received a staff report, presentation by the proponents and opponents of the moratorium, heard public testimony, adopted findings of fact, extended the moratorium for an additional six months and set an expiration date of November 22; and

WHEREAS, on October 9, 2017 the City Council adopted Ordinance No. C35555, heard public testimony, and extended the moratorium for an additional six months and set an expiration date of April 10, 2018; and

WHEREAS, during the moratorium, Planning Department staff conducted workshops with the Plan Commission and City Council to discuss amendments to the City's sign regulations to (i) address the concerns that prompted the Council's adoption of the moratorium and (ii) to meet the guidelines set forth in the U.S. Supreme Court's opinion in *Reed v. Gilbert*, 135 S. Ct. 2218, 192 L.Ed.2d 236 (2015) and other applicable law (the "Sign Code Update"); and

WHEREAS, during the moratorium, Planning Department staff also worked with a group of stakeholders to obtain technical and professional feedback on the proposed Sign Code Update. The group included representatives from the Community Assembly, the City Plan Commission, the Spokane Association of Realtors, and the sign industry. The group prepared a recommendation and has had the opportunity to review and comment on the proposed Sign Code Update; and

WHEREAS, the Plan Commission held workshops on proposed Sign Code Update on June 14, 2017, September 13, 2017, and September 27, 2017, and a public hearing on October 11, 2017; and

WHEREAS, based on written and verbal testimony that is a part of the record and is summarized in the City Plan Commission Recommendation, Findings and Conclusions adopted on October 25, 2017, the Plan Commission unanimously recommended that the City Council adopt the proposed Sign Code Update; and

WHEREAS, on September 26, 2017, the responsible official issued a determination of non-significance (DNS) under SEPA (Chapter 43.21C RCW) relating to the Sign Code Update and notice of said DNS was published in the Spokesman Review on September 27, and October 4, 2017.

WHEREAS, the City complied with RCW 36.70A.370 in processing the Sign Code Update.

WHEREAS, in adopting the Sign Code Update, it is the intent of the City Council to make the City's sign regulations easier to understand and for the City to enforce; and

WHEREAS, the Sign Code Update will promote and accomplish the goals, policies and objectives of the City's Comprehensive Plan and Zoning Code; and

WHEREAS, the Sign Code Update provides minimum standards in order to safeguard life, health, property and public welfare, and promote traffic safety by following the established design standards, including quality of materials, construction, illumination, size, location and maintenance of sign and sign structures; and

WHEREAS, by adopting the Sign Code Update, the City Council intends to insure that the City's sign regulations recognize free speech rights by regulating signs in a content-neutral manner; and

WHEREAS, the standards in the Sign Code Update will promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage; and

WHEREAS, these standards protect the beauty of the City's built environment by encouraging signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached, and to encourage signs that are compatible with adjacent buildings and businesses; and

WHEREAS, these standards protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape; and

WHEREAS, these standards provide consistent sign design standards; and

WHEREAS, these standards encourage creative and innovative approaches to signage, and signs that are of a quality design, pleasing in appearance and are appropriate in size, materials and illumination to the surrounding neighborhood; and

WHEREAS, these standards provide an improved visual environment for the citizens of and visitors to the City; and

WHEREAS, these standards adopt clear, understandable regulations which enable the fair and consistent enforcement of this Chapter;

NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That SMC Section 17C.240.010 is amended to read as follows:

17C.240.010 ((Purpose)) Intent and Purpose

~~((These regulations balance the need to protect the public safety and welfare; the need for a well-maintained and attractive community; and the need for adequate identification, communication, and advertising. The regulations for signs have the following specific objectives:~~

- ~~A. To ensure that signs and awnings are designed, constructed, installed, and maintained according to minimum standards to safeguard life, health, property, and public welfare.~~
- ~~B. To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties.~~
- ~~C. To reflect and support the desired character and development patterns of the various zones, overlay zones, and promote an attractive environment.~~
- ~~D. To allow for adequate and effective signs in residential, commercial, and industrial zones while preventing signs from dominating the appearance of the area.~~
- ~~E. To ensure that the constitutionally guaranteed right of free speech is protected; and~~
- ~~F. To avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and the community's appearance.~~

~~The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property or business owner's desired level of visibility for the signs. The sign standards are intended to allow signs to have adequate visibility from streets and rights-of-way that abut a site, but not necessarily to streets and rights-of-way farther away.))~~

- A. Signs have a strong visual impact on the character and quality of the community. As a prominent part of the scenery, they attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone for the neighborhood. The City relies upon its scenery and physical beauty to attract commerce, aesthetic considerations assume economic value. It is the intent of the City, through this Chapter, to protect and enhance the City's historic and residential character and its economic base through the provision of appropriate and aesthetic signage. In addition, it is the intent of the City to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety. The City seeks to balance the need for the protection of public health, safety, welfare and community aesthetics, with the desire to protect the freedom of speech, and prevent discrimination in the application of free speech principles and tenets through the use of content-neutral regulations.
- B. The purpose of this Chapter is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements. This Chapter has also been adopted to:
 - 1. Promote and accomplish the goals, policies and objectives of the City's Comprehensive Plan and Zoning Code;
 - 2. To provide minimum standards in order to safeguard life, health, property and public welfare, and promote traffic safety by following the established design standards, including quality of materials, construction, illumination, size, location and maintenance of sign and sign structures;
 - 3. Recognize free speech rights by regulating signs in a content-neutral manner;
 - 4. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;
 - 5. Protect the beauty of the City's built environment by encouraging signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached, and to encourage signs that are compatible with adjacent buildings and businesses;

6. Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape;
7. Provide consistent sign design standards;
8. Encourage creative and innovative approaches to signage, and signs that are of a quality design, pleasing in appearance and are appropriate in size, materials and illumination to the surrounding neighborhood;
9. Provide an improved visual environment for the citizens of and visitors to the City; and
10. Adopt clear, understandable regulations which enable the fair and consistent enforcement of this Chapter.

Section 2. That there is adopted a new section 17C.240.015 to chapter 17C.240 of the Spokane Municipal Code to read as follows:

Section 17C.240.015 Definitions

“A” Definitions

Abandoned Temporary Sign.

A temporary sign that, because of the passage of time, has faded, peeled, cracked or otherwise become deteriorated or dilapidated, or is no longer affixed to the ground, or is missing the sign face, or otherwise meets the definition of litter set forth in SMC 10.08.010.

Abandoned Sign Structure.

A sign structure where no sign has been in place for a continuous period of at least six months.

Alter

To change the copy, color, size, shape, illumination, position, location, construction or supporting structure of a sign, not including ordinary maintenance.

Animated Sign.

A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.

“B” Definitions

Backed Sign.

A sign where the faces of the sign are parallel or within twenty degrees of parallel to each other.

Balloon Sign.

A sign that is blown up with air or gas.

Banner.

A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind.

“C” Definitions

Clear View Triangle.

See SMC 17A.020.030

Community Banner.

A temporary banner made of sturdy cloth or vinyl that is not commercial advertising that has the purpose of the promotion of a civic event, public service announcement, holiday decorations, or similar community and cultural interests and is placed on a structure located in the public right-of-way, subject to procedures authorized by city administrator.

Copy.

Letters, characters, illustrations, logos, graphics, symbols, writing, or any combination thereof designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental, or lease of premises.

“D” Definitions

Directional Sign.

A sign exclusively limited to guiding the circulation of motorists or pedestrians on the site.

Director

See SMC 17A.020.040

“E” Definitions

Electric Sign.

Any sign containing electrical wiring, lighting, or other electrical components, but not including signs illuminated by a detached exterior light source.

Electronic Message Center Sign.

An on-premises sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means including signs using a video display method.

“F” Definitions

Facade.

See SMC 17A.020.060(A).

Fascia Sign.

A single-faced sign attached flush to a building or other structure or a sign consisting of light projected onto a building or other structure. Fascia signs do not include signs that are attached to or projected onto structures defined as sign structures by this chapter.

Flag.

A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported.

Flashing Sign.

- a. A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a strobe-like fashion for the purpose of drawing attention to the sign.
- b. Time and temperature signs are excluded from this definition.
- c. For the purpose of this title, electronic message centers consistent with the standards of SMC 17C.240.240 shall not be considered flashing signs

Freestanding Sign.

A sign on a frame, pole, or other support structure that is not attached to any building.

"I" Definitions

Illuminated Wall Highlights

See SMC 17A.020.090

Interpretive Signs.

A sign that identifies historic buildings or sites where important events occurred or which serve educational, cultural, historical, or scientific purposes.

"M" Definitions

Marquee Sign.

A sign incorporated into or attached to a marquee or permanent canopy.

Monument Sign.

A freestanding sign where the base of the sign structure is on the ground or a maximum of twelve inches above the lowest point of the ground adjacent to the sign. The width of the top of the sign structure can be no more than one hundred twenty percent of the width of the base.

MUTCD.

See SMC 17A.020.130

"N" Definitions

Nonconforming Sign.

A sign that was created and issued a permit in conformance with development regulations, but which subsequently, due to a change in the zone or land use regulations, is no longer in conformance with the current applicable development standards.

"O" Definitions

Off-premises Sign.

A sign relating, through its message and content, to a business activity, use, product, or service not available on the premises upon which the sign is erected.

"P" Definitions

Painted Wall Highlights.

Painted areas that highlight a building's architectural or structural features and that do not convey a message or image.

Painted Wall Sign.

A sign applied to a building wall with paint or a thin layer of vinyl, paper, or similar material adhered directly to the building surface and that has no sign structure.

Pedestrian-Scaled Signs

Permanent, first-floor, exterior signs designed and placed to address pedestrian traffic; may be mounted flush with or projecting from a column, building wall, awning or transom.

Permanent Sign.

Any sign not classified as a temporary sign.

Projecting Sign.

A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.

“R” Definitions

Right-of-way

See SMC 17A.020.180

Roadway

See SMC 17A.020.180

Roof Line.

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.

Roof mounted sign.

A sign which has a point of attachment to the roof or mansard of a building. Architectural projections, including mechanical equipment screens, above any parapet or roof line whose sole function is a background for signs shall be considered a sign structure. A sign on such an architectural projection shall be considered a roof sign.

“S” Definitions

Sandwich Board Sign.

A self-supporting A-shaped freestanding temporary sign with only two visible sides that are situated adjacent to a business, typically on a sidewalk.

Sign.

- d. Materials placed or constructed or light projected, but not including any lawful display of merchandise, that:
 - i. Conveys a message or image, and
 - ii. Is used to inform or attract the attention of the public
- e. Some examples of signs are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, murals, diagrams, banners, flags, or projected slides, images, or holograms.
- f. The scope of the term sign does not depend on the content of the message or image conveyed.

Sign Face.

The portion of a sign which contains lettering, logo, trademark, or other graphic representations. (See SMC 17C.240.110, Sign Face Area.)

Sign Maintenance.

Normal care needed to keep a sign functional, such as cleaning, painting, oiling, and changing of light bulbs.

Sign Repair.

Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.

Sign Structure.

A structure specifically intended for supporting or containing a sign.

Special Event Sign.

A temporary sign used to announce a circus, a carnival, festivals, or other similar events.

Structural Alteration.

1. Modification of a sign, sign structure, or awning that affects size, shape, height, or sign location.
2. Changes in structural materials; or
3. Replacement of electrical components with other than comparable materials.
4. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to a non-electrified sign would all be structural alterations.
5. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

“T” Definitions

Temporary sign (which may include special event sign)

Any sign that is used temporarily and is not permanently mounted, painted or otherwise affixed, including any poster, banner, pennants, placard, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention. Temporary signs do not include off-premise signs, as defined in this chapter. Temporary signs may only be made of non-durable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than 20 oz. fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of this Chapter.

Section 3. That SMC Section 17C.240.020 entitled “Where These Regulations Apply” is repealed.

Section 4. That there is adopted a new section 17C.240.025 to chapter 17C.240 of the Spokane Municipal Code to read as follows:

Section 17C.240.025 Applicability and Interpretations

- A. This Chapter applies to all signs as defined in Section 17C.240.015 (Definitions), within the City which are visible or audible from any street, sidewalk or public place, regardless of the type or nature.
- B. This Chapter is not intended to, and shall not be interpreted to, restrict speech on the basis of its content, viewpoint, or message. Any classification of sign authorized in this chapter for commercial purposes shall be interpreted to also be permitted for non-commercial purposes. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. To the extent that any provision of this Chapter is ambiguous, the term shall be interpreted not to regulate speech on the basis of the content of the message.
- C. Substitution Clause.

Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

D. Severability

If a section, subsection, paragraph, sentence, clause, or phrase of this chapter is declared unconstitutional or invalid for any reason, the decision shall not affect the validity of the remaining portions of this chapter.

Section 5. That SMC Section 17C.240.060 is amended to read as follows:

Section 17C.240.060 Exemptions

The following signs ~~((do not require))~~ are exempt from a sign permit (unless otherwise noted)~~((;)).~~
~~((nor shall the area and number of such signs be included in the area and number of signs permitted for any site or use))~~ The area and number of such signs shall not be included in the area and number of signs permitted for any site or use, however, all other relevant requirements of this chapter shall apply. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance.

- A. ~~((The flag, emblem, or insignia of a nation or other governmental unit or nonprofit organization subject to the guidelines concerning their use set forth by the government or organization which they represent.))~~ Flags. Any flags, provided that they conform to all provisions of this chapter for signs. Freestanding ~~((Flagpoles))~~ flagpoles require a ~~((sign))~~ building permit for structural review.
- B. Memorial signs or tablets, names of buildings, stained glass windows, and dates of erection when cut into the surface or the facade of the building or when projecting not more than two inches.
- C. ~~((Traffic or other municipal signs, signs required by law or emergency, railroad crossing signs, legal notices, and any temporary signs as are authorized under policy approved by the city council.))~~ Governmental signs. Signs installed by the City, County, or a federal or State governmental agency for the protection of the public health, safety and general welfare, including, but not limited to, the following:
 - 1. Emergency and warning signs necessary for public safety or civil defense;
 - 2. Traffic and/or wayfinding signs erected and maintained by an authorized public agency;
 - 3. Signs required to be displayed by law;
 - 4. Signs showing the location of public facilities including public and private hospitals and emergency medical services; and
 - 5. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety and general welfare.
- D. Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities ~~((or of public telephones)).~~
- E. Flush-mounted wall signs, used to identify the name and address of the occupant for each dwelling provided the sign does not exceed two square feet in sign area.

F. ~~((Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses.))~~ Non-visible signs. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way. Such freestanding signs require a building permit for structural review.

~~((G. Decorations, such signs in the nature of a decoration, clearly incidental and customary and commonly associated with any national, local or religious holiday.))~~

G. Changes to the face or copy of changeable copy signs, digital signs, electronic messaging signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.

~~((H. Painting, repainting, or cleaning of an advertising structure or the changing of the advertising copy of message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.))~~

H. The normal repair and maintenance, (painting, repainting, cleaning) of conforming or legal nonconforming signs that does not involve structural alteration of the sign or supporting structure.

I. Sculptures, fountains, mosaics, murals, public art and design features which do not ((incorporate advertising or identification)) otherwise constitute a sign.

J. "No trespassing," "no dumping," "no parking," "private" signs identifying essential public needs (i.e., restrooms, entrance, exit, telephone, etc.) and other informational warning signs, which shall not exceed three square feet in surface area.

~~((K. Directional signs erected by the City on arterial streets directing the public to public, civic, or nonprofit facilities. Such signs shall be erected at the discretion of the director of public works and shall be subject to City design guidelines. In addition, with the approval of the design review board, the director of public works may allow the erection of directional signs as are necessary to designate commercial areas or significant tourist sites within the City.))~~

~~((L.))~~K. Publicly approved non-illuminated interpretive signs, or historical signs, or tablets displayed by a public, educational non-profit agency, or private development pursuant to ((SMC 17E.060.830 and SMC 17E.060.840)) SMC 17E.060.820 through SMC 17E.060.840, strictly for the purpose of informing or educating the public.

~~((M.))~~L. Illuminated wall highlights that do not contain words, logos, or corporate images.

M. Interior signs. Signs or displays located entirely inside of a building and located at least three (3) feet away from transparent doors and windows.

N. Temporary signs (provided they comply with 17C.240.244, Temporary Signs).

Section 6. That SMC Section 17C.240.070 is amended to read as follows:

Section 17C.240.070 Prohibitions

The following are prohibited and existing ones must be removed:

A. ~~((Signs containing strobe lights.))~~ Flashing signs or lights. A sign that contains an intermittent or flashing light source, or a sign that includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source, except as consistent with the standards contained in Table 17C.240-4.

B. Abandoned signs and abandoned sign structures.

C. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signs not otherwise allowed by the code.

D. Permanent balloon signs.

~~((E. Temporary signs (except as provided for in SMC 17C.240.240(G), Temporary Signs.))~~

E. Hazardous signs. Any sign that is dangerous or confusing to motorists on the public right-of-way, including any sign which by its color, wording, design, location or illumination resembles, conflicts, imitates or interferes with the effectiveness of any official traffic control device or which otherwise impedes the safe and efficient flow of traffic.

~~F. Signs that imitate or resemble official traffic lights, signs or signals or signs that interfere with the effectiveness of any official traffic light, sign, or signal.))~~

~~((G.))~~E. Signs which are located upon or projecting over public streets, sidewalks, or rights of way except as provided for awnings and marquees in SMC 17F.040.140, ((and)) sandwich board signs in ((SMC 17C.240.240(G)(9) and)) SMC17C.240.220, signs extending into the right-of-way allowed in ((SMC 17C.240.240(C)) SMC17C.240.180(B), and temporary signs in SMC 17C.240.244 (E).

~~((H.))~~G. Off premises signs (except as ((provided for in SMC 17C.240.240(G), Temporary Signs, such as real estate signs and community banners; SMC 12.02.0755, Signs Permitted in Conjunction With Bus Bench Signs, and SMC 17C.240.250, Off-premises Signs)) expressly allowed in other sections of this chapter). No off-premises sign shall be located on a vacant lot, parcel or easement. No off-premises sign shall be located on a lot, parcel or easement as the principal use of that lot, parcel or easement. Signs may only be established as an accessory use to a principally permitted use.

~~((I. Strings of banners, pennants, and other graffiti-like material with advertising copy except grand opening displays and special event signs as allowed in SMC 17C.240.240(G.))~~

~~((J.))~~H. Signs erected, constructed or structurally altered that are required to have a permit that were erected, constructed, or altered without a permit.

~~((K.))~~I. Except as otherwise allowed under this chapter or other ordinances, laws, or regulations of the City of Spokane, ((#)) it shall be unlawful for any person, except a public officer or employee in the performance of his public duty, to affix, post, paint, nail, fasten, place, or locate any sign, card, banner, handbill, poster, ((or advertising)) advertisement or notice of any kind, or cause the same to be done, ((upon public streets, highways, public right-of-way or any publicly owned or maintained property within the City of Spokane, or)) upon any City owned or maintained structure located in the public right of way, including but not limited to, any building, curbstone, traffic control device, street sign, utility pole, hydrant, fence, lamp post, guardrail, tree or shrubbery or any other structure situated within any such areas or to affix the same to a wire or appurtenance thereof~~((, except as may be authorized by the ordinances, laws, or regulations of the City of Spokane, the State of Washington or the~~

~~United States)). City-owned or maintained structures include, but are not limited to, bridges, overpasses, street medians, retaining walls, fences, street furniture, and shelters, among other structures located upon public streets, highways, public right-of-way or other public property. ((The prohibition contained herein shall not apply to political campaign signs which are permitted pursuant to the regulations set forth in SMC 17C.240.240(G)(6).))~~

~~((L. Flashing signs.))~~

J. No sign may impede free ingress and egress from any door, window or exit way required by building and/or fire code regulations.

Section 7. That SMC Section 17C.240.080 entitled “General Rules for Reading and Applying the Code Language” is repealed.

Section 8. That SMC Section 17C.240.090 is amended to read as follows:

Section 17C.240.090 Sign Permit Required

A. Permit Requirements.

No sign governed by the provisions of this code shall be erected, structurally altered, or relocated by any person, firm, or corporation ~~((after the date of adoption of this code))~~ without a permit issued by the City ~~((with the exceptions as noted))~~ unless an exemption applies under this chapter. No new permit is required for signs which have permits and which conform with the requirements of this code on the date of its adoption unless and until the sign is structurally altered or relocated.

B. Permit Applications.

Permit applications shall include a site plan that provides the following information:

1. The location of the affected lot, building(s), and sign(s).
2. The scale of the site plan.
3. A scaled-drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment, and illumination.
4. The location of all existing signs on the site including size and height.
5. For signs subject to spacing regulations, the location of neighboring signs on adjacent properties.
6. Tax parcel number or correct address where proposed sign will be located.

C. Fee Schedule.

Fees for sign permits are as provided by SMC 8.02.031(G).

Section 9. That SMC Section 17C.240.100 entitled “Applying the Code to Specific Situation” is repealed.

Section 10. That SMC Section 17C.240.120 is amended to read as follows:

Section 17C.240.120 Measurements

The standards contained in SMC 17C.240.130 through SMC 17C.240.180 address how the signs allowed in the various zoning categories are measured including sign area, height, and other parameters. These standards work in combination with the standards of SMC 17C.240.~~((190))~~210 through SMC 17C.240.~~((300))~~310 regarding allowed sign size, number, type, and other provisions.

Section 11. That SMC Section 17C.240.130 is amended to read as follows:

Section 17C.240.130 Primary Building Walls

The length of a primary building wall is derived for each tenant space's ground floor exterior wall (See Figure 1). When walls are not parallel to a street, they are assigned to the street frontage to which they are most oriented ((See Figure ((8a))). When the primary entrance is located in a building wall that is adjacent to, at an angle from, and shorter than the street-facing wall, the primary building wall will be measured as a combination of the street wall and the wall containing the entrance. Where the angled wall is on the corner of the building between two street-facing walls, the applicant may choose which street facing wall to combine with the wall containing the entrance to be considered the primary building wall. The length of the primary building wall will be measured in a straight line parallel to the street-facing wall ((See Figure (8b))).

FIGURE 1:
Primary and Secondary Building Walls

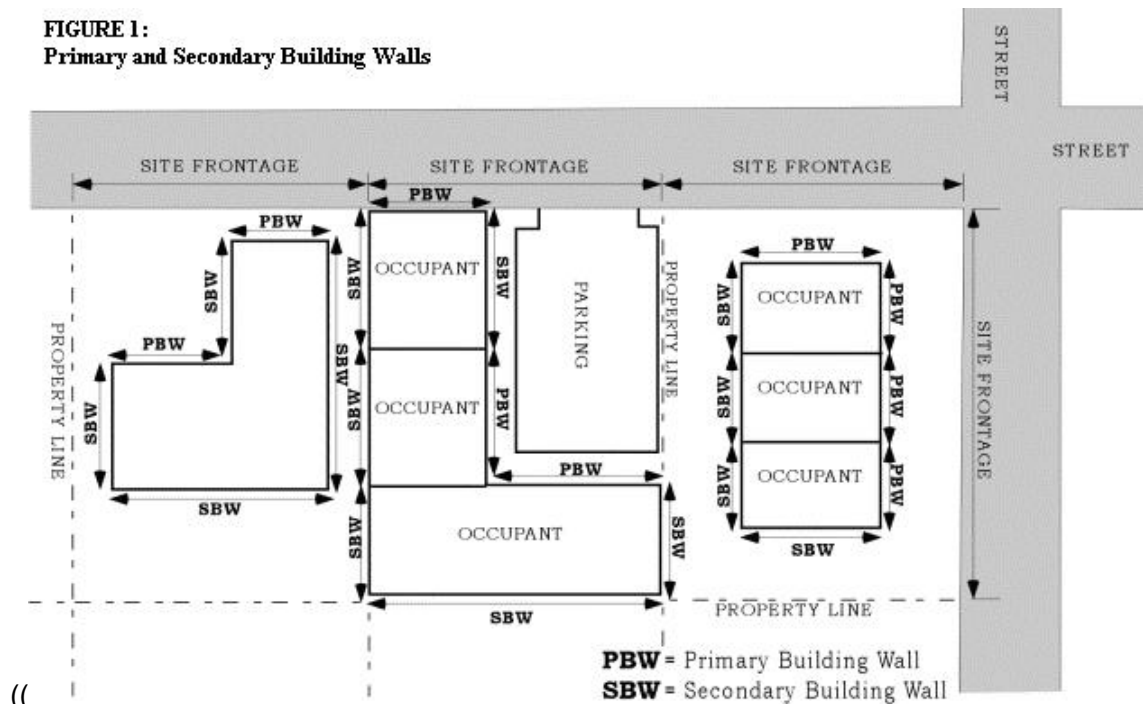


FIGURE 8a
Building Wall Orientation

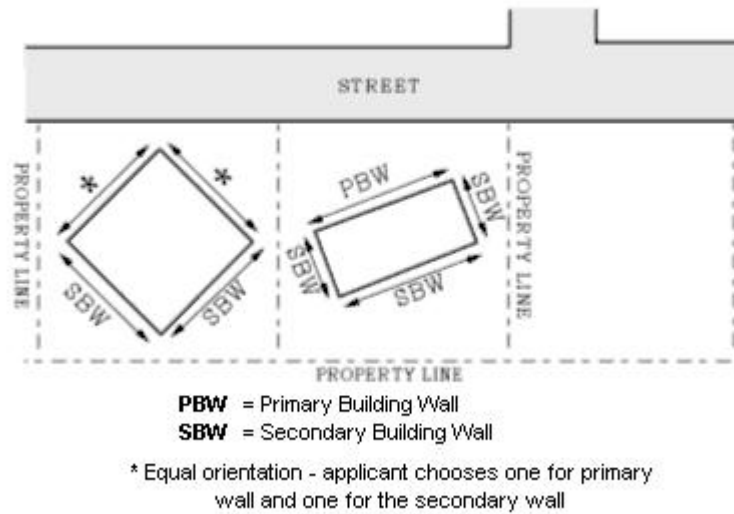


FIGURE 8b
Primary Building Wall - Angled Entrance

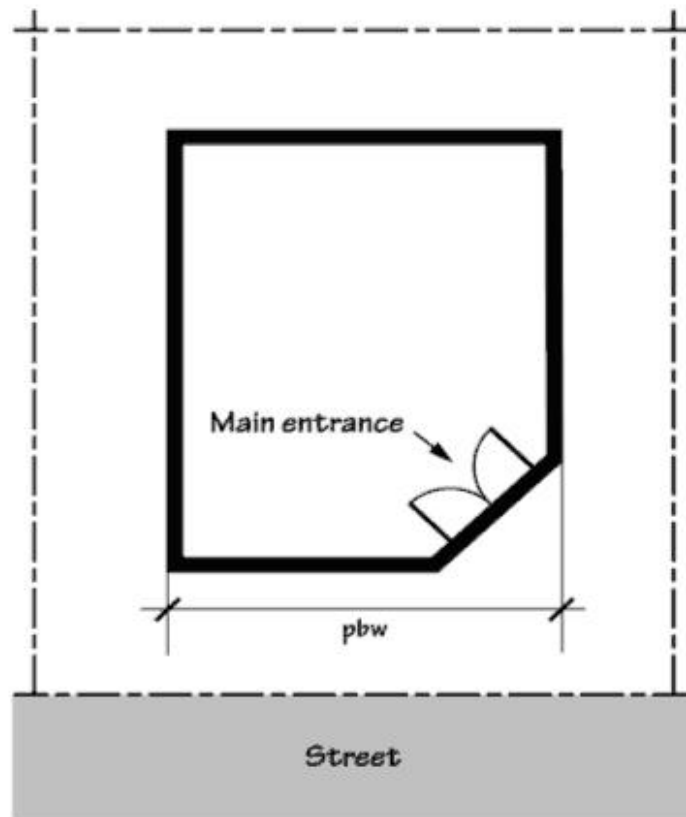
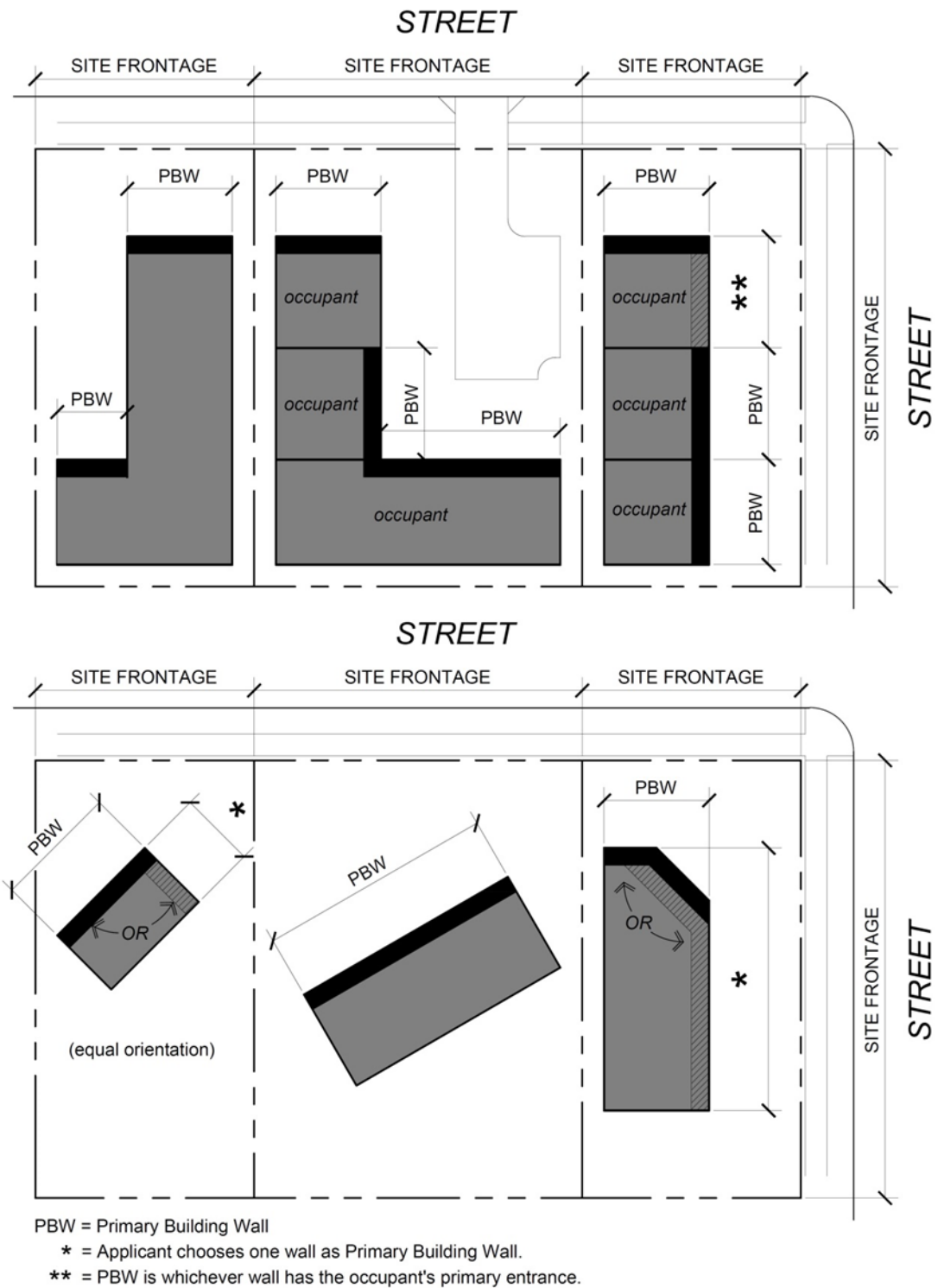


Figure 1
Primary and Secondary Building Wall



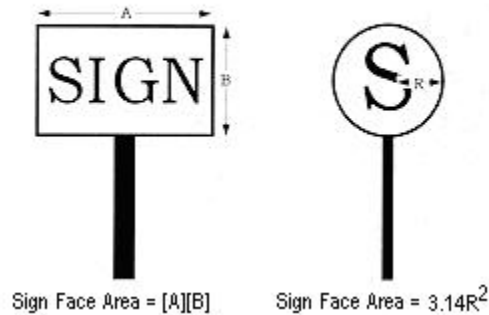
Section 11. That SMC Section 17C.240.140 is amended to read as follows:

Section 17C.240.140 Sign Face Area

A. Sign Cabinets.

The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (See Figure 2).

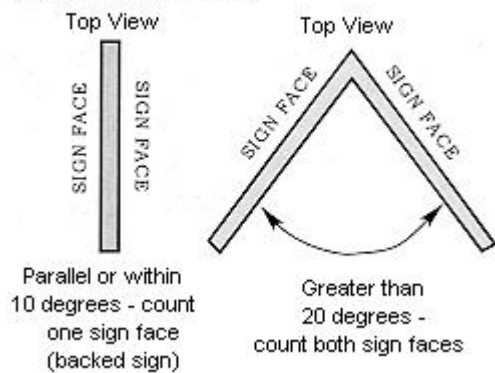
FIGURE 2
Sign Face Measurement



B. Backed Signs.

Only one side of a backed sign is counted in determining the area of sign faces. Where the two sides are not of equal size, the larger of the two sides is used for the determination of sign area (See Figure 3).

FIGURE 3
Sign Face Measurement



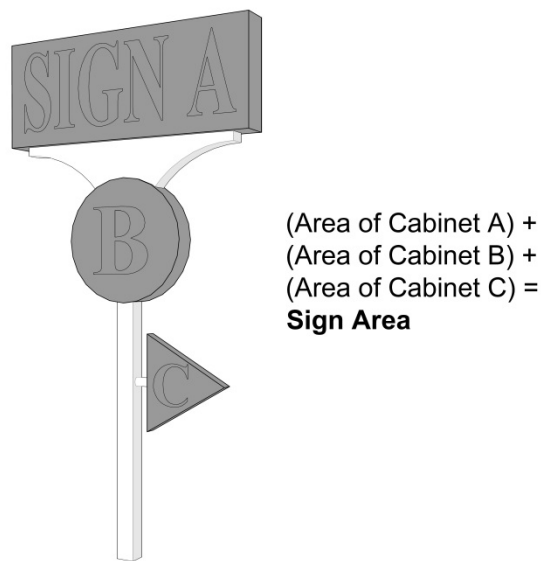
C. Multiple Cabinets.

For freestanding and projecting signs that contain multiple cabinets on one structure and oriented in the same direction, the modules together are counted as one sign face (See Figure 4).

FIGURE 4
Sign Face Measurements



Figure 4
Multiple Cabinets



D. Round Signs.

The maximum surface area visible at one time of a round, three dimensional, or three or more sided sign is counted to determine sign area.

E. ((Signs On a Base Material.

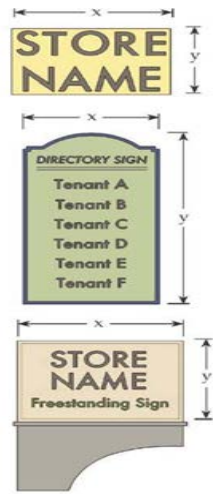
~~When a sign is on a background panel and attached without a cabinet, such as a wood board or Plexiglas background panel, the dimensions of the background panel are to be used.))~~

Background panel or surface.

Sign copy mounted, affixed or painted on a background panel or surface distinctively painted, textured or constructed as a background for the sign copy, is measured as that

area contained within the smallest rectangle, parallelogram, triangle, or circle that will enclose the sign copy and the background, as shown in Figure 5.

Figure 5



F. ((Individual Elements:

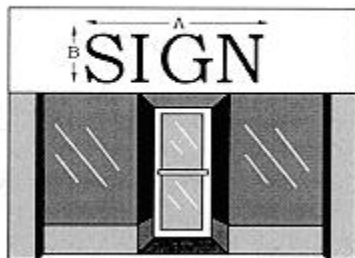
~~When signs are constructed of individual elements attached to a building wall, the sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements (See Figure 5). Sign elements will be measured as one unit when the distance between the elements is less than the dimension of the smallest element (See Figure 6).))~~

Individual letters or graphics.

Sign copy mounted as individual letters or graphics against a wall of a building or surface of another structure, that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest square, rectangle, parallelogram, triangle or circle that will enclose each word, sentence and complete message, and each graphic in the sign.

((

FIGURE 5
Sign Face Measurements



Sign Face Area = [A][B]

))

Figure 6



Sign Face Area = (A)(B)

G. Painted Wall Signs.

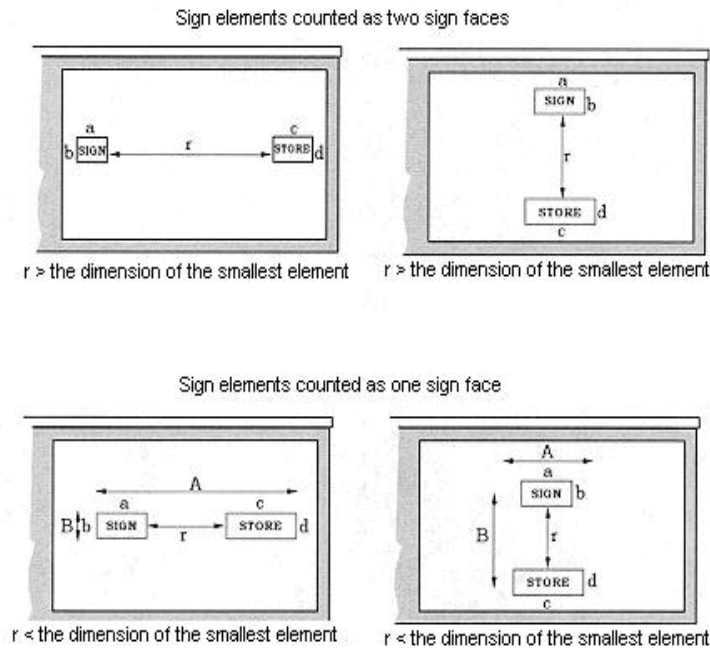
Painted wall signs are measured ~~((by drawing an imaginary rectangle around the edge of each of the sign elements. Sign elements will be measured as one unit when the distance between the elements is less than two times the length of each element (See Figure 6). Visible wall area includes windows and doors, but not openings such as loading entrances.))~~ as the sum of the smallest square, rectangle, parallelogram, triangle or circle that will enclose each word, sentence and complete message, and each graphic in the sign.

H. Awnings and Marquees.

When signs are incorporated into awnings, the sign area is determined by computing the area of an imaginary rectangle drawn around the sign face. When the ends of awnings or marquees are parallel and contain sign faces, only one side is counted in addition to the sign face area on the front.

((

FIGURE 6
Multiple Elements in a Painted Wall Sign or Fascia Sign



))

Section 11. That SMC Section 17C.240.150 is amended to read as follows:

Section 17C.240.150 ((~~Height of Signs~~)) Sign Heights and Clearances

A. Height

The overall height of a sign or sign structure is measured from the finish grade to the highest point of the sign or sign structure (See Figure 7).

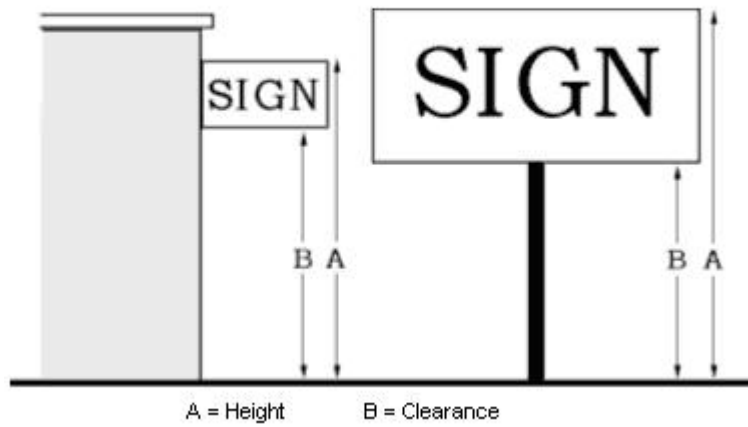
B. Clearance

Clearances are measured from the highest point of the ground directly below the sign to the bottom of the sign structure enclosing the sign face (See Figure 7).

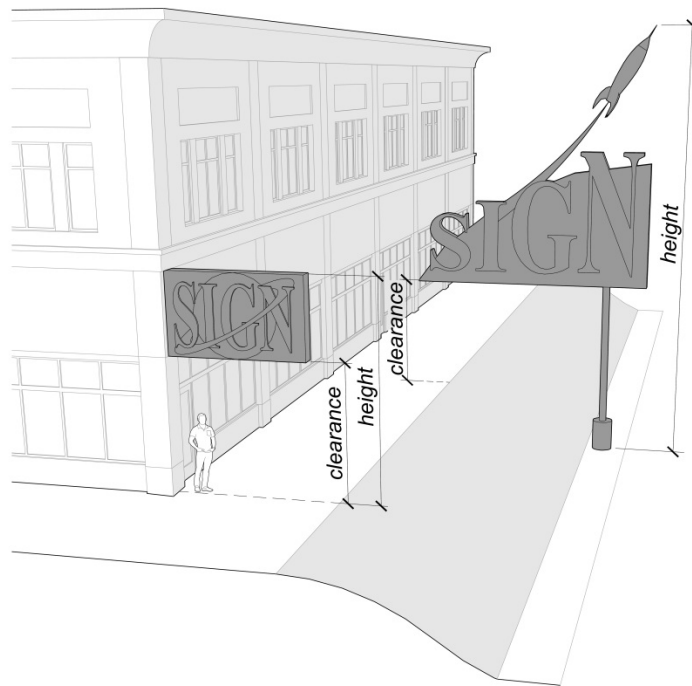
Figure 7
Sign Heights and Clearances

((

FIGURE 7
Sign Heights and Clearances



))



Section 12. That SMC Section 17C.240.160 entitled “Clearances” is repealed.

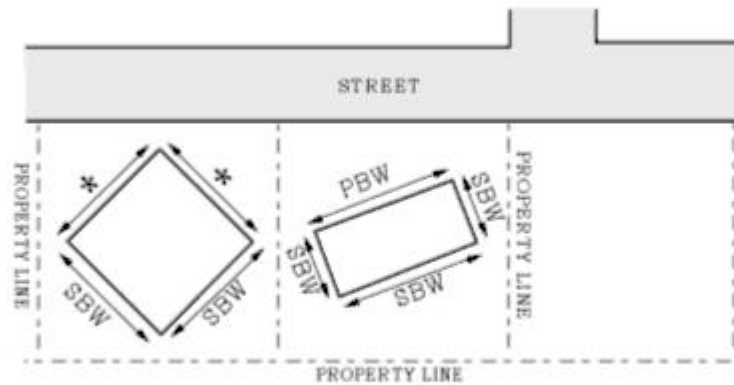
Section 13. That SMC Section 17C.240.180 is amended to read as follows:

Section 17C.240.180 Diagonal Corner Signs

Diagonal corner signs that face more than one street must be assigned to a street and building frontage by the applicant. The sign must meet all standards for the street and building frontage to which it is assigned ((See Figure (8))).

((

FIGURE 8a
Building Wall Orientation

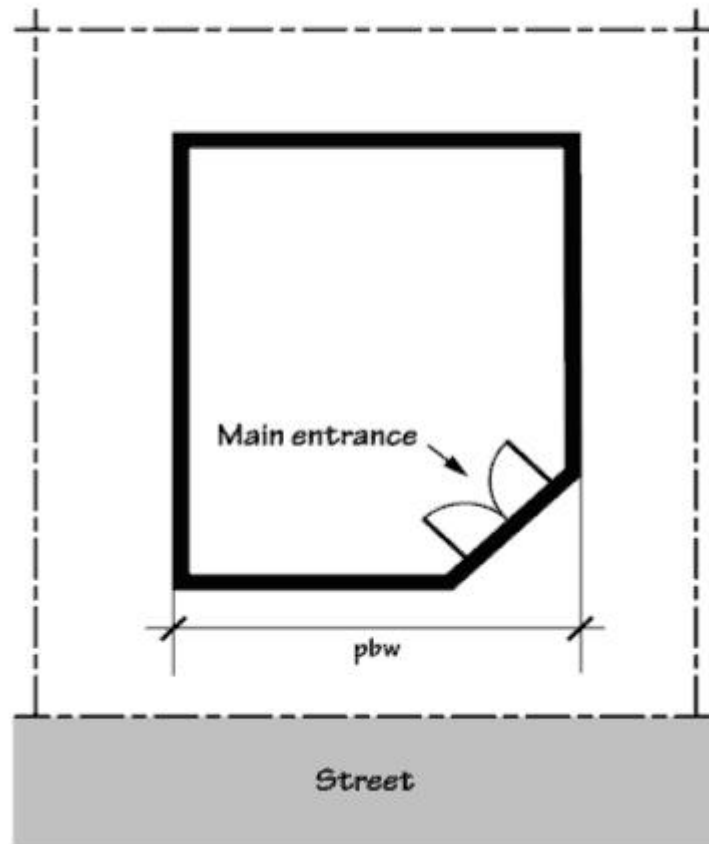


PBW = Primary Building Wall

SBW = Secondary Building Wall

* Equal orientation - applicant chooses one for primary wall and one for the secondary wall

FIGURE 8b
Primary Building Wall - Angled Entrance



Section 14. That SMC Section 17C.240.190 entitled “Sign Standards Purpose” is repealed.

Section 15. That SMC Section 17C.240.200 entitled “Official Zoning Maps” is repealed.

Section 16. That SMC Section 17C.240.220 is amended to read as follows:

Section 17C.240.220 Standards in the Residential Zones

A. General Standards.

~~((The standards for))~~ All permanent signs in ~~((the RA through RHD))~~ Residential zones ~~((are stated in))~~ must comply with the standards detailed in Table 17C.240-1. ~~((All signs must conform to the regulations of SMC 17C.240.240.))~~

~~((Table 17C.240-1~~ **(See Linked Document))**

<p>Table 17C.240-1. Standards for Permanent Signs in ((RA, RSF, RTF, RMF, and RHD)) Residential and CA4 Zones [1]</p>
--

Use Category/Structure Type [2]	Number of Signs	Max. Sign Face Area	Types of Signs Allowed	Maximum Sign Height	Additional Signs Allowed [3]
Residential Household Living/Houses, Duplexes, Attached Houses	1 per site	3 sq. ft.	Fascia, Painted Wall	Top of wall, or 10 ft. whichever is less	Directional Signs
			Freestanding	6 ft.	
Residential Household Living/Multi-family Residential Building, Group Living, Day Care, Nonresidential Category Uses Not Listed Below	1 per building	15 sq. ft.	Fascia, Painted Wall	Top of wall	Directional Signs
			Freestanding	10 ft.	
Subdivisions, PUDs, ((Mobile Home Parks)) Agricultural Uses [4]	1 per entrance	32 sq. ft.	Monument	10 ft.	Directional Signs
<u>Mobile Home Parks</u>	<u>The sign standards for mobile home parks are contained in 17C.345.120</u>				
Parks and Open Areas [5]	1 per street frontage	10 sq. ft.	Monument	10 ft.	Directional Signs
Colleges, Community Services, Medical Centers, Religious Institutions, Schools, Commercial Outdoor Recreation, Major Event Entertainments, Nonconforming Uses in Commercial and Industrial Use Categories, Uses in the Office Use Category Allowed as a Conditional Use in the RMF and RHD Zones	The sign standards of the NR zone apply. See SMC 17C.240.160.				

Notes:

[1] Temporary signs are regulated by SMC 17C.240.210, Temporary Signs.

[2] See Title 17C SMC, Uses, Use Categories, and Structure Types.

[3] These signs are allowed in addition to other signs when they meet the standards of SMC 17C.240.200(D).

[4] These signs are allowed in addition to those for individual buildings.

[5] Signs in, or adjacent to and facing, a sports field associated with Parks and Open Areas are subject to the standards of the NR zone. See SMC 17C.240.160.

B. Sign Features.

Signs in ((~~the RA, RSF, RMF, and RHD~~)) all residential zones, except for those subject to the NR zone sign standards, are subject to the standards of this subsection. Illuminated signs placed in windows are subject to these sign regulations. Extensions into the right-of-way are prohibited.

Section 17. That SMC Section 17C.240.230 is amended to read as follows:

Section 17C.240.230 Standards in the Commercial and Industrial Zones

General Standards and Sign Features.

~~((The standards for permanent signs and sign features in the Commercial and Industrial zones are stated in Tables 17C.240-2 and 17C.240-3. All signs must conform to the regulations of SMC 17C.240.240.))~~ All permanent signs in Commercial and Industrial zones must comply with the standards detailed in Tables 17C.240-2 and 17C.240-3.

Table 17C.240-2 Standards for Permanent Signs in Commercial, Center and Corridor, and Industrial Zones [1]					
	DTC, DTG, DTU, DTS, GC, LI & HI [8]	CC2 ((&)), CB, & CA3 [2][8]	O, OR, NR, NMU	CC1, CA1 & CA2 [2]	CC4 [2]
SIGNs ATTACHED TO BUILDINGS					
Size Allocation	1-1/2 sq. ft. per 1 ft. of primary building wall or 15 percent of the primary building wall, whichever is greater	1 sq. ft. per 1 ft. of primary building wall if a freestanding sign is also on the same street frontage, 1-1/2 sq. ft. per 1 ft. of primary building wall if there is no freestanding sign on the same street frontage	Same	Same	15 sq. ft.
Maximum	No limit within	Same	Same	Same	1

Number	size allocation				
Maximum Area Per Sign	250 sq. ft. In the DT Zones, the maximum area per sign attached to a building is not limited	100 sq. ft.	50 sq. ft.	50 sq. ft.	15 sq. ft.
Minimum Guaranteed Sign Area for a Ground Floor Tenant Space	32 sq. ft.	Same	Same	Same	15 sq. ft.
TYPES ALLOWED					
Fascia, Awning, Marquee, ((Pitched Reef))Roof Mounted, Painted Wall	Yes	Yes	Yes	Yes	Yes
Projecting	Yes, but no projecting signs if a freestanding sign is also on the same street frontage	Same	Same	Same	Same
((Rooftop))	((Yes))	((No))	((No))	((No))	((No))
FREESTANDING SIGNS					
Maximum Number	1 per site or 1 per 300 ft. of arterial street frontage and 1 for each additional 300 ft. or fraction thereof [3]	1 per arterial street frontage	1 per arterial street frontage	1 monument sign per arterial street frontage	1 monument sign per building
When Not Allowed	Not Limited	Not allowed if there is already a projecting sign on the same site frontage, or if existing signs attached to buildings exceed the limit of 1 sq. ft. to 1 ft. of primary building wall	Same	Same	Not allowed if there is already a wall or projecting sign
Size Allocation for All Freestanding Signs	1 sq. ft. per 1 ft. of arterial street frontage Local street	Same	Same	Same	15 sq. ft.

	frontage can be used if there are not arterial site frontages				
Size Limit	250 sq. ft.	75 sq. ft. [5]	50 sq. ft. [5]	50 sq. ft.	15 sq. ft.
Maximum Height [6]	35 ft. ((H)) In the DTS zone, the maximum height is 60 ft.	20 ft.	20 ft.	5 ft.	5 ft.

ADDITIONAL SIGNS ALLOWED

Directional Signs, Temporary Signs [7]	See SMC 17C.240. ((240(H))) <u>243(D)</u> and SMC 17C.240. ((240(G))) <u>244</u>
---	--

Yes = Allowed No = Prohibited

Notes:

[1] Temporary signs are regulated under SMC 17C.240.~~((240))~~244(H), Temporary Signs.

[2] Signs in CC and CA zones are subject to the standards and guidelines contained in the Initial Design Standards and Guidelines for Centers and Corridors.

[3] On sites with frontages longer than 300 feet, sign area earned from the first 300 feet may not be used on the second sign. For example, a 350-foot street frontage may have a 200 sq. ft. and a 50 sq. ft. freestanding sign. Interstate freeways, United States highways, state routes that are not also City of Spokane Arterials are not considered arterial streets for purposes of this Title. Sites with frontage on more than one arterial are allowed a freestanding sign on each arterial. The size allocation for each freestanding sign shall be calculated independently using only the length of the arterial frontage adjacent to the freestanding sign. The square footage allowance for freestanding signs for one arterial shall not be transferred to other arterials.

[4] Where a site has no arterial street frontage, one freestanding sign is allowed.

[5] The maximum sign area may be an additional twenty-five square feet for each additional business on a site having more than one business, up to a maximum area of one hundred fifty square feet.

[6] This height limit is for the total height of the combined sign face and sign structure.

[7] These signs may be allowed in addition to signs attached to buildings and freestanding signs when they meet the standards of SMC 17C.240.~~((240(H)))~~243 (D) and SMC 17C.240.~~((240(G)))~~244.

[8] Signage standards for mini-storage facilities are listed in 17C.350. Mini-storage facilities are not permitted in the DTC or CA3 zone.

((

~~((Table 17C.240-3~~

~~Sign Features for All Signs in Tables 17C.240-1 and 17C.240-2~~

-	GC, CC2, Downtown, CB, LI & HI	O, OR, NR, NMU, CC1 & CC4
Electronic Message Center Sign Features	Yes [1]	Yes [1] Not Permitted in CC4 Zone
Lighting	Direct, Indirect, or Internal	Same

Maximum Distance Extending into ROW	See SMC 17C.240.240(C)	Same
Maximum Area Extending into ROW	See SMC 17C.240.240(C)	Same
Bonus Allowance for Outstanding Design	See SMC 17C.240.290	Same
Yes = Allowed — No = Prohibited Notes: [[1] Electronic Message Center sign features are allowed in the GC, CC2, Downtown, CB, LI, HI O, OR, NR, NMU, & CC1 zones if they meet the standards of SMC 17C.240.240(J), Electronic Message Center Signs.)]		

))

Table 17C.240-3

Sign Features for All Signs in Table 17C.240-2

-	<u>GC, CC2, Downtown, CB, LI, HI, O, OR, NR, NMU, CC1 & CC4</u>
<u>Electronic Message Center Sign Features</u>	Allowed [1][2]
<u>Lighting</u>	<u>Direct, Indirect, or Internal</u>
<u>Maximum Distance Extending into ROW</u>	<u>See SMC 17C.240.220(E)</u>
<u>Maximum Area Extending into ROW</u>	<u>See SMC 17C.240.220(E)</u>
<u>Bonus Allowance for Outstanding Design</u>	<u>See SMC 17C.240.290</u>

Notes:

[1] Electronic Message Center sign features are allowed in the GC, CC2, Downtown, CB, LI, HI O, OR, NR, NMU, & CC1 zones if they meet the standards of [SMC 17C.240.240](#), Electronic Message Center Signs.

[2] Electronic Message Center sign features are not allowed in the CC4 Zone

Section 18. That SMC Section 17C.240.240 is amended to read as follows:

Section 17C.240.240 ((Additional Standards in All Zones)) Sign Placement and Location Restrictions

~~((A. Where These Regulations Apply.~~

~~These regulations apply to all signs regulated by this chapter.))~~

A. Sign Placement.

All signs and sign structures must be erected and attached totally within the site except when allowed to extend into the right-of-way by this chapter.

B. Signs Extending Into the Right-of-way.

The standards of this subsection apply to permanent signs that are erected on private property and that extend into the right-of-way ~~((and temporary signs that are in the right-of-way)).~~

1. Projecting Signs.

Projecting signs that extend into the right-of-way must meet the following standards:

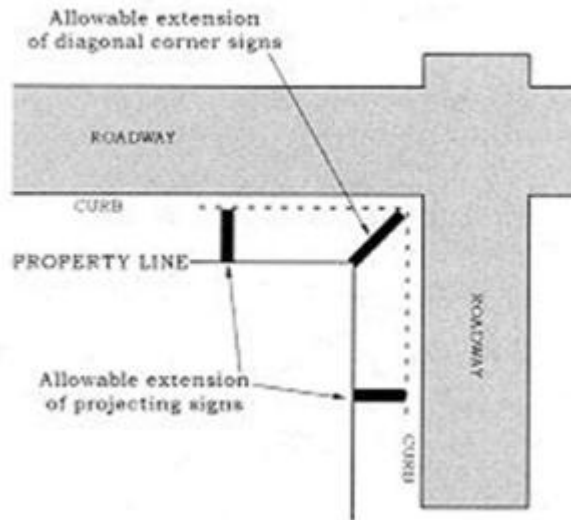
a. Distance Into the Right-of-way.

i. Where allowed, signs may extend into the right-of-way not more than ten feet or within two feet of the curbline, whichever is the smaller projection.

ii. Diagonal corner signs may extend into the right-of-way to a point that is determined by extending a line from the maximum points allowed for projecting signs on each street frontage (See Figure 8).

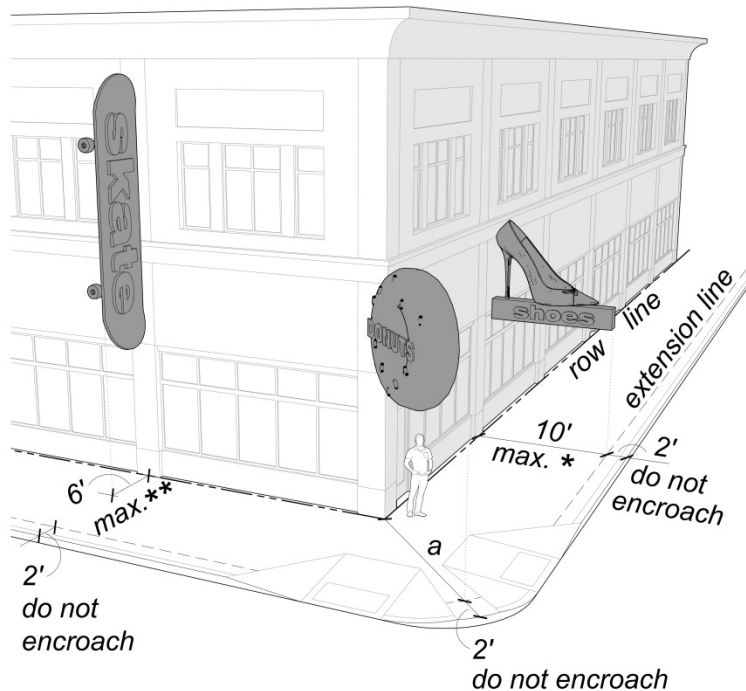
((

FIGURE 9
Diagonal Corner Signs



))

Figure 8
Signs Projecting into the Right of Way



a = Allowable extension into right-of-way for diagonal signs

* = Maximum extension into right-of-way for signs 60 sqft in area

** = Maximum extension into right-of-way for signs 100 sqft in area

b. Maximum Sign Face Area In the Right-of-way.

The area of a sign is limited by the amount the sign extends into the right-of-way, as follows:

- i. A sign extending more than six feet cannot have a total area of projection in excess of sixty square feet; and
- ii. A sign extending less than six feet may not exceed one hundred square feet in area.

c. Blanketing.

A projecting sign that extends into the right-of-way more than three feet may not be within twenty feet of another projecting or freestanding sign that extends more than three feet into the right-of-way if the new sign is within horizontal lines drawn from the top and bottom of the prior sign.

2. Awnings and Marquees.

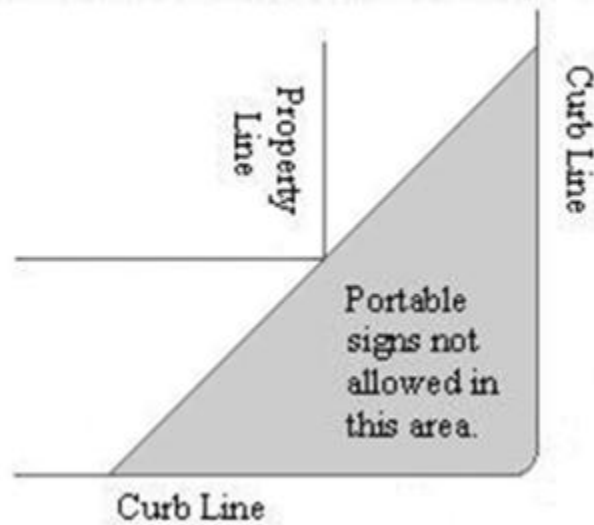
Awnings and marquees that contain signs may extend into the right-of-way the same distance as awnings and marquees that do not contain signs (See SMC 17F.040.140, Awnings).

~~((3. Temporary Signs:~~

~~Temporary signs allowed to be placed in the right-of-way in SMC 17C.240.240(G) shall meet the following standards:~~

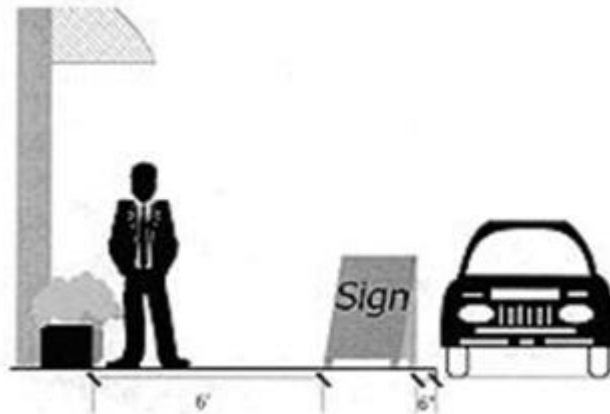
- ~~a. The sign is entirely outside the roadway.~~
- ~~b. The sign is no larger than nine square feet in size. The sign face is no wider than three feet and no taller than thirty-six inches.~~
- ~~c. The sign is entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face (See Figure 10a).~~

FIGURE 10a
Placement of Portable Signs in the R-O-W



- d. The sign is entirely outside the area of a sidewalk that is between the lines created by extending the edges of any curb ramp across the sidewalk to the property line.
- e. The sign is within six inches of the curb (See Figure 10b)

FIGURE 10b
Placement of Portable Signs in the R-O-W



- f. The sign does not obstruct a continuous through pedestrian zone of at least six feet in width except in center and corridor zones, sandwich board signs which are located on the sidewalk shall be located in such a manner as to leave a pathway at least four feet wide that is free of obstructions.
- g. The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:
 - i. Transit stop areas.

- ii. ~~Designated disabled parking spaces.~~
- iii. ~~Disabled access ramps; or~~
- iv. ~~Building exits including fire escapes.~~

h. ~~Physical Attachment to Public Property.~~

~~Except as allowed for community banners, temporary signs placed in the right-of-way must remain portable and may not be attached or anchored in any way to trees or to public property including utility or light poles, parking meters, the ground, or pavement.~~

i. ~~Additional Placement Standards for Temporary Signs.~~

~~Temporary signs placed in the right-of-way must meet the following additional standards:~~

- i. ~~Where no curb exists, the sign must be placed outside the roadway at least five feet from the edge of the roadway. Temporary signs may not be placed in medians, traffic islands, or other areas within the roadway.~~
- ii. ~~Temporary signs must not be placed in parking spaces, pedestrian pathways, or bicycle paths.~~

3. ~~Removal of Signs.~~

~~The city engineer may require signs extending into the right-of-way to be modified or moved if streets are widened, or other improvements made in the right-of-way, which result in the creation of unsafe conditions. The modification or moving will be at the owner's expense. If a nonconforming sign is moved under this requirement, it may be re-erected on the site without being brought into conformance.~~

B. ~~Signs Attached to Buildings or Structures.~~

1. ~~Placement.~~

~~Signs attached to buildings or structures that are based on the sign rights of a primary building wall may be placed on that primary building wall, on a secondary building wall, or on another structure. They may not be placed on another primary building wall.~~

2. ~~Awnings and Marquees.~~

~~Signs attached to an awning or marquee that extends into the right-of-way must comply with the pedestrian clearance and right-of-way extension standards of SMC 17F.040.140, Awnings.~~

3. ~~Fascia Signs.~~

a. ~~Vertical Extensions.~~

~~Fascia signs may not extend more than six inches above the top of the building wall. Fascia signs attached to other structures may not extend above the top of the structure.~~

b. ~~Horizontal Extensions.~~

~~A fascia sign may not extend more than eighteen inches out from the wall or structure to which it is attached. Fascia signs may not extend beyond the corner of buildings or other structures.~~

4. ~~Pitched Roof Signs.~~

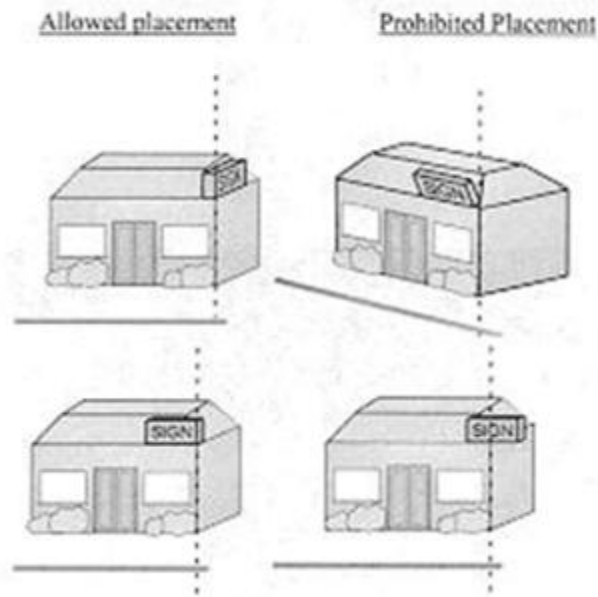
a. ~~Vertical Extensions.~~

~~The face of pitched roof signs may not extend more than six inches above the roofline.~~

b. ~~Placement and Angle.~~

~~Pitched roof signs must be parallel to the building face. They may not extend beyond the building wall (See Figure 11).~~

FIGURE 11
Pitched Roof Sign Placement



5. ~~Projecting Signs.~~

a. ~~Vertical extensions.~~

~~The face of a projecting sign may not extend more than six inches above the roof line.~~

b. ~~Placement.~~

~~Projecting signs that extend over the right of way must meet the placement standards of SMC 17C.240.240(C), Signs Extending Into the Right-of-way.~~

C. ~~Freestanding signs and monument signs.~~

1. ~~Setbacks.~~

~~Freestanding signs are regulated as follows:~~

a. ~~Residential Zones.~~

~~i. In residential zones, freestanding signs are allowed in required setbacks; however, in required front setbacks, monument signs exceeding three and one-half feet tall shall be setback ten feet from the front property line, provided that the requirements of SMC 17C.240.240(F) are met.~~

~~ii. Freestanding signs with structural supports less than two feet in width, with copy area placed at a height of seven feet or more above grade, may be located at the front property line, provided that the requirements of SMC 17C.240.240(F) are met.~~

~~iii. Freestanding signs with structural supports of more than two feet shall be set back not less than ten feet from the front property line, provided that the requirements of SMC 17C.240.240(F) are met.~~

b. ~~Commercial and Industrial Zones.~~

~~In O, OR, NR, NMU, CB, CC-2, GC, LI, and HI zones, freestanding signs are allowed in required setbacks for buildings and parking areas. However, freestanding signs are prohibited in the setback between a~~

~~property line abutting a residentially zoned site and the building line or parking area setback line.~~

~~2. Frontages.~~

~~Freestanding signs must be placed on arterial street frontages unless there are none. Freestanding signs that are allowed based on the length of one arterial street frontage may not be placed on another arterial street frontage. Frontage on a freeway is not considered arterial street frontage.~~

~~3. Extensions Into the Right-of-way.~~

~~Freestanding signs may project into the public right-of-way as follows:~~

- ~~a. No more than ten feet beyond the property line; or~~
- ~~b. Within two feet of the curbline, whichever is the smaller projection.~~
- ~~c. The area of a sign is limited by the amount of projection beyond the property line, as follows:~~
 - ~~i. A sign projecting more than six feet cannot have a total area of projection in excess of sixty square feet; and~~
 - ~~ii. A sign projecting less than six feet may not exceed one hundred square feet in area.~~
- ~~d. All supports of a freestanding sign must be on private property.))~~

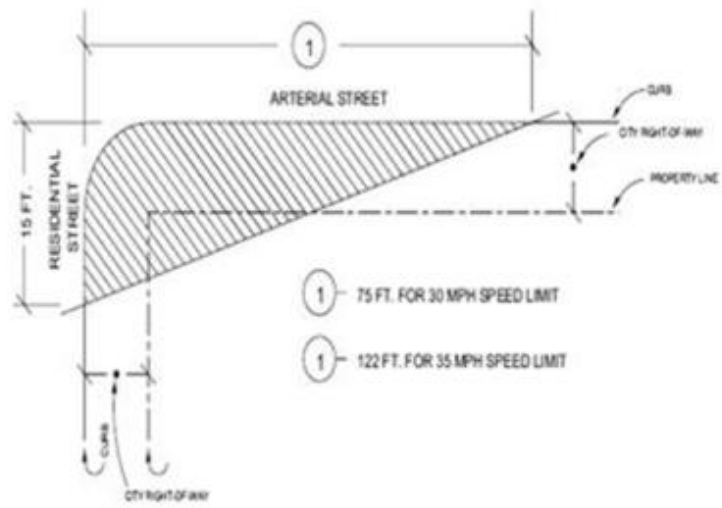
C. Clearances.

1. ((Vision Clearance Areas.))Clear View Triangle

a. ((Vision Clearance Areas.

Vision clearance areas are triangular-shaped areas located at the intersection of any combination of rights-of-way, alleys, or driveways. The sides of the triangle extend fifteen feet from the intersection of the vehicle travel areas (See Figures 12a and b). The height of the vision clearance area is from thirty-six inches above the ground to ten feet above the ground immediately below the sign or awning (See Figure 12c).)) Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, all signs and sign features within the Clear View Triangle defined in SMC 17A.020.030 shall be maintained to keep a vertical clear view zone between three and ten feet from ground immediately below the sign or awning (see Figure 9).

FIGURE 12a
Vision Clearance Area



((

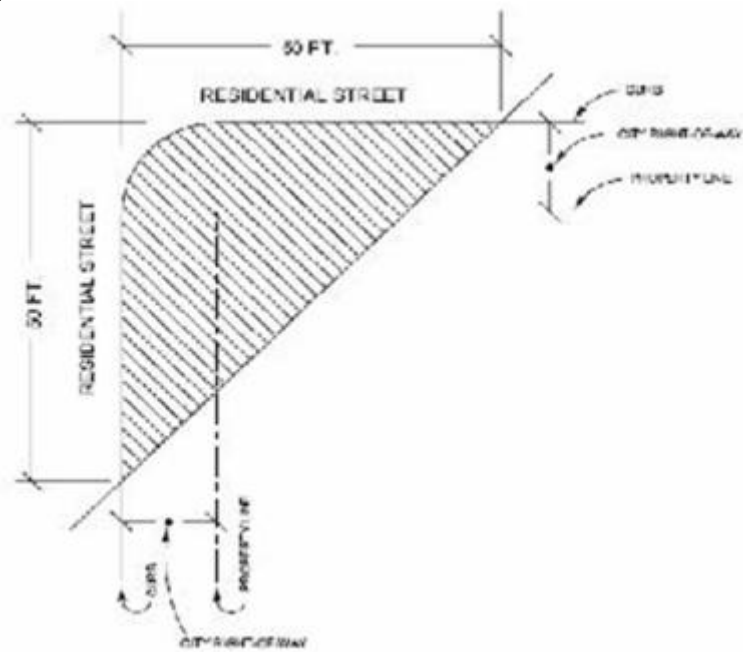


FIGURE 12b
Vision Clearance for Driveways

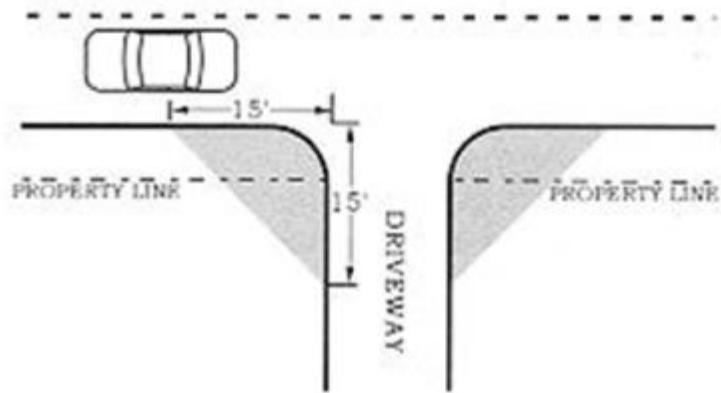
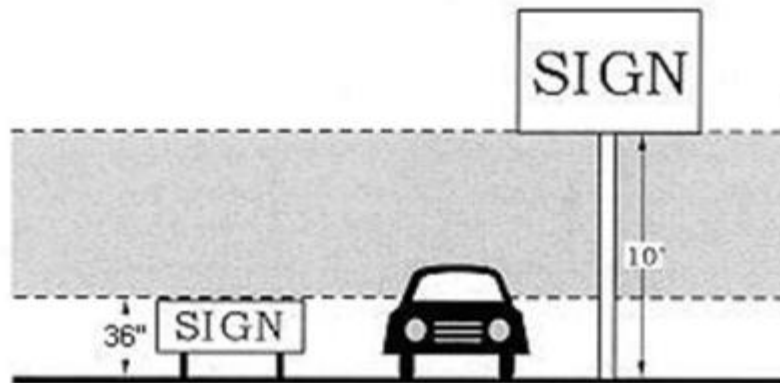


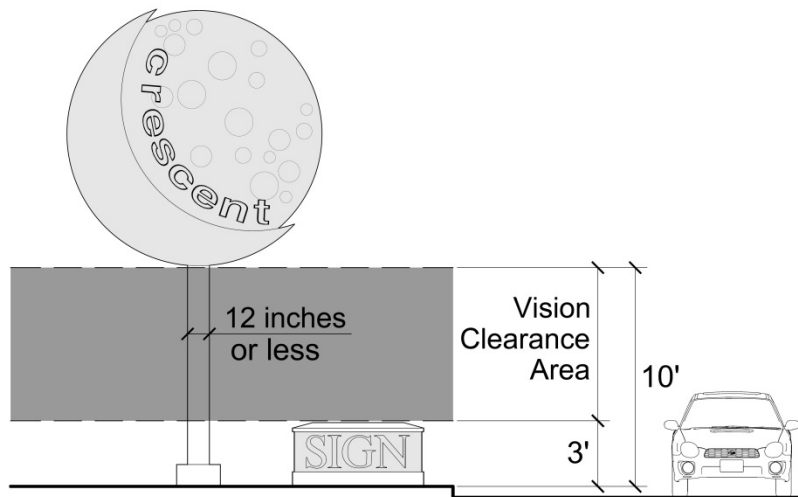
FIGURE 12c
Vision Clearance Area Height



))

Figure 9

Vertical Clear View Zone



~~b. ((Signs in Vision Clearance Areas.))~~ Signs may not be located within a ~~((vision clearance area))~~ clear view triangle as defined in this paragraph. Support structures for a sign may only be located in a ~~((vision clearance area))~~ clear view triangle if the combined total width is twelve inches or less and the combined total depth is twelve inches or less.

2. Vehicle Area Clearances.

In areas outside of rights-of-way, when a sign or awning extends over where vehicles travel or are parked, the bottom of the structure must be at least fourteen feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.

3. Pedestrian Area Clearances.

When a sign or awning extends over a sidewalk, walkway, or other space used by pedestrians, the bottom of the structure must be at least eight feet above the ground. Free-hanging valances made of fabric or other non-rigid material hung on signs, awnings, and marquees must be at least seven feet above of a sidewalk, walkway, or other space used by pedestrians.

~~((4. Clearances from Fire Escapes, Means of Egress, or Standpipes.~~

~~Signs, sign structures, and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress, or standpipe. Attaching signs, sign structures, or awnings to a fire escape is prohibited.~~

~~5. Obstruction of Windows and Ventilation.~~

~~Signs, sign structures and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation, or exhaust are reduced to a level below that required by the building code.))~~

4. Access to Signs.

Access clear of all obstructions must be provided to all signs.

~~((D. Temporary Signs.~~

~~The following signs are classified as temporary (non-permanent). Temporary signs are permitted subject to the applicable limitations.~~

~~4. Construction Signs.~~

~~No sign permit is required. Such signs may be placed on the property on which construction is occurring upon private property only and may be displayed only after a building permit is obtained and during the period of construction on the construction site. The applicable limits are as follows:~~

- ~~a. In all zones other than single family residential zones, no construction sign shall exceed thirty two square feet in sign area or ten feet in height.~~
- ~~b. In single family residential zones, no construction sign shall exceed fifteen square feet in sign area.~~

~~5. Grand Opening Displays.~~

~~No sign permit is required. Such signs may be placed upon the premises of the business only. Such temporary signs, posters, banners, strings of lights, clusters of flags, balloons, or other air or gas filled figures, and searchlights are permitted for a period of thirty days only to announce the opening of a completely new business. All such materials shall be removed immediately upon the expiration of seven days after the event's conclusion. Such displays are permitted only in districts where the business so advertised is allowed under district zoning regulations. Searchlights may be permitted by any business provided the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical. All banners must be legible, made of durable materials, and must be well maintained.~~

~~6. Special Event Signs.~~

~~No sign permit is required. Such temporary signs may be placed upon the premises of the business only and shall not be larger than twenty square feet. Said signs shall not be posted or attached to telephone poles, power poles, or other public utility facilities. Such signs may be displayed thirty days prior to an event and must be removed within seven days after the event's conclusion. The event committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code. Searchlights may be permitted by any business provided the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical. All banners must be legible, made of durable materials, and must be well maintained.~~

~~7. Balloon Signs.~~

~~No sign permit is required. Such signs may be placed upon the premises of the business only. One balloon sign is allowed per site for a maximum of one month at a showing twice per calendar year in the commercial and industrial zones. Temporary balloon signs may be located on a building rooftop. The vertical dimension of the balloon may not exceed twenty-five feet.~~

~~8. Real Estate Signs.~~

~~No sign permit is required. Such signs may be placed upon private property only. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits, are as follows:~~

~~a. Residential "For Sale," "For Rent," and "Sold" Signs.~~

~~Such signs shall be limited to one sign per street frontage not to exceed five square feet in sign area, placed wholly on the property for sale or rent, and not to exceed a height of seven feet.~~

~~b. Residential "Open House" Signs.~~

~~Such signs shall be limited to one sign per street frontage on the premises for sale and up to ten off premises signs spaced not closer than two~~

~~hundred feet. Such signs are permitted only during daylight hours and when the real estate professional or seller or an agent is in attendance at the property for sale. No such sign shall exceed five square feet in sign area.~~

~~c. Undeveloped Commercial and Industrial Property "For Sale or Rent" Signs.~~

~~One sign per street frontage advertising undeveloped commercial and industrial property for sale or rent. The sign shall not exceed thirty-two square feet in sign area and ten feet in height.~~

~~d. Developed Commercial and Industrial Property "For Sale or Rent" Signs.~~

~~One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than ten feet from the building line, the sign shall be placed on the building or in a window. The sign shall not exceed ten feet in height and, if free standing, shall be located more than fifteen feet from any abutting property line or a public right of way line. Said sign shall not exceed thirty two square feet in sign area.~~

~~e. Undeveloped Residential Property "For Sale" Signs.~~

~~One sign per street frontage advertising undeveloped residential property for sale is permitted not exceeding thirty two square feet in sign area. The sign must be placed more than thirty feet from the abutting owner's property line and may not exceed a height of ten feet.~~

~~f. Subdivisions approved after the effective date of this chapter are permitted one cluster of flagpoles (not to exceed five flagpoles) in front of sales offices to advertise the new development.~~

~~9. Political Campaign Signs.~~

~~All signs which are relating to promoting or publicizing the nomination or election of any individual for a public political office to be voted on in any primary, general or special election or advocating any ballot measure to be voted on in any primary, general or special election, hereinafter referred to as political campaign signs, are permitted subject to the following regulations:~~

~~a. Size of Signs.~~

~~Political campaign signs located on private property in a residential zone shall be limited to a maximum surface area of sixteen square feet. Political campaign signs located on private property in zones other than residential zones shall be limited to a maximum surface area of thirty-two square feet. Political campaign signs located in the public right of way as set forth in subsection c shall be limited to a maximum surface area of five square feet with a maximum height of five feet. The maximum square footage shall be based upon one side of the sign. Signs may be two-sided.~~

~~b. Signs on Private Property.~~

~~Political campaign signs may be erected upon any private property with the permission of the property owner, resident, or respective agent. In cases of vacant property, or where there is no occupied structure on the property, political signs may be placed thereon with the written consent of the property owner or his agent.~~

~~c. Political Campaign Signs on the Public Right of way.~~

~~Placement of political campaign signs on the public right of way must have the permission for such placement of the abutting property owner, resident or respective agent. For purposes of this section, the public right-of-way shall mean that portion of the public right of way located next to a street between the roadway and the adjacent private property open to the public for general pedestrian passage, including the buffer/planting strip.~~

~~Political campaign signs may be posted preceding a primary, general or special election within the public right-of-way only if the signs do not create a traffic obstruction or hazard or impair or impede pedestrian thoroughfares and comply with all requirements of this section. Political campaign signs located in the public right-of-way shall only be attached to a self-supporting wood stick(s), metal post, or other such devices, shall not be attached to any other structures and shall not be erected in any manner which would damage the surface infrastructure in which the sign is located.~~

~~d. Method of Display.~~

~~Political campaign signs authorized under this section shall not be displayed using digital, flashing, electronic, or solar technology unless specifically authorized by other provisions of the Spokane Municipal Code. Political campaign signs authorized under this section, either on private property or within the public right-of-way, are subject to all other regulations regarding temporary signs.~~

~~e. Unauthorized Signs on City Property.~~

~~Unauthorized signs of any nature located on City-owned or maintained property or on any portion of park property under the jurisdiction of the park board are prohibited and shall be immediately removed unless specifically authorized by law. City-owned or maintained property shall include all property held in the City's name or controlled by easement or other legal devices, including all portions of the public right-of-way. This prohibition shall not apply to political campaign signs located in the public right-of-way adjacent to vacant city-owned property.~~

~~f. Removal of Signs.~~

~~i. Political campaign signs on the public right-of-way as defined in this section or private property shall not be displayed after the date the election results have been certified for the election for which it was intended. In cases where a general election follows a primary election, those signs for candidates whose names will appear on the ballot in the general election may be displayed during the interim period and up to the date the general election results are certified. In all instances herein in which political campaign signs are required to be removed, or if the signs have become detached from their support device or damaged, it shall be the responsibility of the property owner or occupant, if the sign is located on private property, or the respective candidate, if the sign is located on the public right-of-way, to have the signs removed.~~

~~ii. Failure to remove political campaign signs located on the public right-of-way shall result in a one-time sign removal fee of twenty-five dollars per sign under fifteen square feet and fifty dollars for signs over fifteen square feet being assessed against the respective responsible campaign official. For the purpose of recovering the costs of removal there is a rebuttable presumption that the candidate seeking office or the sponsor of a ballot measure is the responsible campaign official who is responsible for the placement of a political campaign sign in the public right-of-way. Removal of signs located in the public right-of-way shall be under the direction of the director of public works and utilities or his or her designee.~~

~~iii. Failure to remove political campaign signs located on private property shall result in a civil infraction assessed pursuant to SMC 1.05.160 against the property owner or occupant for each sign. Each day~~

~~shall be a separate violation. A notice to remove the sign shall be issued by the code enforcement department to the property owner and/or occupant prior to the issuance of a civil infraction pursuant to SMC 1.05.040.~~

~~iv. The sign removal fee may be appealed to the hearing examiner within ten days of a letter assessing the fee. A civil infraction may be contested in the municipal court.~~

~~g. Signs Related to Constitutionally Protected Free Speech.~~

~~Signs expressing constitutionally protected free speech located on private property, including the public right-of-way adjacent to the private property, as defined in this section, unrelated to promoting or publicizing the nomination or election of any individual for a public political office or advocating any ballot measure to be voted on in any primary, general or special election shall not be subject to the time period for the removal of political campaign signs, but shall otherwise be subject to all other provisions of this section.~~

~~h. Public Notice.~~

~~Nothing in this chapter shall be construed to prohibit or modify the requirements for placement of public notices required by law.~~

~~i. Exemption.~~

~~Nothing in this chapter shall limit the promotion or publication of a political message by other means lawfully permitted under the City's sign code, chapter 17C.240 SMC.~~

~~j. Permit or Permit Fees.~~

~~There shall be no permit or fee requirement for political campaign signs erected under this section unless the sign is attached to a sign structure permitted under other provisions of the sign code that requires a permit and fee.~~

~~10. Community Banners.~~

~~Such signs may be permitted and extend into the public right-of-way by permission of the city administrator or appointed representative. Such signs may only be placed at City-designated locations provided that the banner:~~

- ~~a. is not commercial advertising but, rather, has as its principal purpose the promotion of a civic event, public service announcement, holiday decoration, or similar community interests;~~
- ~~b. has been approved by the arts commission;~~
- ~~c. complies with all applicable codes; and~~
- ~~d. does not, in the judgment of the street director, present a traffic hazard.~~

~~11. Banners.~~

~~See SMC 17C.240.240(G)(2) for grand opening displays and SMC 17C.240.240(G)(3) for special event signs.~~

~~12. Sandwich Board Signs.~~

~~Businesses will only be allowed a maximum of one sandwich board sign. These signs are subject to the following conditions:~~

~~a. Notification.~~

~~Notification to the City is required prior to displaying a sandwich board sign. This notification shall include acknowledgement of the sandwich board sign requirements, list of materials used, and rendering of the sign, including the dimensions.~~

~~b. Size.~~

~~The area of the sign shall not exceed nine square feet per side in size and shall not exceed three feet in any dimension.~~

~~c. Maintenance Standards.~~

~~Signs shall be constructed out of materials able to withstand typical northwest weather. Such materials may be metal, finished wood, chalkboard, whiteboard, or plastic; signs and copy shall be of professional quality. Owners of sandwich board signs shall be required to keep their signs in a legible, intact, and well-maintained manner.~~

~~d. Display Time.~~

~~Signs may only be displayed during business hours. If business hours continue past daylight hours, precautions should be taken to place the sign in a location where it is readily visible after dark. This shall not be construed to allow the wiring of a sign for lighting.~~

~~e. Location.~~

~~Signs may be located no further than twelve feet from the entrance to the business. Such signs shall not be placed in a location which is within the vision triangle or any location which will impede vehicular traffic. Further, such signs shall not be placed in a manner which will block or otherwise obstruct the safe use of sidewalks, building entrances or stairs by pedestrians, including pedestrians who are visually impaired or otherwise handicapped.~~

~~13. Garage Sale (Yard Sales, Moving Sales, Patio Sales).~~

~~No sign permit is required. Such sign shall be limited to one sign on the premises and ten off premises signs. No such sign shall exceed four square feet in sign area. Signs shall not be posted or attached to telephone poles, power poles or other public utility facilities. The sign or signs may be displayed only during the sale and must be removed the day the sale ends. The person or persons for which the sign or signs are displayed shall be responsible for its removal and subject to the penalties as provided in this code.~~

~~14. Seasonal Sales.~~

~~No sign permit is required. Such temporary signs may be placed upon private property only. Vendors who receive a license as defined in chapter 8.01 SMC for seasonal or temporary sales activities (e.g. Christmas trees) are permitted one sign not to exceed twenty square feet in sign area. This sign shall be mounted to the booth or trailer used for temporary sales.~~

~~D. Directional Signs.~~

~~1. General Standards.~~

~~Directional signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.~~

~~2. Size.~~

~~Freestanding directional signs may be up to six square feet in area and forty two inches in height. Fascia directional signs may be up to six square feet in area and eight feet in height.~~

~~3. Sign Features.~~

~~Direct, internal or indirect lighting is allowed. Extensions into the right-of-way are prohibited.~~

~~4. Directional Signs that Do Not Meet the Standards of this Subsection.~~

~~Directional signs that do not meet the standards of this subsection must meet either the standards for signs attached to buildings or the standards for freestanding signs.~~

~~E. Permanent Banners.~~

~~1. General.~~

~~Banners used as permanent signs are allowed in all zones and will be included in the total square footage of permanent signage allowed on the site. Temporary banners are regulated under subsection (G) above.~~

~~2. Standards.~~

~~Permanent banners are subject to the standards for either fascia signs or projecting signs depending on how the banner is supported or anchored.~~

~~F. Electronic Message Center Signs.~~

~~Electronic message center signs are permitted subject to the limitations in Table 17C.240-4.))~~

D. Removal of Signs.

1. The director of public works and utilities may require any legally permitted or legal non-conforming signs extending into the right-of-way to be modified or moved if streets are widened, or other improvements made in the right-of-way, which result in the creation of unsafe conditions. The modification or moving will be at the owner's expense. If a legal nonconforming sign is moved under this requirement, it may be re-erected on the site without being brought into conformance.
2. Abandoned signs and signs not explicitly allowed within the right-of-way shall be subject to immediate removal, under the authority of the director of public works or his/her designee.

Section 19. That there is adopted a new section 17C.240.241 to chapter 17C.240 of the Spokane Municipal Code to read as follows:

Section 17C.240.241 Building Mounted Wall Signs.

A. Placement.

Signs attached to buildings or structures that are based on the sign rights of a primary building wall may be placed on that primary building wall, on a secondary building wall, or on another structure. They may not be placed on another primary building wall.

B. Awnings and Marquees.

Signs attached to an awning or marquee that extends into the right-of-way must comply with the pedestrian clearance and right-of-way extension standards of [SMC 17F.040.140](#), Awnings

C. Fascia Signs.

1. Vertical Extensions.

Fascia signs may not extend more than six inches above the top of the building wall. Fascia signs attached to other structures may not extend above the top of the structure.

2. Horizontal Extensions.

A fascia sign may not extend more than eighteen inches out from the wall or structure to which it is attached. Fascia signs may not extend beyond the corner of buildings or other structures.

D. Projecting Signs.

1. Vertical extensions.

The face of a projecting sign may not extend more than six inches above the roof line.

2. Placement.

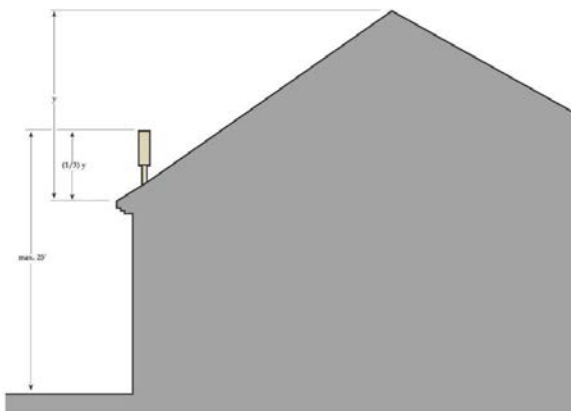
Projecting signs that extend over the right-of-way must meet the placement standards of [SMC 17C.240.170\(B\)](#), Signs Extending Into the Right-of-way.

Section 20. That there is adopted a new section 17C.240.242 to chapter 17C.240 of the Spokane Municipal Code to read as follows:

Section 17C.240.242 Roof-Mounted Signs

- A. No permit shall issue for a roof-mounted sign which does not comply with the following standards:
1. Number. No more than one (1) roof-mounted sign shall be allowed for each building.
 2. Area. The area of the roof-mounted sign shall not exceed the total amount of wall sign area that would be allowed for the building or site on which the roof mounted sign is located.
 3. Location. Allowed on the slope of peaked/sloped roof buildings only, and only on the lowest one-third ($1/3$) of the slope of the peaked roof. Roof-mounted signs shall be installed so that the structural supports of the sign are minimized. Angle irons, guy wires, braces or other secondary supports shall appear to be an integral part of the roof or roof-mounted sign.
 4. Zone. Roof-mounted signs are permitted in nonresidential zones only.
 5. Design. Roof-mounted signs may be non-illuminated, internally illuminated or indirectly illuminated, provided that the light is limited to the sign face only.

Figure 10
Roof Mounted Signs



Section 21. That there is adopted a new section 17C.240.243 to chapter 17C.240 of the Spokane Municipal Code to read as follows:

Section 17C.240.243 Freestanding Signs

- A. Setbacks.
- Freestanding signs are regulated as follows:
1. Residential Zones.
 - a. In residential zones, freestanding signs are allowed in required setbacks; however, in required front setbacks, monument signs exceeding three and one-half feet tall shall be setback ten feet from the front property line, provided that the requirements of [SMC 17C.240.170\(C\)](#) are met.
 - b. Freestanding signs with structural supports less than two feet in width, with copy area placed at a height of seven feet or more above grade, may be

located at the front property line, provided that the requirements of [SMC 17C.240.170\(C\)](#) are met.

- c. Freestanding signs with structural supports of more than two feet shall be set back not less than ten feet from the front property line, provided that the requirements of [SMC 17C.240.170\(C\)](#) are met.

2. Commercial and Industrial Zones.

In O, OR, NR, NMU, CB, CC-2, GC, LI, and HI zones, freestanding signs are allowed in required setbacks for buildings and parking areas. However, freestanding signs are prohibited in the setback between a property line abutting a residentially zoned site and the building line or parking area setback line.

B. Frontages.

Freestanding signs must be placed on arterial street frontages unless there are none. Freestanding signs that are allowed based on the length of one arterial street frontage may not be placed on another arterial street frontage. Frontage on a freeway is not considered arterial street frontage.

C. Extensions Into the Right-of-way.

Freestanding signs may project into the public right-of-way as follows, provided they also meet the requirements of [17C.240.170\(B\)](#):

1. No more than ten feet beyond the property line; or
2. Within two feet of the curbline, whichever is the smaller projection.
3. The area of a sign is limited by the amount of projection beyond the property line, as follows:
 - a. A sign projecting more than six feet cannot have a total area of projection in excess of sixty square feet; and
 - b. A sign projecting less than six feet may not exceed one hundred square feet in area.
4. All supports of a freestanding sign must be on private property.

D. Directional Signs.

1. General Standards.

Directional signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.

2. Size.

Freestanding directional signs may be up to six square feet in area and forty two inches in height. Fascia directional signs may be up to six square feet in area and eight feet in height.

3. Sign Features.

Direct, internal or indirect lighting is allowed. Extensions into the right-of-way are prohibited. Up to 25 percent of the area of the sign may contain a logo, image, or other copy.

4. Directional Signs that Do Not Meet the Standards of this Subsection.

Directional signs that do not meet the standards of this subsection must meet either the standards for signs attached to buildings or the standards for freestanding signs.

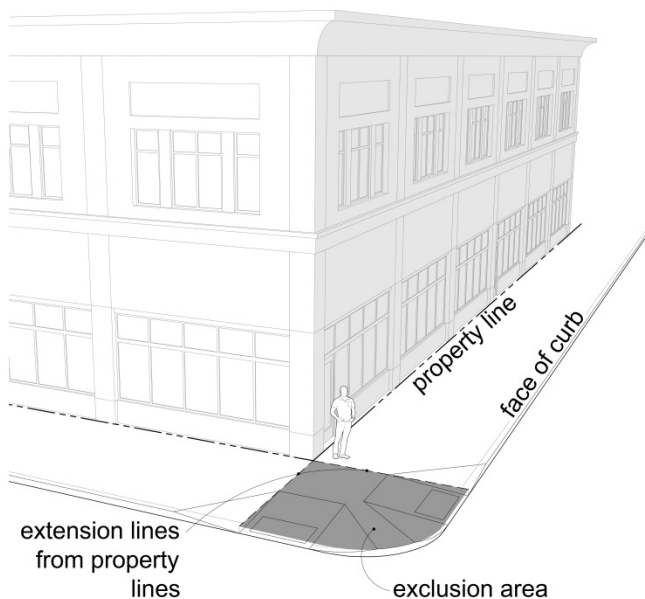
Section 22. That there is adopted a new section 17C.240.244 to chapter 17C.240 of the Spokane Municipal Code to read as follows:

Section 17C 240.244 Temporary Signs

- A. No Permit required. No sign permit is required for temporary signs.

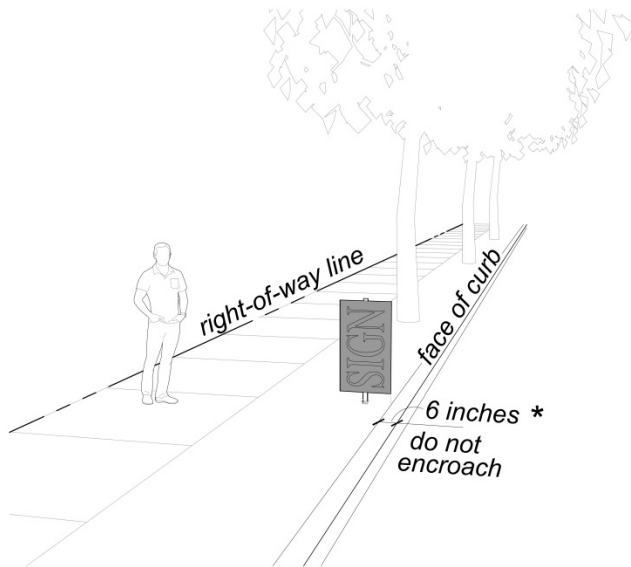
- B. Removal. Any abandoned temporary sign, or other temporary signs that are not explicitly allowed within the right-of-way shall be removed. Failure to remove such signs shall constitute a violation of this chapter.
1. The director of public works and utilities shall have the authority to require the immediate removal of any abandoned temporary sign or other temporary signs not explicitly allowed in the public right-of-way.
 2. Authority over abandoned temporary signs in other locations is described in SMC 17C.240.050. The removal shall be at the cost of the sign and/or property owner.
- C. Materials. See the definition of “temporary sign” in Section 17C.240.015.
- D. City property (excluding City right-of-way). Temporary signs on City-owned property (excluding City right-of-way) are allowed only in conjunction with an approved Special Event permit.
- E. City Right-of-Way outside of the Roadway. Temporary signs allowed to be placed in the right-of-way shall meet the following standards:
1. The sign is entirely outside the roadway.
 2. The sign is no larger than the maximum allowed for a freestanding temporary sign in the zoning district.
 3. The sign is entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face (See Figure 11a).

Figure 11a
Exclusion Area



4. The sign is entirely outside the area of a sidewalk that is between the lines created by extending the edges of any curb ramp across the sidewalk to the property line.
5. The edge of the sign is within six inches of the curb (See Figure 11b).

Figure 11b
Temporary Signs in the Right of Way



* = Where no curb is present, distance must be 5' from edge of roadway

6. The sign does not obstruct a continuous through pedestrian zone of at least six feet in width.
 7. The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:
 - a. Transit stop areas.
 - b. Designated disabled parking spaces.
 - c. Disabled access ramps; or
 - d. Building exits including fire escapes.
 8. Physical Attachment to Public Property.
See SMC 17C.240.070(I).
 9. Additional Placement Standards for Temporary Signs.
Temporary signs placed in the right-of-way must meet the following additional standards:
 - a. Where no curb exists, the sign must be placed outside the roadway at least five feet from the edge of the roadway. Temporary signs may not be placed in medians, traffic islands, or other areas within the roadway.
 - b. Temporary signs must not be placed in parking spaces, pedestrian pathways, or bicycle paths. Residential zones.
 - c. Temporary signs placed in the right-of-way must have the permission for such placement of the abutting property owner, resident, or respective agent. For purposes of this section, the public right-of-way shall mean that portion of the public right-of-way located next to a street between the roadway and the adjacent private property open to the public for general pedestrian passage, including the buffer/planting strip.
- F. Temporary signs may be placed on property residentially zoned in accordance with the requirements of this Section and the following:
1. Freestanding signs (includes post-mounted, stake and portable signs).
 - a. Single-family zones: Temporary free-standing signs shall not exceed four (4) square feet in size and five (5) feet in height, if the sign is post mounted on the ground, and not to exceed three (3) feet in height if the sign is stake-mounted or portable.

- b. Multi-family zones: Temporary free-standing signs shall not exceed six (6) square feet in size and five (5) feet in height if the sign is post mounted on the ground, and not to exceed three (3) feet in height if the sign is stake-mounted or portable.
 - 2. Surface-mounted signs. Limited to sites two (2) acres or larger:
 - a. Size. No larger than thirty-two (32) square feet.
 - b. Location. Must be flatly affixed to walls below the fascia or parapet line, or flatly affixed to on-site fences either facing or abutting the street, or facing inward to the subject site. Signs shall not be attached or tethered to other site improvements.
- G. Non-residential zones. Temporary signs are allowed on non-residentially zoned property in accordance with the requirements of this Section and the following:
 - 1. Freestanding signs (including post-mounted, stake and portable signs): Size/height. Limited to four (4) square feet and five (5) feet in height if the temporary sign is mounted in the ground, and not to exceed three (3) feet in height if the temporary sign is portable.
 - 2. Surface-mounted signs:
 - a. Size. Limited to thirty-two (32) square feet.
 - b. Location. Must be flatly affixed to walls below the fascia or parapet line, or flatly affixed to on-site fences either facing the abutting street, or facing inward to the subject site. Signs shall not be attached or tethered to other site improvements.

Section 23. That there is adopted a new section 17C.240.245 to chapter 17C.240 of the Spokane Municipal Code to read as follows:

Section 17C.240.245 Sandwich Board Signs

- A. Sandwich board signs shall be limited to one sign per address. These signs are subject to the following conditions:
 - 1. Size.
The area of the sign shall not exceed nine square feet per side in size and shall not exceed three feet in any dimension.
 - 2. Maintenance Standards.
Signs shall be constructed out of materials able to withstand typical northwest weather. Such materials may be metal, finished wood, chalkboard, whiteboard, or plastic; signs and copy shall be of professional quality. Owners of sandwich board signs shall be required to keep their signs in a legible, intact, and well-maintained manner.
 - 3. Display Time.
Signs may only be displayed during business or event hours. If business or event hours continue past daylight hours, precautions should be taken to place the sign in a location where it is readily visible after dark. This shall not be construed to allow the wiring of a sign for lighting.
 - 4. Location.
Signs may be located no further than twelve feet from the business, sponsoring establishment, or event location. Such signs shall not be placed in a location which is within the vision triangle or any location which will impede vehicular traffic. Further, such signs shall not be placed in a manner which will block or otherwise obstruct the safe use of sidewalks, building entrances or stairs by pedestrians, including pedestrians who are visually impaired or otherwise handicapped.

Section 24. That there is adopted a new section 17C.240.246 to chapter 17C.240 of the Spokane Municipal Code to read as follows:

Section 17C.240.246 Community Banners

A. Community Banners.

Such signs may be permitted and extend into the public right-of-way by permission of the city administrator or appointed representative. Such signs may only be placed at City-designated locations provided that the banner:

1. is not commercial advertising but, rather, has as its principal purpose the promotion of a civic event, public service announcement, holiday decoration, or similar community interests;
2. complies with all applicable codes and officially adopted city policies; and
3. does not, in the judgment of the street director, present a traffic hazard.

Section 25. That there is adopted a new section 17C.240.247 to chapter 17C.240 of the Spokane Municipal Code to read as follows:

Section 17C.240.247 Electronic Message Center Signs

A. Electronic Message Center Signs.

Electronic message center signs are permitted subject to the limitations in Table 17C.240-4.

Table 17C 240-4 Electronic Message Center Sign Features							
<u>Zoning Category</u>	<u>Maximum Allowed Sign Size by Zoning Designation: Freestanding/Wall</u>	<u>Electronic Message Center Sign Size</u>	<u>Hours of Operation</u>	<u>Brightness</u>	<u>Timing</u>	<u>Content</u>	<u>Signs Using Video Display Methods Permitted?</u>
<u>CC4</u>	<u>Wall: 15 sq. ft.</u> <u>Freestanding: 15 sq. ft.</u>	<u>Not Allowed</u>					
<u>All Residential & CA4</u>	<u>Residential Use: 15 sq. ft.</u> <u>Institutional Use: Wall: 50 sq. ft.</u> <u>Freestanding: 50 sq. ft.</u>	<u>Not allowed for residential use.</u> <u>Not greater than 50% of the allowed sign size for institutional uses.</u>	<u>Shall be turned off between the hours of 10 pm and 6 am</u>	<u>[1]</u>	<u>[2][3]</u>	<u>On premises advertising only</u>	<u>No</u>
<u>CC1, CA1 & CA2</u>	<u>Wall: 50 sq. ft.</u> <u>Freestanding: 50 sq. ft.</u>	<u>No greater than 50% maximum total allowable sign area</u>	<u>Not Limited</u>	<u>[1]</u>	<u>[2][3]</u>	<u>On premises advertising only</u>	<u>No</u>
<u>O, OR, NR [4], NMU</u>	<u>Wall: 50 sq. ft.</u> <u>Freestanding: 50 sq. ft.</u>	<u>No greater than 50% maximum total allowable sign area</u>	<u>Not Limited</u>	<u>[1]</u>	<u>[2][3]</u>	<u>On premises advertising only</u>	<u>No</u>
<u>CC2, CB, CA3</u>	<u>Wall: 100 sq. ft.</u> <u>Freestanding: 75 sq. ft.</u>	<u>No greater than 50% maximum total allowable sign area or 48 sq. feet. (the lesser of the two)</u>	<u>Not Limited</u>	<u>[1]</u>	<u>[2][3]</u>	<u>On premises advertising only</u>	<u>No</u>
<u>GC, LI, HI</u>	<u>Wall: 250 sq. ft.</u> <u>Freestanding: 250 sq. ft.</u>	<u>No greater than 50% maximum total allowable sign area or 48 sq. feet. (the lesser of the two)</u>	<u>Not Limited</u>	<u>[1]</u>	<u>[2][3]</u>	<u>On premises advertising only</u>	<u>Yes</u>
<u>DTC, DTG, DTU, DTS [5]</u>	<u>Wall: 250 sq. ft.</u> <u>Freestanding: 250 sq. ft.</u>	<u>Not Allowed</u>					

Notes:

[1] Brightness:

-Electronic message centers in all zones shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.

-The brightness level in all zones shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux) as measured using a foot candle meter at a pre-set distance.

-Brightness measurement process for electronic message centers shall be as follows:

a. At least 30 minutes past sunset, use a foot candle meter to record the ambient light reading for the area. This is done while the electronic message center is off or displaying all black copy.

b. The reading should be taken with the meter aimed directly at the electronic message center and measured from a distance of 100 feet.

c. Turn on the electronic message center to full white copy and take another reading.

d. If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted.

-The owners of such signs shall include a signed letter accompanying their permit application, certifying that they will comply with the prescribed brightness limitations set by this ordinance.

[2] Timing: Electronic message centers shall display static images for not less than two seconds before transitioning to another static image. Transitions may utilize frame effects but flashing signs are prohibited.

[3] Duration: An animated sign or any portion of a sign that uses a video display method shall have a minimum duration of two seconds and a maximum duration of five seconds.

[4] NR Zone Limitation: In the NR Zone, electronic message centers are allowed only on sites that have frontage on a Minor or a Principal Arterial as designated on the Official Arterial Street Map, [SMC 12.08.040](#).

[5] Downtown Zone Prohibition: Electronic message centers are prohibited in all downtown zones. Existing electronic message center signs are nonconforming signs and are subject to the provisions of SMC 17C.240.280

Section 26. That SMC Section 17C.240.250 is amended to read as follows:

Section 17C.240.250 Off-premises Signs

- A. No new off-premises signs may be constructed, on any site.
- B. Off-premises signs now in existence in any zone, meeting the requirements of 17C.240.280, are ~~((declared))~~ considered nonconforming uses and may remain, subject to the following restrictions:
1. A nonconforming off-premises sign may not be increased in size or elevation, relocated to another site or to a new location on the same site or expanded, enlarged, or extended in any way, including, but not limited to, the addition of advertising faces or the addition of rotating faces with movable panels designed to create additional advertising, except as provided for in the public works exception below.
 2. Public Works Exception.
((An existing)) A legal, non-conforming off-premises sign that is allowed to remain in conformance with ~~((SMC 17C.240.250(B)))~~ this section shall be allowed to be relocated if necessitated for the accomplishment of a governmental public works project. This relocation of these off-premises signs for public works projects shall be subject to the limitations in subsections (a) through ~~((e))~~f) below:
 - a. No increase in square footage of ~~((outdoor advertising display))~~ off-premises sign copy shall be permitted. These signs shall be replaced at the same size they existed at immediately prior to relocation.
 - b. No additional ~~((outdoor advertising))~~ sign faces shall be added.
 - c. No increase in height of the existing ~~((outdoor advertising display))~~ off-premises sign shall be permitted except where needed to provide for minimum height clearance (from the ground to the bottom of the off-premises signs) to comply with roadway safety.
 - d. The ~~((outdoor advertising display))~~ off-premises sign shall be relocated along the same roadway it was removed from in the geographical vicinity and shall comply with the Scenic Vistas Act of 1971 (chapter 47.42 RCW and chapter 468-66 WAC) if located along a state highway. For purposes of this provision, the term "roadway" shall apply to both directions of a couplet.
 - e. The off-premise sign shall not be relocated to a site with a Residential, Neighborhood Retail, or Center and Corridor zoning designation including CA zones, or located within an historic district, regardless of the zoning or district of the original sign location.
 - ~~((e-))~~f. The relocation of the ~~((outdoor advertising))~~ off-premises sign shall be subject to all current City of Spokane rules, regulations, and procedures relating to the regulation and control of ~~((off-premises))~~ signs~~((--))~~, excepting size, height, and off premise advertising limitations.

3. A nonconforming off-premises sign may not be structurally altered. Structural alterations mean alterations to, including replacement of, either the off-premises sign face, or the supporting structure. Normal maintenance and repair including painting, cleaning, or replacing damaged parts of the off-premises sign, shall not be considered a structural alteration.
4. Any nonconforming off-premises sign which deteriorates, is damaged or destroyed by fire, explosion, wind, act of nature, failure to maintain or other accidental means may be restored if the cost thereof does not exceed fifty percent of its replacement cost. Off-premises signs damaged in an amount in excess of fifty percent of replacement cost shall be removed.
5. All nonconforming off-premises signs shall be kept in good repair and maintained in a neat, clean, attractive and safe condition. Any work required to repair or maintain an off-premises sign shall be completed promptly so long as the off-premises sign is not structurally altered, and so long as the cost of such repair and/or maintenance does not exceed fifty percent of the cost of replacing the off-premise sign.

Section 27. That SMC Section 17C.240.260 is amended to read as follows:

Section 17C.240.260 Additional Standards for Specific Uses

A. Bed and Breakfast Facilities.

Sites with bed and breakfast facilities must meet the sign regulations for household living.

~~((B. Temporary Activities.~~

~~Permanent signs associated with temporary activities are prohibited. All signs associated with a temporary activity must be removed when the activity ends.))~~

B. Home Occupations.

Sites with home occupations must meet the sign regulations for household living.

Section 28. That SMC Section 17C.240.270 is amended to read as follows:

Section 17C.240.270 Additional Standards in ~~((Overlay Zones))~~ Shoreline Districts

A. General Shoreline Regulations.

1. In addition to any restrictions and conditions in this chapter, signs in the shoreline jurisdiction are subject to special regulations as set forth in SMC 17C.240.270(A) through SMC 17C.240.270(D). These special regulations address general shoreline sign requirements and those that are specific to shoreline districts as generally represented on the shoreline districts map.
2. The following regulations apply in all shoreline districts:
 - a. No sign may front directly on the watercourse.
 - b. No sign may be located on the water side of a street parallel and adjacent to the watercourse or any place where it would impair a vista or visual access to the water.
 - c. Off-premises signs, permanent banners and roof signs are not allowed.

- d. In the shoreline natural environment or those areas identified under ~~((SMC 17E.060.630))~~ SMC 17E.060.020, Natural Land Forms, all signs may be prohibited at the discretion of the director, with exceptions made for wayfinding or interpretative signs giving directions to viewpoints or trails and signs describing special flora, fauna, or historical or cultural features.
- e. Directional and interpretive signs accessory to park uses shall be allowed within the shoreline buffer and may not exceed an area of twelve square feet or a height of nine feet.
- ~~((f. Directional signs may not exceed an area of twelve square feet or a height of nine feet.))~~
- f. Pursuant to ~~((SMC 17E.060.280(R)))~~ SMC 17E.060.280(R), required access signs that indicate the public's right of access and hours of access shall be installed and maintained by the property owner and shall not exceed an area of twelve square feet or a height of nine feet.
- g. Pre-existing signs are governed by the nonconforming use provisions of SMC 17C.240.280.

B. Upriver District.

- 1. Signs must be flat against the building or a variation of a flat sign, such as a "V" sign, and may not project more than eighteen inches into a required yard or public right-of-way.
- 2. No sign may exceed thirty-five feet in height above average grade along the front of the building.
- 3. Signs are subject to maximum area limitations based on lineal frontage and building size as follows:
 - a. One square foot of sign area is allowed for every lineal foot of street frontage, to a maximum sign area of twenty square feet.
 - b. On corner lots, additional signs up to one-half square foot in area are permitted for each lineal foot of frontage on the side street, to a maximum of twenty square feet of sign area.
 - c. The maximum sign area for a building over two stories is ten percent of the building facade on the principal street, to a maximum of sixty square feet.
- 4. Signs may be directly, internally, or indirectly illuminated but not animated, flashing, or rotating.
- 5. The illumination of a sign may not exceed the equivalent of:

- a. eight hundred MA fluorescent lamps spaced on twelve-inch centers penetrating a three-sixteenths inch white Plexiglas facing, or
- b. sixty MA neon tubing in an individual letter with no more than three tubes per letter.

C. Downtown and Campus Districts.

- 1. Signs must be flat against the building, or a variation of a flat sign such as a "V" sign, and may not project more than eighteen inches into a required yard or public right-of-way.
- 2. No sign may exceed thirty-five feet in height above average grade along the front of the building.
- 3. Signs are subject to maximum area limitations based on lineal frontage and building size as follows:
 - a. One square foot of sign area is allowed for every lineal foot of street frontage, to a maximum sign area of fifty square feet.
 - b. Additional signs may be allowed up to one-half square foot in area for each lineal foot of frontage measured along the side street, to a maximum of fifty square feet of sign area.
 - c. The maximum sign area for a building over two stories is ten percent of the area of the building facade on the principal street, up to a maximum sign area of one hundred fifty square feet.
- 4. Signs may be directly, internally, or indirectly illuminated but not animated, flashing, or rotating.
- 5. The illumination of a sign may not exceed the equivalent of:
 - a. eight hundred MA fluorescent lamps spaced on eight-inch centers penetrating a three-sixteenth inch Plexiglas facing material, or
 - b. sixty MA neon tubing in an individual letter with no more than four tubes per letter.

D. Great Gorge Park, Downriver, and Latah Creek Districts.

- 1. No sign may be illuminated, animated, flashing, or rotating.
- 2. Up to two signs of an area of six square feet or less each may be used to advertise the sale of products raised or grown on the premises.
- 3. Any Peaceful Valley commercial area is governed by regulations of the Upriver District.

Section 29. That SMC Section 17C.240.280 is amended to read as follows:

Section 17C.240.280 Nonconforming Signs

A. Any sign legally existing prior to August 5, 2009 that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located shall be considered nonconforming and may continue in such status until such time as it is removed by its owner.

B. Regulations that Apply to All Nonconforming Signs.

1. Sign maintenance, sign repair, and changing of permanent sign faces is allowed so long as structural alterations are not made and the sign is not increased in size. In the DTS zone, for existing signs that are sixty feet or more in height, the replacement of the sign cabinet with a sign cabinet of equal or smaller sign area is permitted if the sign height is not more than the existing sign.

2. Permanent signs and sign structures that are moved, replaced, or structurally altered must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public right-of-way improvements may be re-established (See SMC 17C.240.240(((C)(4)))~~D~~, Removal of Signs, and SMC 17C.240.250(B)(2), Public Works Exception.)

3. Nonconforming temporary signs must be removed.

4. Ownership.

The status of a nonconforming sign is not affected by changes in ownership.

5. Change to a Conforming Sign.

A nonconforming sign may be altered to become conforming or be replaced with a conforming sign by right. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established. Unless prohibited, proposed changes that are not in conformance are subject to the adjustment process.

6. Loss of Nonconforming Sign Status.

a. Discontinuance.

If there is no sign face in place on a sign structure or building wall for six continuous months, the nonconforming rights are lost and a nonconforming sign may not be re-established.

b. Destruction.

When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards. However:

i. Repair and Maintenance.

A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair. In order to preserve the nonconforming sign status, the person removing the sign must inform the director, in writing, before the sign is removed. If the responsible party fails to inform the director, any re-erected sign will be considered a new sign.

ii. Unintentional Destruction.

When a sign or sign structure that has nonconforming elements is damaged or destroyed by fire, explosion, wind, act of nature, or

other accidental means, it may be rebuilt to the same size and height using the same or similar materials, so long as the cost of such repair and/or maintenance does not exceed fifty percent of the cost of replacing the non-conforming sign.

C. Documenting a Nonconforming Sign.

To document legal nonconforming status, the applicant must provide evidence to show that the sign was established prior to the effective date of this chapter or allowed when established, and that the sign has been maintained over time. If the applicant provides standard evidence from the lists below, the director will determine if the evidence is satisfactory.

1. Sign Established Before effective Date of this Chapter.

If the sign was established before the effective date of this chapter, the applicant must provide evidence to show that the sign was established before the effective date of this chapter. Standard evidence that the sign was established before the effective date of this chapter is a:

- a. building, zoning, sign, or development permit;
- b. date-stamped photograph of the sign at its current location.

2. Sign Maintained Over Time.

The applicant must provide evidence to show that the sign has been maintained over time. Standard evidence that the sign has been maintained over time is:

- a. utility bills;
- b. sign-specific property or income tax records;
- c. business licenses;
- d. listings in telephone, business, or Polk directories;
- e. advertisements in dated publications;
- f. building, sign, land use, or development permits; or
- g. records of sign lease agreements;
- h. tax returns or schedules.

Section 30. That SMC Section 17C.240.290 entitled “Bonus Allowance for Outstanding Design” is repealed.

Section 31. That SMC Section 17C.240.300 entitled “Construction Provisions and Traffic Engineer Review” is repealed.

Section 32. That there is adopted a new section 17C.240.310 to chapter 17C.240 of the Spokane Municipal Code to read as follows:

Section 17C.240.310 Exceptions

- A. Approval Required. An exception may be granted from the strict application of the regulations in this Chapter which apply to: (a) sign placement on a parcel or building frontage; (b) sign area; or (3) sign height, as regulated in this Chapter. An exception may not be granted to allow any prohibited signs or prohibited sign features, as described in Section 17C.240.070, or for any other purpose not listed in this subsection. The exception procedure in this Section does not apply to any street Right-of-Way Use permit or Building permit.
- B. Need for Sign Permit, Consolidation of Processing. An application for an exception may be submitted before or concurrent with the associated sign permit application. No sign permit application requiring an exception for issuance will be processed without a sign exception application unless the applicant specifically requests that the application be processed without an exception.
- C. Review Procedures. The following steps shall be followed in the processing of sign exception applications:
1. Determination of Complete Application (Section 17G.060.090)
 2. Notice of Decision (Section 17G.060.190)
 3. Appeals (Section 17G.060.210)
- D. Application Requirements. A complete sign exception application shall consist of the following:
1. Application form. A completed sign exception application, including the applicant's name, address, phone number and e-mail address. If the applicant is not the property owner, then the property owner must be identified and the application must include an affidavit from the property owner, verifying that the property owner has given permission to the applicant for the submission of the sign exception application and for the installation/posting of the sign on the property owner's property.
 2. Sign Permit Application (all of the materials required by Section 17C.240.080 Sign Permit required). However, the applicant may submit an exception application without a sign permit application as provided in subsection B above.
 3. A narrative report which describes the requested exception in detail. The report shall identify all of the sections of this Chapter from which the applicant is requesting the exception, as well as the nature and extent of the exception (in size, area, location on the property, height).
 4. The narrative report shall also include the applicant's description of the manner in which the sign exception satisfies all of the exception criteria in subsection E below.
 5. Fees. Payment of the appropriate sign exception application fee.
- E. Exception Criteria for Approval. Sign exception applications shall be reviewed by the planning director to determine whether all of the following criteria are satisfied. In order to approve any sign exception, the director must make written findings to show that all of the following criteria have been met:
1. The request for an exception is due to unusual conditions pertaining to sign visibility needs for a specific building or lot; and
 2. The sign will not create a hazard; and

3. The sign will not violate any state statute or any City Code provision (other than the ones identified in this Chapter relating to signs); and
 4. The sign will not negatively affect adjacent property; and
 5. The sign will be in keeping with the general character of the surrounding area and the granting of the exception would not result in an alteration of the essential character of the surrounding area; and
 6. The proposed exception is consistent with the purposes and intent of the Zoning Code and the purposes of this Chapter; and
 7. The exception is consistent with the City's Comprehensive Plan; and
 8. The applicant has established that there are practical difficulties in complying with the provision(s) of this Chapter and that the proposed sign is a reasonable use of the property. (Economic considerations alone do not constitute practical difficulties.); and
 9. The plight of the applicant is due to circumstances unique to the property, which were not created by the applicant or landowner; and
 10. The exception will not permit any sign type or use that is not allowed in the zoning district where the affected land is located, nor will it allow any sign or sign feature prohibited under Section 17C.240.070.
- F. First Amendment Exception. Where an applicant can demonstrate that the strict application of the regulations in this Chapter would violate his/her First Amendment rights, the City may grant an exception that does not conform to all of the exception criteria in subsection E above. However, the applicant shall submit an application which provides his/her response to each of the exception criteria in subsection E. The City need not make findings that all of the exception criteria have been satisfied, but if not all criteria have not been satisfied, the exception may only be granted to the extent reasonably necessary to protect the applicant's First Amendment rights. If a First Amendment exception is granted, it shall be treated as an approval of an exception for purposes of this Chapter.
- G. Notice of Final Decision. A Notice of Decision incorporating the decision on the exception application shall issue not more than 120 days after issuance of the Determination of Complete Application.
- H. Expiration of Exception. If the exception is approved, the sign identified in the exception must be installed within 180 days or the exception will expire. No sign may be erected if there is no sign permit for the sign, or if the exception or the sign permit has expired, even if the applicant has received associated building permits or street Right-of-Way Use permits, and the latter have not expired.

Section 32. Severability Clause. If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, the decision shall not affect the validity of the remaining portions of this Ordinance.

ADOPTED BY THE CITY COUNCIL ON _____.

(Delivered to the Mayor on the _____ day of _____)

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date