

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, DECEMBER 2, 2019

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 MIKE FAGAN

COUNCIL MEMBER CANDACE MUMM

COUNCIL MEMBER KATE BURKE

COUNCIL MEMBER LORI KINNEAR

COUNCIL MEMBER KAREN STRATTON

**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)

Roll Call of Council

Council Reports

Staff Reports

Committee Reports

Advance Agenda Review

Current Agenda Review

ADMINISTRATIVE SESSION**CONSENT AGENDA****REPORTS, CONTRACTS AND CLAIMS****RECOMMENDATION**

- | | | |
|--|---------|------------------------------|
| 1. Spokane Airport Board 2020 Budget.
Dave Armstrong | Approve | FIN 2019-0002 |
| 2. Purchase from Kenworth Sales (Spokane, WA) of two Repair Trucks by Fleet Services for the Water Department using Sourcewell Contract #081716-KTC—\$430,453.38 (incl. tax).
Loren Searl | Approve | OPR 2019-1049 |
| 3. Value Blanket Renewal with Action Materials (Cheney, WA) for debris recycling and purchase of recycled materials for the Water and Wastewater Maintenance departments on an as-needed basis—estimated annual expenditure \$250,000.
Loren Searl | Approve | OPR 2016-0688
BID 4264-16 |
| 4. Annual Blanket Order with Roadwise (Spokane, WA) for the purchase of liquid deicer using Washington State Contract #02714—\$1,400,000 (incl. tax).
Ron Howerton | Approve | OPR 2019-1050 |
| 5. Purchase from Xylem Dewatering Solutions (Kent, WA) of Trailer Mounted 4" Wastewater Pumps—\$124,439.59 (incl. tax).
Mike Lowdon | Approve | OPR 2019-1051
BID 5202-19 |

- | | | |
|--|------------------------------------|------------------------------|
| 6. Low Bid of Bacon Concrete, Inc. (Spokane, WA) for the 37th Avenue Sidewalks - Manito Blvd. to Latawah Street—\$261,504. An administrative reserve of \$26,150.40, which is 10% of the contract price, will be set aside.
Dan Buller | Approve | OPR 2019-1052
ENG 2019096 |
| 7. SIP loan to Spokane Parks & Recreation for the construction of an all-inclusive playground, including an accessible restroom, scheduled to be completed by the end of 2020—not to exceed \$900,000.
Garrett Jones | Approve | OPR 2019-1053 |
| 8. Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2019, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____. | Approve &
Authorize
Payments | CPR 2019-0002 |
| 9. City Council Meeting Minutes: _____, 2019. | Approve
All | CPR 2019-0013 |
-

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)

NO BOARDS AND COMMISSIONS APPOINTMENTS**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**SPECIAL BUDGET ORDINANCES**

(Require Five Affirmative, Recorded Roll Call Votes)

Ordinances amending Ordinance No. C35703 passed by the City Council December 10, 2018, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2019, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2019, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

ORD C35851 General Fund
FROM: Undesignated Reserves, \$500,000;
TO: Parks Cumulative Reserve Fund, same amount.

and

Parks Cumulative Reserve Fund
FROM: General Fund, \$500,000;
TO: Reserve for Capital outlay, same amount.

(This action allows budgeting for the Riverfront Park north bank project public parking lot construction match.)

Paul Ingiosi

- ORD C35852 Parks Cumulative Reserve Fund
FROM: Transfer from Arterial Street Fund, \$1,000,000;
TO: Reserve for Capital Outlay, same amount.
- (This action allows budgeting for the Riverfront Park north suspension bridge.)
Paul Ingiosi
- ORD C35853 Parks Cumulative Reserve Fund
FROM: Transfer from Arterial Street Fund, \$400,000;
TO: Reserve for Capital Outlay, same amount.
- (This action allows budgeting for the North Bank/Sportsplex connection.)
Paul Ingiosi
- ORD C35854 General Fund
FROM: Unappropriated Reserves, \$223,460;
TO: Election Expenses, same amount.
- (This action allows budgeting for the costs related to the special election held on February 12, 2019.)
Paul Ingiosi

NO EMERGENCY ORDINANCES

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

- RES 2019-0108 Declaring Solid Waste Systems (Spokane Valley, WA) a sole source provider for Curbtender, Labrie and Sewer Equipment products, parts and service to be purchased on an “as needed” basis for an annual estimated expenditure of \$500,000, including tax.
David Paine
- RES 2019-0109 Amending the City Council’s Rules of Procedure.
Council Members Kinnear and Mumm
- RES 2019-0110 To authorize sole source procurement and authorizing its purchase from Whitney Equipment Company, Inc. to supply Flygt pump, parts and supplies at an estimated cost of \$500,000 over 5 years from November 1, 2019 through October 31, 2024.
Mike Cannon
- RES 2019-0111 Regarding the City of Spokane Wastewater Treatment Facility Public Rule and policy - RPWRF Industrial Pretreatment Program – Fine Schedule.
Angela Tagnani
- RES 2019-0112 Declaring surplus property (North Foothills Triangle) originally acquired for public utility purposes and authorizing the execution of a Purchase and Sale Agreement with Gonzaga Haven.
Dave Steele

- ORD C35844 Updating the construction and maintenance standards for street trees and associated planting areas in the City of Spokane; amending sections 17C.200.040, 17C.200.050, 17C.200.080, 17C.200.090, 17C.200.100, 17C.200.110, and 17G.010.210; enacting new sections 17C.200.120, 17C.200.130, 17C.200.140, and 17C.200.150; and enacting a new Chapter 13.14 of the Spokane Municipal Code. (Note: First Reading held on November 18, 2019)
Council Member Kinnear
- ORD C35857 (To be considered under Hearings Item H1.b.)

FIRST READING ORDINANCES

(No Public Testimony Will Be Taken)

Comprehensive Plan Amendment Ordinances (C35838 thru C35842) (Moved from November 18, 2019, Agenda):

- ORD C35838 Relating to application Planning File Z18-882COMP amending map LU 1, Land Use Plan Map, of the City's Comprehensive Plan from "Residential 15-30" to "General Commercial" for approximately 0.12 acres described as lot 15, block 57 of the Lidgerwood Addition and amending the zoning map from "Residential Multifamily" (RMF) To "General Commercial" (GC-70). (Applicant: H A Tombari LLC) (Plan Commission approved 7 to 0)
Kevin Freibott
- ORD C35839 Relating to application Planning File Z18-883COMP and amending map LU 1, Land Use Plan Map, of the City's Comprehensive Plan from "Residential 15-30" to "Office" for approximately 0.29 acres described as lots 1 and 2 of the subdivision of lot 5 of GH Morgan's Addition and amending the zoning map from "Residential Multifamily (RMF)" to "Office (O-35)". (Applicant: David Jeter, MPT, COMT, Acceleration Physical Therapy/Carl Upton and Patricia Upton aka Patricia Reilly) (Plan Commission approved 6 to 1)
Kevin Freibott
- ORD C35840 Relating to application Planning File Z18-884COMP and amending map LU 1, Land Use Plan Map, of the City's Comprehensive Plan from "Residential 4-10" to "Office" for approximately 0.85 acres described as lots 10 through 15 of Block 36, Monroe Park Addition and amending the zoning map from "Residential Single Family (RSF)" to "Office (O-35)". (Applicant: Washington State Department of Ecology) (Plan Commission approved 7 to 0)
Kevin Freibott
- ORD C35841 Relating to application Z18-958COMP, amending Chapter 3 of the City's Comprehensive Plan to include a new policy encouraging transit supported development in the vicinity of high-performance transit stops in the City of Spokane. (Applicant: Council President Ben Stuckart, on behalf of the Spokane City Council) (Plan Commission approved 7 to 0)
Kevin Freibott

- ORD C35842 Relating to application Z19-002COMP, amending policy LU 1.8, general commercial uses, in Chapter 3 of the Comprehensive Plan as it relates to directing new commercial growth to centers and corridors. (Applicant: Council Member Candace Mumm, on behalf of the Spokane City Council) (Plan Commission approved 7 to 0)
Kevin Freibott
- ORD C35855 Approving and confirming the 2020 assessments and assessment roll for the East Sprague Parking and Business Improvement Area, prepared under Ordinance C35377 as codified and amended in Chapter 4.31C SMC.
Christopher Green
- ORD C35856 Approving and confirming the 2020 assessments and assessment roll for the Downtown Spokane Parking And Business Improvement Area, prepared under Ordinance C32923 as codified and amended in Chapter 4.31 SMC.
Christopher Green
- FURTHER ACTION DEFERRED

SPECIAL CONSIDERATIONS

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

RECOMMENDATION

Request motion to defer the following items (OPR 2019-0911 & OPR 2019-0912) to the December 9, 2019, Agenda:

- | | | |
|-----|--|----------------|
| S1. | Multiple Family Housing Property Tax Exemption Agreements with: | Approve
All |
| | a. Black Enterprises, LP for 50 new multi-family housing units located at 107 S. Howard Street, Parcel Number 35191.2401. | OPR 2019-0911 |
| | b. M & J Scott St, LLC 9 new multi-family housing units located at 509, 515, and 521 S. Scott Street, Parcel Numbers 35201.5357, 35201.5356, and 35201.5355. | OPR 2019-0912 |

(Deferred from October 28, 2019, Agenda)

Ali Brast

HEARINGS

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

RECOMMENDATION

- | | | | |
|-----|---|-----------------------------|---------------|
| H1. | a. Hearing on 2020 Proposed Budget. (Continued from November 25, 2019, Agenda) | Hold Hrg. & then Close Hrg. | FIN 2019-0001 |
| | b. Final Reading Ordinance C35857 adopting the Annual Budget of the City of Spokane for 2020, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2020, and providing it shall take effect immediately upon passage. | Pass Upon Roll Call Vote | ORD C35857 |

Paul Ingiosi

Motion to Approve Advance Agenda for December 2, 2019
(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 December 2, 2019, Regular Legislative Session of the City Council is adjourned to December 9, 2019.

NOTES



Agenda Sheet for City Council Meeting of:
12/02/2019

Date Rec'd	11/20/2019
Clerk's File #	FIN 2019-0002
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	AIRPORTS
Contact Name/Phone	DAVE ARMSTRONG 455-6448
Contact E-Mail	DARMSTRONG@SPOKANEAIRPORTS.NET
Agenda Item Type	Report Item
Agenda Item Name	SPOKANE AIRPORT 2020 BUDGET

Agenda Wording

Spokane Airport Board 2020 Budget.

Summary (Background)

On November 21, 2019 the Spokane Airport Board approved the 2020 Budget for Spokane International Airport, the Airport Business Park and Felts Field. The budget does not require City or County financial support; however, approval is necessary to meet conditions of the Joint Interlocal Agreement. The 2020 operating budget is \$46,273,423 and the capital budget is \$42,817,000. The total 2020 budget is \$89,090,423.

<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>	ARMSTRONG, DAVE	<u>Study Session</u>
<u>Division Director</u>		<u>Other</u>
<u>Finance</u>	HUGHES, MICHELLE	<u>Distribution List</u>
<u>Legal</u>	PICCOLO, MIKE	lkrauter@spokaneairports.net
<u>For the Mayor</u>	ORMSBY, MICHAEL	darmstrong@spokaneairports.net
<u>Additional Approvals</u>		thart@spokaneairports.net
<u>Purchasing</u>		

Spokane Airports 2020 Budget

Spokane International Airport / Airport Business Park/ Felts Field

WHEN IT'S TIME TO FLY



Alaska

American Airlines

DELTA

FRONTIER

Southwest

UNITED





Spokane Airport Board

Spokane International Airport / Airport Business Park / Felts Field

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Spokane International Airport
GEG – GENERATING ECONOMIC GROWTH

AIRPORT BUSINESS PARK



Spokane Airport Board

Nancy Vorhees (Chair)
Ezra Eckhardt (Vice Chair)
Jennifer West (Secretary)
Al French
Max Kuney
K. Collins Sprague
Ben Stuckart

Lawrence J. Krauter, CEO
Brian Werst, General Counsel



Section II. Introduction

The SPOKANE AIRPORT BOARD (Board), operates Spokane International Airport (GEG), Felts Field (SFF) and the Airport Business Park (ABP), collectively referred to as the SPOKANE AIRPORTS (Airport), under and pursuant to the Constitution and Laws of the State of Washington, including Ch. 14.08 RCW, RCW 14.08.200 that certain Joint Resolution and Operating Agreement of Spokane County and the City of Spokane dated October 7, 2019.

The agreement intends the expenses of operating Spokane International Airport, Felts Field and the Airport Business Park shall be paid, *to the maximum extent possible*, from the operating revenues of each area (emphasis added).

The Airport does not receive any funds from either the County or City of Spokane, nor does it receive any local tax revenues. Operating funds come from user fees, tenant rents in varying forms along with airline landing fees. Capital funds come from loans, federal and state grants and agreements, facility charges through airlines and rental car agencies along with airport funds generated through operations.

The Airport employs approximately 160 full and part-time employees responsible for providing access to the global air service network by managing, developing, maintaining and promoting the Airport. Employees work diligently to provide quality facilities and services along with a high quality customer experience.

The 2020 budget provides funds to accomplish these goals while keeping the cost to airlines low in comparison to other airports, funding important capital projects that will improve airport safety and security, maintaining aging facilities while designing new facilities and improving customer service. Through these initiatives, the budget provides funds for activities that provide economic impact and stimulus by creating jobs in the local area.

AIRLINE OPERATING AGREEMENT (AOA)

This 2020 Budget is prepared based on the airline agreement with signatory airlines originally dated January 1, 2010. This agreement was extended, mutually by the Airport and the airlines through December 31, 2015. The Airport and airlines extended the agreement again, with minor modifications, for additional years to provide time to continue negotiating a modernized AOA. The agreement, as amended, now expires on December 31, 2019.

The Airport Airline Affairs Committee (AAAC) convened on October 11 and November 15, 2019 to discuss the 2020 rates and charges and to continue discussions on attempting to write a new agreement. The AAAC is comprised of Airport staff members along with representatives of the Signatory Airlines. The Airline members of the AAAC currently do not have any veto rights on the Airport's Budget, however they do provide input for consideration.

Through the discussions, it was agreed to amend the agreement as it is written with minor modifications, which are outlined in the next paragraphs.

The amended continuing agreement, on which the 2020 Budgets is based, utilizes a residual rate setting method. This approach is common, but not universal, among US airport operators. A pure residual rate setting method effectively applies all operating revenues and expenses into the models that set rates charged to airlines. Other rate setting methods isolate revenues and expenses into cost centers and apply only the Airfield and Terminal Cost Centers into rate setting models.

During discussions and consultations, it was agreed to continue to allow the Airport to apply a portion of operating net revenue, rather than all net operating revenue, effectively allowing the Airport to retain a larger amount of generated revenue to fund capital projects beneficial to passengers, the Airport and the air carriers.

The airline industry continues to excel in profitability while carriers continually monitor capacity and segments throughout its network. 2019 saw increases in airline capacity, passenger activity, and aircraft operations. In developing the 2020 budget, the goal is to continue to position the Airport as an attractive location for adding new airline service while maintaining current destinations.

THE BUDGET PROCESS

The budget process begins each year in July as the staff reviews the expenditures of the first six months of the current fiscal year. A budget packet was distributed including a budget calendar and general directions for each department's budget submittal. The Airport utilizes a budget process in which each expenditure line item is evaluated on its own merit each year. Specific department budgets are then developed to identify resources necessary to meet the daily functions of operating the airports and implementing the necessary airport improvement projects.

The Airport Finance Department continues to work with a third party consultant to Airport's Rates and Charges structure and educate staff on department allocations in preparation for modernizing the AOA as the current extended agreement approaches expiration.

Departments submitted their budgets which were rolled into the Rates and Charges Model (see Section V) to calculate the upcoming year's Terminal Rental Rates and Landing Fees. Each department's initiatives are reviewed before the proposed draft is completed and submitted for review and comment by the Board.

The Capital Improvement Program is also refined to examine its effect on rates and charges. Future period major capital projects are added to the modeling as most of these projects and expenditures affect budget periods beyond the current period under examination.

FINANCIAL SUMMARY

The table below summarizes the 2020 Consolidated Spokane Airport Board Budget. Section X and various exhibits throughout this presentation will focus on the individual details of the summary shown.

SPOKANE AIRPORT BOARD 2020 BUDGET SUMMARY

<u>2020</u>	<u>Operating</u>	<u>Capital</u>	<u>Total</u>
GEG	\$43,489,547	\$40,919,000	\$84,408,547
ABP	1,206,695	620,000	1,826,695
Felts Field	<u>1,577,180</u>	<u>1,278,000</u>	<u>2,855,180</u>
2020 Consolidated	<u>\$46,273,422</u>	<u>\$42,817,000</u>	<u>\$89,090,422</u>
% Change	9.1%	-16.1%	-4.7%

<u>2019</u>			
GEG	\$38,786,626	\$44,248,200	\$83,034,826
ABP	1,612,985	-	1,612,985
Felts Field	<u>2,005,352</u>	<u>6,800,000</u>	<u>8,805,352</u>
2019 Consolidated	<u>\$42,404,963</u>	<u>\$51,048,200</u>	<u>\$93,453,163</u>

The Total Spokane Airport Board 2020 Budget presented for approval is \$89,090,423 representing a 4.7% decrease from the 2019 Budget. This change due to a 9.1% increase in the Operating Budget and a 16.1% decrease in the Capital Budget. The increase in the Operating Budget directly corresponds to the cumulative increases in 2017 through 2019 passenger activity. Fluctuations in the Capital Budget can occur due to the timing of Federal and Local funding streams and the timing of construction progress of individual projects.

Consolidated Operating Revenues are forecast to increase by 10.0% from the 2019 budget to \$47.2 million. SIA operating revenues are forecast to increase by 10.8% over 2019, due to increases in passenger activity in 2019 and 2020 along with increases certain rental rates and non-aeronautical revenue increases. Included in the 2020 revenue increase is a 5.4% increase in rental rates for terminal tenants, a 5.1% decrease in the 2020 landing fee rate, a rate structure modification in Parking, a scheduled increase in the Trip Fee rate in Ground Transportation, and Concession revenue increases. The fourth year of refining cost tracking and allocations of indirect costs across direct cost centers (see Section IV) is showing positive results in obtaining the proper airline rate structure.

The **Parking / Ground Transportation** cost center has shown marked revenue increases since 2015 is forecast to increase again in 2020. Included in the 2020 Budget is a rate structure adjustment, but no actual hourly or daily rate maximum. The per hour rate remains the same at \$2 per hour up to the daily maximum for each lot.

An increase in trip fees in Ground Transportation was memorialized in 2017 for the years 2018 – 2021 as efforts to modernize Ground Transportation rate structures continue. The rate for 2020 is \$1.75 per trip, an increase of \$0.25 per trip over 2019. The Ground Transportation staff works with taxis, shuttles, charter busses and Transportation Networking Companies (TNCs). Promotion of the Airport's parking products has shown considerable positive effect on revenues and will continue.

Consolidated Operating Expenses, including depreciation and debt service, are projected to increase 9.1% to \$46.3 million. Operating expenses, not including depreciation and debt service, are projected to increase 6.8% over the 2019 budget to \$35.5 million. This increase corresponds with the 2017 through 2020 increases in passenger traffic. The budget model is forecasting continued passenger growth and utilizes a conservative increase of 2% in 2020. The increased passenger activity causes increases in staffing, building and equipment maintenance, janitorial services and supplies, snow removal and pavement de-icing measures.

The 2020 **Capital Program** shows a 16.1% decrease from the 2019 budget. The total planned capital expenditures in 2020 are \$42.8 million.

Capital sources of funds are heavily dependent on the Federal Grant process through the Airport Improvement Program (AIP) and the Passenger Facility Charge (PFC) Application process. The majority of the 2020 projects scheduled are funded for the upcoming year through Grant applications, pre-collected PFCs and Customer Facility Charges (CFCs) on approved projects. Annual discussions in Washington, DC may have some impact on subsequent year budgets, but not the current budget cycle. The Airport also uses funds from general operations to the extent expenditures do not reduce the reserve amount below a prescribed level.

The Department of Transportation (DOT) announced on November 6, 2019 the approval of an \$11.3 million Better Utilizing Investment to Leverage Development (BUILD) Grant to fund construction of a new rail facility on airport property.

Capital expenditures are forecast to include design of the aforementioned rail facility, a taxiway Alpha reconstruction, Airport Drive Realignment (Phase 1), terminal and airfield security projects, certain terminal rehabilitation projects which will enable future terminal projects, replacement of in-line Explosive Detection Screening devices, and Rental Car Facility improvements at Spokane International. These projects are funded by DOT and Federal Airport Improvement Program (AIP) grants, Passenger Facility Charges (PFCs), a Transportation Security Administration (TSA) agreement, Customer Facility Charges (CFC) and Airport general funds. The DOT and AIP grants contain a matching provision from the Airport's cash. The planned Rental Car Facility improvements will utilize CFCs. Also planned are parking lot and public roadway improvements, and replacement of aging equipment and vehicles to be funded with current year operating funds or those funds earmarked in prior years for projects that will be carried over to 2020.

CUSTOMER SERVICE INITIATIVES

As a service to the Airport's travelers, the past few years have seen significant construction and general maintenance in parking lots. Revenue control systems have been upgraded to provide secure transaction processing for travelers. A new Economy Lot opened in

November 2018 which provided an additional 1,400 spaces for travelers. An expansion to the surface parking lot nearest the terminal was completed in 2019 and added 500 spaces.

Construction of a convenience store pad along with a return-to-terminal circulation roadway was completed in the Fall of 2018. The convenience store pad is able to house a national branded convenience store and gas station.

A privately owned hotel near the terminal building is scheduled to open late 2019 or early 2020 providing an additional lodging option on Airport property.

Recent modernization of the Airport's Ground Transportation resolution to re-organize how passengers access taxis, shuttles and TNCs such as Uber and Lyft reconfigured the access points to these transportation options and has shown considerable improvement for the general passenger traveler.

Inside the terminal, the lobby circulation areas have been staffed by Queuing Line Assistants (QLA) to direct travelers to the proper concourse and to point out the difference between general boarding and TSA Pre-check.

The Airport continues to provide access to TSA Pre-check in the enrollment center located near the Airport Police offices in the C-Concourse.



Section III. Airline Activity Forecast

PASSENGER TRAFFIC

The Airport has seen enplanement and total passenger increases each year since 2013. Should the forecasts hold for 2019, it will be the highest year in the history of SIA surpassing the high mark set in 2018. 2017 showed an increase of 10.6% over 2016; 2018 was 12.1% over 2017; 2019 is projected at 1% above the forecast of late 2018 and 2.5% above 2018 actual totals. The forecast for the purposes of the 2020 budget was an increase in enplaned passengers of 2.0% over the projected 2019 total. Through September 2019, enplanements are 3.5% above the same period in 2018.

The following table shows actual passenger activity by airline for 2017 and 2018 along with estimates for 2019 and 2020, which are incorporated into the 2020 Budget. The table also shows the current breakdown of passengers traveling out of the two terminals.

Traffic Activity

Spokane International Airport

(for the 12 months ending December 31; numbers in thousands except rates)

	Actual 2017	Actual 2018	Projected 2019	Budgeted 2020
Enplaned Passengers				
Alaska	650	665	679	693
Allegiant (non-sig)	2	0	0	0
Delta	416	445	495	505
Frontier (non-sig)	-	25	38	39
Southwest	423	463	481	491
American	102	141	120	122
United	188	256	232	237
Others	2	3	4	4
Total	1,782	1,999	2,050	2,091
Enplaned Passengers	1,782	1,999	2,050	2,091
% Change	10.6%	12.1%	2.5%	2.0%
By Terminal				
Terminal C	753	806	799	815
Terminal A&B	1,030	1,193	1,251	1,276
Total	1,782	1,999	2,050	2,091

AIRCRAFT LANDED WEIGHT FORECAST

The Airport collects landing fees from landing air carriers based on an aircraft's Maximum Gross Landed Weight (MGLW). The costs of operating the airfield are recovered through the Landing Fee Rate multiplied by the MGLW of each aircraft. The accuracy of the landed weight forecast of each air and cargo carrier has an impact on the Landing Fee Rate. Section IV, which discusses Cost Centers, Allocations and Rate Making will examine the methodology of rate making under a Residual Airline Agreement such as the agreement at GEG. Simply stated, the higher the landed weight forecast, the lower the budgeted unit cost rate for the upcoming year.

The following table shows actual passenger and cargo landed weight along with forecast incorporated into the 2020 Budget.

Traffic Activity				
Spokane International Airport				
(for the 12 months ending December 31; numbers in thousands except rates)				
	Actual 2017	Actual 2018	Projected 2019	Budgeted 2020
Landed Weight				
Passenger Airlines				
Alaska	683	714	709	850
Allegiant (non-sig)	1	1	-	-
Delta	471	522	552	560
Frontier (non-sig)	-	25	37	38
Southwest	435	515	541	549
American	85	163	136	138
United	138	282	244	248
Others	-	8	7	7
Cargo				
Signatory	410	424	445	452
Non-signatory	62	55	61	62
Total	2,284	2,708	2,733	2,904
% Change	2.0%	18.5%	1.0%	6.3%



Section IV. Cost Centers, Allocations, Rate Making and CPE

COST CENTERS

The Airport is currently organized with seven direct cost centers with a goal to continue to refine the cost centers and allocations to them each year to provide better forecasts for rate making. The direct cost centers are Airfield (including Operations and the Fuel Facility), Parking and Ground Transportation, Other Buildings and Grounds, GEG Terminal, Rental Car Facilities, the ABP and Felts Field. There are five indirect cost centers in Planning and Engineering, Airport Rescue and Fire Fighting (ARFF), Information Technology, Police / Dispatch, and Airport Administration.

ALLOCATIONS

To develop rates, the expenses from four of the indirect costs centers, excluding administration, are allocated to the direct costs centers based on an analysis of the staff hours dedicated to a center along with the budgeted costs within each indirect cost center. After those indirect costs are allocated to the direct cost centers, administration is allocated based on the total actual direct and indirect costs for each direct cost center. The allocation percentages for 2019 and 2020 are shown below. These allocation rates are reviewed annually and potentially revised at the end of each review period to reflect actual operations and maintenance for all of the facilities.

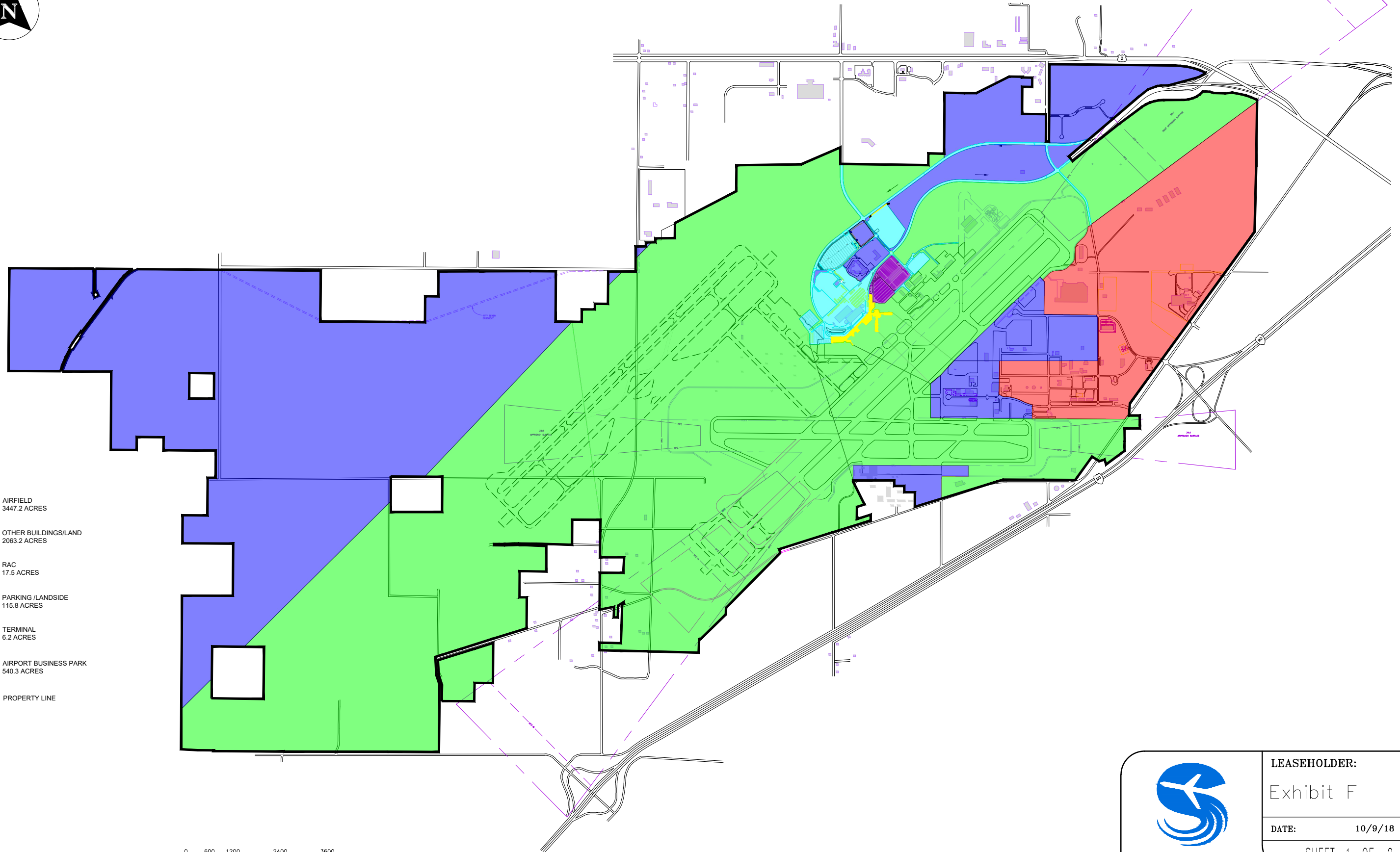
Indirect Allocation Percentages Spokane Airport Board

	Airfield	Fuel	Terminal	Landside	OB & G	ABP	Felts
Indirect Allocations							
Airfield Maintenance	65.0%			20.0%	10.0%		5.0%
Terminal Maintenance	0.0%		80.0%	20.0%			
Operations	90.0%		2.5%	2.5%			5.0%
Fuel	100.0%						
Engineering	40.0%	1.0%	40.0%	10.0%	1.0%	1.0%	7.0%
IT	25.0%		25.0%	25.0%	18.0%	2.0%	5.0%
ARFF/Fire	73.3%	3.2%	15.9%	0.9%	4.6%	2.1%	
Police	1.0%		80.0%	15.0%	1.5%	2.5%	
Communications	1.0%		80.0%	15.0%	1.5%	2.5%	
Airport Business Park						100.0%	
Felts Field							100.0%



LEGEND:

- AIRFIELD
3447.2 ACRES
- OTHER BUILDINGS/LAND
2063.2 ACRES
- RAC
17.5 ACRES
- PARKING /LANDSIDE
115.8 ACRES
- TERMINAL
6.2 ACRES
- AIRPORT BUSINESS PARK
540.3 ACRES
- PROPERTY LINE



0 600 1200 2400 3600
SCALE: 1" = 1200'
NOTE: SCALE SHOWN IS FOR 22 X 34 EXHIBITS, IF PLOTTED
ON 11 X 17 SCALE IS HALF SIZE.



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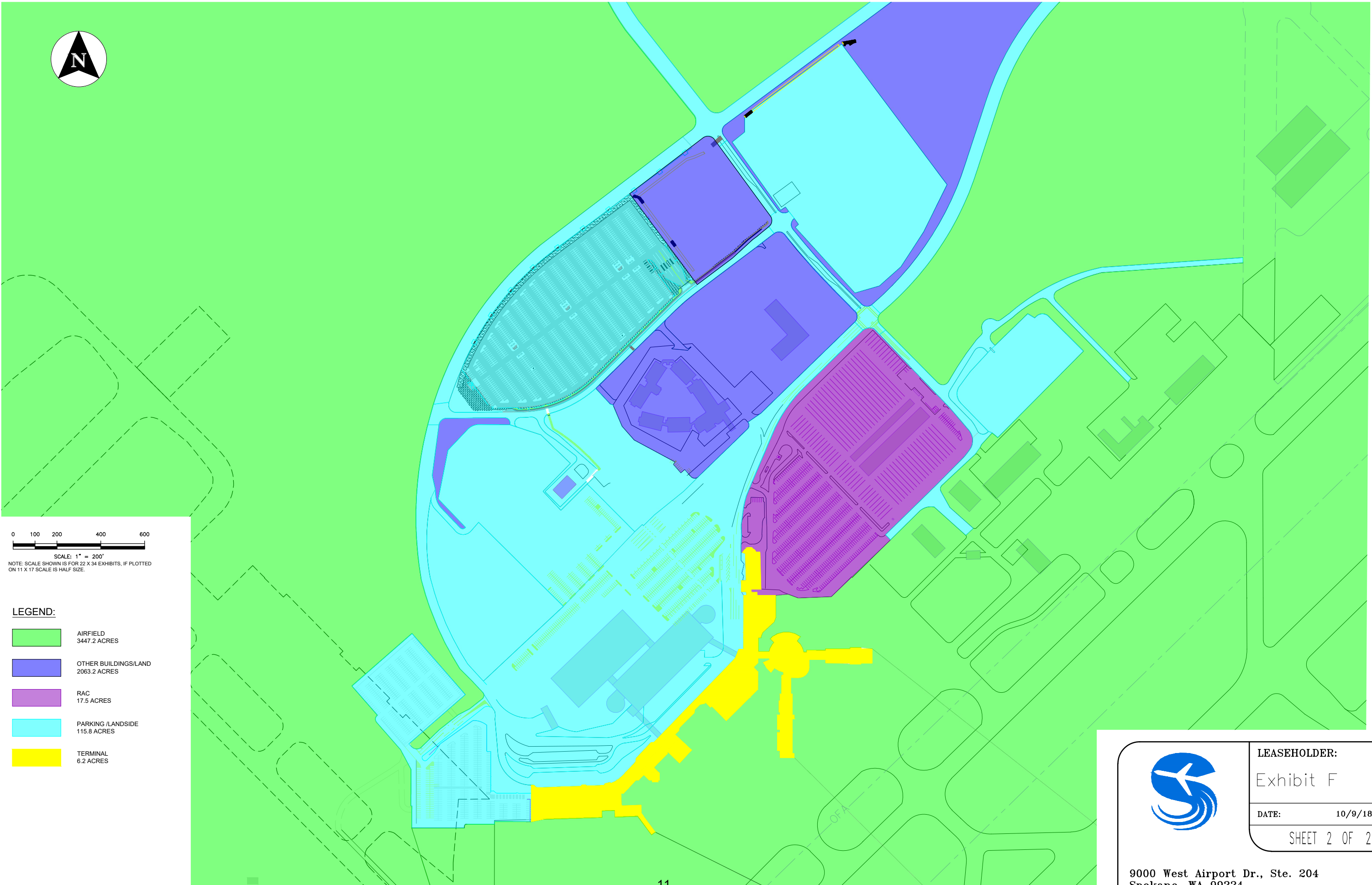
Exhibit F

DATE: 10/9/18

SHEET 1 OF 2

9000 West Airport Dr., Ste. 204
Spokane, WA 99224

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LEASEHOLDER:

Exhibit F

DATE: 10/9/18

SHEET 2 OF 2

9000 West Airport Dr., Ste. 204
Spokane, WA 99224

RATE MAKING

The Airport operates under an existing AOA with a residual ratemaking methodology where generally, with some exceptions, all revenues are shared with the signatory air carriers. Under the current AOA there is no specified methodology for each rate making calculation, however there are federal guidelines for establishing rates. Currently the signatory airlines participate, in a consultation role only, in the budget and rate setting process and agreed to modifications to the rate making methodology outlined in the Introduction section under Airline Operating Agreement (AOA).

Terminal Rental Rate Calculation

The existing AOA does not prescribe a methodology for calculating terminal building rentals, fees, and charges. However, exhibits provided annually to the air carriers with updated rates prescribes the fees and charges and the relative weighting of such charges. The Airport uses a cost center residual methodology to calculate a cost recovery terminal building rental rate.

The Terminal Building Cost includes allocable M&O Expenses, debt service (net of allocable PFC revenues), any debt service coverage, depreciation charges (net of bond-funded projects, grants, and PFC revenues), and M&O Reserve deposit requirements. The resulting Terminal Building Cost is reduced by Terminal Concession Revenues, Non-airline Terminal Rentals, a percentage of the estimated surplus revenue generated from the Parking/Landside cost center (with the remainder flowing into the airport residual landing fee rate), Other Terminal Payments, and Loading Bridge Fees to yield the Net Terminal Building Requirement.

The Net Terminal Building Requirement is divided by Rented Space weighted by the weight classifications to derive the Terminal Building Rental Rate per square foot per year. The current year terminal rental rate for Class 1 space (generally public areas) is \$64.73 per square foot per annum (sfpa), an increase from \$61.44 (5.4%) sfpa in 2019. The calculation of the Terminal Rental Rate is displayed in Section V.

Landing Fee Calculation

The methodology for calculating the landing fee rate is based on an airport residual approach where the total cost of SIA is credited with airline terminals rentals, other airline fees and charges, non-signatory airline landing fees, and non-airline revenues to yield the landing fee revenue requirement. The landing fee requirement is then divided by signatory airline landed weight forecast to derive the landing fee rate per 1,000 pound unit.

More specifically, the methodology consists of the following steps:

1. The SIA rate base includes M&O Expenses, debt service, debt service coverage, depreciation charges (net of grants and PFC revenues), and the M&O Expense Reserve deposit requirement. The rate base also includes an amount to provide sufficient funding for the Airport's share of funding the CIP.

2. The Airfield Requirement is then reduced by airline revenues other than landing fees and nonairline revenues, and the prior year carry forward surplus (deficit) to yield the Landing Fee Requirement.

3. The Landing Fee Requirement is divided by forecast Total Landed Weight of passenger and cargo carriers (as weighted for premiums) to derive the Signatory Airline Landing Fee Rate per 1,000-pound unit.

The 2020 landing fee rate is \$2.24 per 1,000 pounds of landed weight, reduced from \$2.36 / 1,000 pounds (-5.1%). The calculation of the Landing Fee Rate is displayed in Section V.

COST PER ENPLANEMENT (CPE)

The calculations of the Terminal Rent Rate and the Landing Fee result in charges to the air carriers. Those charges contribute to both Terminal and Airfield Revenue. One measure of the cost to operate at an airport by an airline is the Cost Per Enplanement (CPE) calculation. The average CPE represents the net cost incurred by the commercial airlines based on their regular operations at the Airport. The table below shows the CPE for 2017 and 2018 along with forecasts for 2019 and 2020. In the 2019 budget, the ending CPE for 2018 was estimated at \$5.52 and the table below shows the actual amount being \$5.12 per passenger. The 2019 forecast CPE is \$5.06 as compared to a budgeted CPE of \$6.18 which was presented in the 2019 Budget. (The actual 2019 CPE cannot be calculated until the final audit work is completed, or not until approximately June of 2020.) These results are still below comparable sized airports. Section IX, shows comparisons of the Airport's CPE, and other metrics, with other airports of similar size and destination airports.

Also shown below is the forecast CPE of each individual air carrier. The fluctuation between air carriers is related to both their incurred costs and their passenger activity.

Airline Cost per Enplaned Passenger

Spokane International Airport

(for the 12 months ending December 31; numbers in thousands except rates)

	Actual 2017	Actual 2018	Projected 2019	Budgeted 2020
Passenger Airline Payments				
Passenger Airline Signatory Landing Fees	\$ 3,747	\$ 4,609	\$ 3,658	\$ 5,247
Terminal Building Rent	4,912	5,173	6,221	7,469
Loading Bridge Fees	190	226	228	231
RON and Airfield Fees	145	149	154	158
Subtotal	\$ 8,994	\$ 10,157	\$ 10,261	\$ 13,105
Nonsignatory Passenger Landing Fees	1	81	121	116
Total Airline Revenues	\$ 8,995	\$ 10,238	\$ 10,382	\$ 13,222
Enplaned Passengers	1,782	1,999	2,050	2,091
Airline Cost per Enplaned Passenger	\$ 5.05	\$ 5.12	\$ 5.06	\$ 6.32



Section V. Terminal Rent Rate and Landing Fee Calculations

The tables below show the actual calculation of the average terminal rent rate and the airfield landing fee as described in Section IV Rate Making.

Calculation of Terminal Building Rental Rate

Spokane International Airport

(for the 12 months ending December 31; numbers in thousands except rates)

	Actual 2017	Actual 2018	Projected 2019	Budgeted 2020
TERMINAL BUILDING COST				
M&O Expenses	\$ 8,113	\$ 8,471	\$ 8,829	\$ 10,251
M&O Reserve Fund Requirement	368	(82)	472	628
Debt Service	-	-	-	-
Debt Service Coverage	-	-	-	-
Net Depreciation Charges	1,611	2,393	2,130	1,604
Terminal Building Cost	\$ 10,092	\$ 10,782	\$ 11,432	\$ 12,483
Less: Terminal Non-Airline Revenues Associated With Rented Space				
Terminal Concession Revenues	\$ (1,816)	\$ (2,255)	\$ (2,545)	\$ (2,617)
Nonairline Terminal Rentals	(611)	(627)	(665)	(650)
Share of Parking Surplus @ 25% (2019)	(2,002)	(2,982)	(2,105)	(1,425)
Other Terminal Payments	(689)	(392)	(416)	(424)
TSA Security Reimbursement	(299)	(263)	-	-
Loading Bridge Fees	(190)	(226)	(228)	(231)
Net Terminal Building Cost	\$ 4,487	\$ 4,036	\$ 5,472	\$ 7,137
Weighted Rented Space	90	90	96	110
Charged Average Terminal Rental Rate (per sq ft per year)	\$ 50.82	\$ 53.71	\$ 61.44	
Calculated Average Terminal Rental Rate (per sq ft per year)	\$ 49.79	\$ 44.78	\$ 57.09	\$ 64.73
Rented Space	90	90	96	110
Subtotal	\$ 4,580	\$ 4,841	\$ 5,889	\$ 7,137
Other Airline Terminal Payments ¹	332	332	332	332
Airline Terminal Rentals	\$ 4,912	\$ 5,173	\$ 6,221	\$ 7,469

1. Storage – Outside, Janitorial, Boarding Areas Walkway, Ramp - Equipment Storage, and Glycol Pad.

Calculation of Landing Fee Spokane International Airport

(for the 12 months ending December 31; numbers in thousands except rates)

		Actual 2017	Actual 2018	Projected 2019	Budgeted 2020
Landing Fee Requirements					
M&O Expenses		\$ 25,114	\$ 24,939	\$ 28,038	\$ 32,009
Net Depreciation					
Total SIA Depreciation - Existing Assets		20,831	21,423	23,244	22,581
Less Grant, PFC and Bond Funded Assets		(13,518)	(12,777)	(13,998)	(13,666)
Future SAB Funded Assets (Net of AIP/PFC)		-	-	-	-
Return on Investment in Land			1,245	1,245	1,245
Additional Discretionary Cash Flow (if Extension)		500	500	1,800	1,800
Debt Service					
Debt Service - Outstanding GARBs		-	-	-	-
Debt Service - Future GARBs		-	-	-	-
Debt Service - Outstanding Subordinate Lien		468	468	468	468
Required Debt Service Coverage		-	-	-	-
M&O Reserve Fund		1,140	(242)	1,499	1,962
Subtotal		\$ 34,534	\$ 35,556	\$ 42,296	\$ 46,399
Less:					
Airline Terminal Building Rent		(4,912)	(5,173)	(6,221)	(7,469)
Other Airline Revenues		(1,053)	(1,225)	(1,232)	(1,239)
Total Nonairline Revenues		(22,943)	(24,634)	(27,811)	(28,986)
Subtotal		\$ 5,626	\$ 4,524	\$ 7,032	\$ 8,705
Less Non-Operating Revenues Available for Debt Service					
Interest Income		\$ (314)	\$ (578)	\$ (565)	\$ (565)
TSA Security Reimbursement		(299)	(263)	-	-
Air Service Expenses/Waivers		(50)	(396)	(122)	(350)
Transaction Fees ("CFC") Allocable to Debt Service/Coverage		-	-	-	-
TOTAL LANDING FEE REQUIREMENT		\$ 4,963	\$ 3,287	\$ 6,344	\$ 7,790
Plus Unfunded Pension Liability*	\$ 3,665				
Prior Year Carry Over (Surplus)/Deficit		(386)	(147)	(1,663)	(1,157)
Net Landing Fee Requirement		\$ 4,577	\$ 3,140	\$ 4,681	\$ 6,633
Signatory Landed Weight (millions/lbs)		1,812	2,195	2,182	2,345
Signatory Cargo Landed Weight (adjusted for premium)	105%	430	446	468	475
Non-Signatory Use Agmt Landed Weight (adjusted)	115%	1	38	51	52
Itinerant Landed Weight (adjusted)	150%	93	83	92	93
Adjusted Total Landed Weight		2,335	2,761	2,793	2,965
Change		1.9%	18.2%	1.1%	6.2%
Calculated Signatory Airline Landing Fee Rated (per 1000 lbs)		\$ 1.96	\$ 1.14	\$ 1.68	\$ 2.24
Charged Signatory Airline Landing Fee Rate		2.07	2.10	2.36	
Charged Signatory Cargo Airline Landing Fee Rate	105%	2.17	2.21	2.48	2.35
Non-Signatory Use Agmt Landing Fee Rate	115%	2.38	2.42	2.71	2.57
Itinerant Landing Fee Rate	150%	3.10	3.15	3.54	3.36



Section VI. Operating Revenues and Expenses

OPERATING REVENUES

Operating revenues are revenues generated through the daily operations of the Airport. The cost centers outlined earlier, Airfield (including Fuel Facility), Parking and Ground Transportation, Other Buildings and Grounds, GEG Terminal, Rental Car Facilities, the ABP and Felts Field are broken down here into smaller components for analysis. Other revenue sources are typically Non-operating and are generated from facility charges and interest income.

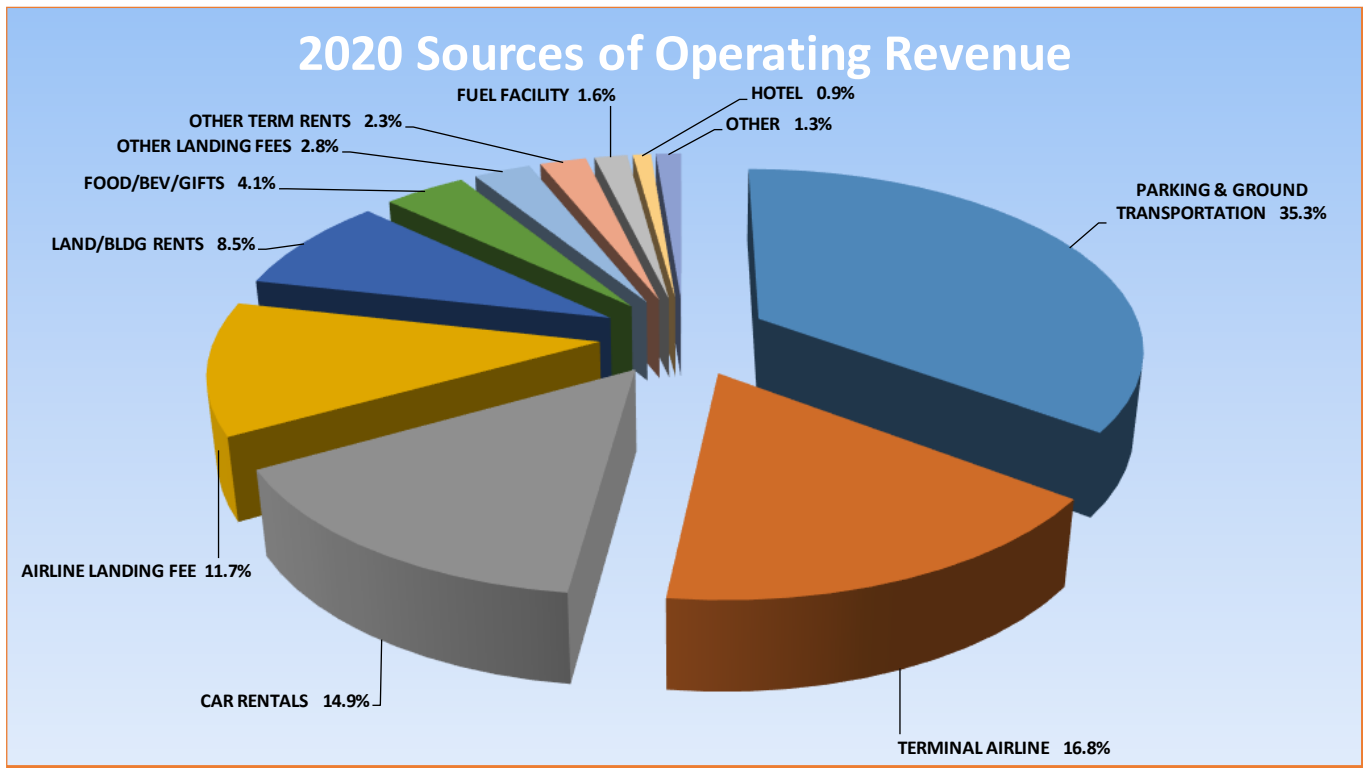
Highlights:

- **Parking and Ground Transportation** is forecast to have an increase in revenue of 12.3% over the 2019 budget (and 6.5% over estimated 2019 results) based on the airline activity forecasts showing increases in passengers, a parking rate restructure and the programmed increase in the GTC Trip Fee. Current year revenues are ahead of 2019 budget levels and are expected to remain there.
- **Airfield Revenue** shows a decrease in revenue of 5.6% due to the 5.1% decrease in the Landing Fee rate along with a forecast of Fuel Flowage revenue decreasing 9.4%.
- **Airline Terminal Rents** show anticipated increases due to the scheduled increase in terminal rent rates applied to rented space.
- **Food, Beverage and Retail Revenues** are forecast 23% above 2019 budget numbers and 20% above estimated 2019 results based on increasing passengers and increased hours of operation.
- **Car Rental** revenues is forecast at 17.9% above the 2019 Budget, but only 1.2% above estimated 2019 final results.

The following table and the chart on the next page shows the main revenue sources for 2019 and 2020.

Sources of Operating Revenue									
<i>This table shows general categories of revenues as a percentage of total operating revenues</i>									
<u>Rank</u>	<u>Description</u>	Year End							
		<u>Budgeted</u> <u>2019</u>	<u>FY 2019 % of</u> <u>Total Rev</u>	<u>Estimate</u> <u>2019</u>	<u>FY 2019 % of</u> <u>Total Rev</u>	<u>Budgeted</u> <u>2020</u>	<u>FY 2020 % of</u> <u>Total Rev</u>	<u>\$ Change</u>	<u>% Change</u>
1	Parking / Landside / GTC	14,815,000	34.5%	15,626,171	34.9%	16,635,000	35.2%	1,820,000	12.3%
2	Terminal Rent (airline)	6,578,853	15.3%	6,904,000	15.4%	7,912,000	16.8%	1,333,147	20.3%
3	Car Rentals	5,958,270	13.9%	6,942,729	15.5%	7,026,500	14.9%	1,068,230	17.9%
4	Airline Landing Fees	5,996,159	14.0%	5,169,909	11.6%	5,512,181	11.7%	(483,978)	-8.1%
5	Commercial Land/Bldg Rents	3,896,462	9.1%	4,061,486	9.1%	3,990,935	8.5%	94,473	2.4%
6	Food/Bevs/Gifts	1,567,105	3.7%	1,883,095	4.2%	1,929,600	4.1%	362,495	23.1%
7	Landing Fees (other)	1,238,941	2.9%	1,271,236	2.8%	1,339,692	2.8%	100,751	8.1%
8	Terminal Rent (other)	1,104,500	2.6%	1,095,879	2.4%	1,087,700	2.3%	(16,800)	-1.5%
9	Fuel Facility	849,720	2.0%	805,000	1.8%	770,000	1.6%	(79,720)	-9.4%
10	Hotel	363,674	0.8%	410,000	0.9%	425,000	0.9%	61,326	16.9%
	Other Revenue	550,716	1.3%	571,877	1.3%	592,816	1.3%	42,100	7.6%
	Total Operating Revenues	\$ 42,919,400	100.0%	\$ 44,741,382	100.0%	\$ 47,221,424	100.0%	\$ 4,302,024	10.0%

Notes: Estimated combined revenue derived from Air Carriers for 2019 = 27.0% and 2020 = 28.4%; reclassifications have been made to prior year to conform with 2020 presentation



Note: Estimated combined revenue derived from Air Carriers for 2019 = 27.0% and 2020 = 28.4%

This chart shows revenues in 2020 as a percentage of total operating revenues

OPERATING EXPENSES

Operating expenses are generated through the daily operations of the Airport. Operating expenses are tracked in the direct and indirect cost centers described earlier. Along with the direct cost centers tracking revenue, there are five indirect cost centers in Planning and Engineering, Airport Rescue and Fire Fighting (ARFF), Information Technology, Police and Dispatch along with Airport Administration. The table and chart following this breaks down expenses into smaller components for analysis.

Highlights:

- Personnel Compensation and Benefits** is the largest area of expense totalling 34.4% of operating expenses. 2020 shows an increase of 10.1% over the prior year and is related to increases in benefits mandated by the state minimum wage laws, state retirement system, sick and safe leave legislation, staffing level increases and modest increases in wages and medical benefits. Although this area shows a 10% increase, as a total of expenses this category is below the 34.6% of all operating expenses shown in the prior year's budget.
- Facilities and Grounds maintenance** is the second largest expense at a combined 24.8% of operating expenses. The Airport is an older facility (although significant rehabilitation has been accomplished in improvements with more to follow) and demands attention. The addition of a new surface parking lots increases staffing, grounds maintenance, snow removal and pavement de-icing efforts.

Operating Expenditures by Rank

This table shows general categories of expenses as a percentage of total operating expenses

<u>Rank</u>	<u>Description</u>	<u>Budgeted 2019</u>	<u>FY 2019 % of Total Exp</u>	<u>Year End Estimate 2019</u>	<u>FY 2019 % of Total Exp</u>	<u>Budgeted 2020</u>	<u>FY 2020 % of Total Exp</u>	<u>\$ Change</u>	<u>% Change</u>
1	Personnel (Incl taxes / benefits)	14,297,812	34.6%	13,088,920	31.6%	15,741,929	34.4%	1,444,117	10.1%
2	Facilities, Hangars, Bldgs, Depreciation	9,675,866	23.4%	11,553,626	27.9%	11,356,905	24.8%	1,681,039	17.4%
3	Grounds Maintenance / Snow Control	4,963,000	12.0%	4,222,829	10.2%	4,205,500	9.2%	(757,500)	-15.3%
4	Equipment Maintenance	2,021,500	4.9%	1,952,850	4.7%	2,205,000	4.8%	183,500	9.1%
5	Custodial Services & Supplies	1,931,470	4.7%	1,851,169	4.5%	2,137,450	4.7%	205,980	10.7%
6	Research / Planning / Engineering	1,893,740	4.6%	1,896,339	4.6%	1,996,288	4.4%	102,548	5.4%
7	Utilities (Power/Nat. Gas/Water/Sewer)	1,741,500	4.2%	1,748,565	4.2%	1,828,000	4.0%	86,500	5.0%
8	Other Supplies	603,900	1.5%	789,730	1.9%	992,400	2.2%	388,500	64.3%
9	Employee Education / Travel	610,000	1.5%	663,345	1.6%	947,000	2.1%	337,000	55.2%
10	Contract Labor	627,470	1.5%	486,343	1.2%	720,125	1.6%	92,655	14.8%
	Other Operating Expenses	2,985,542	7.2%	3,199,520	7.7%	3,688,190	8.0%	702,648	23.5%
	Total Operating Expenses	\$ 41,351,800	100.0%	\$ 41,453,236	100.0%	\$ 45,818,787	100.0%	\$ 4,466,987	10.8%

Note: Minor reclassifications have been made to prior years to conform with 2020 presentation and some totals or % may not add exactly due to rounding

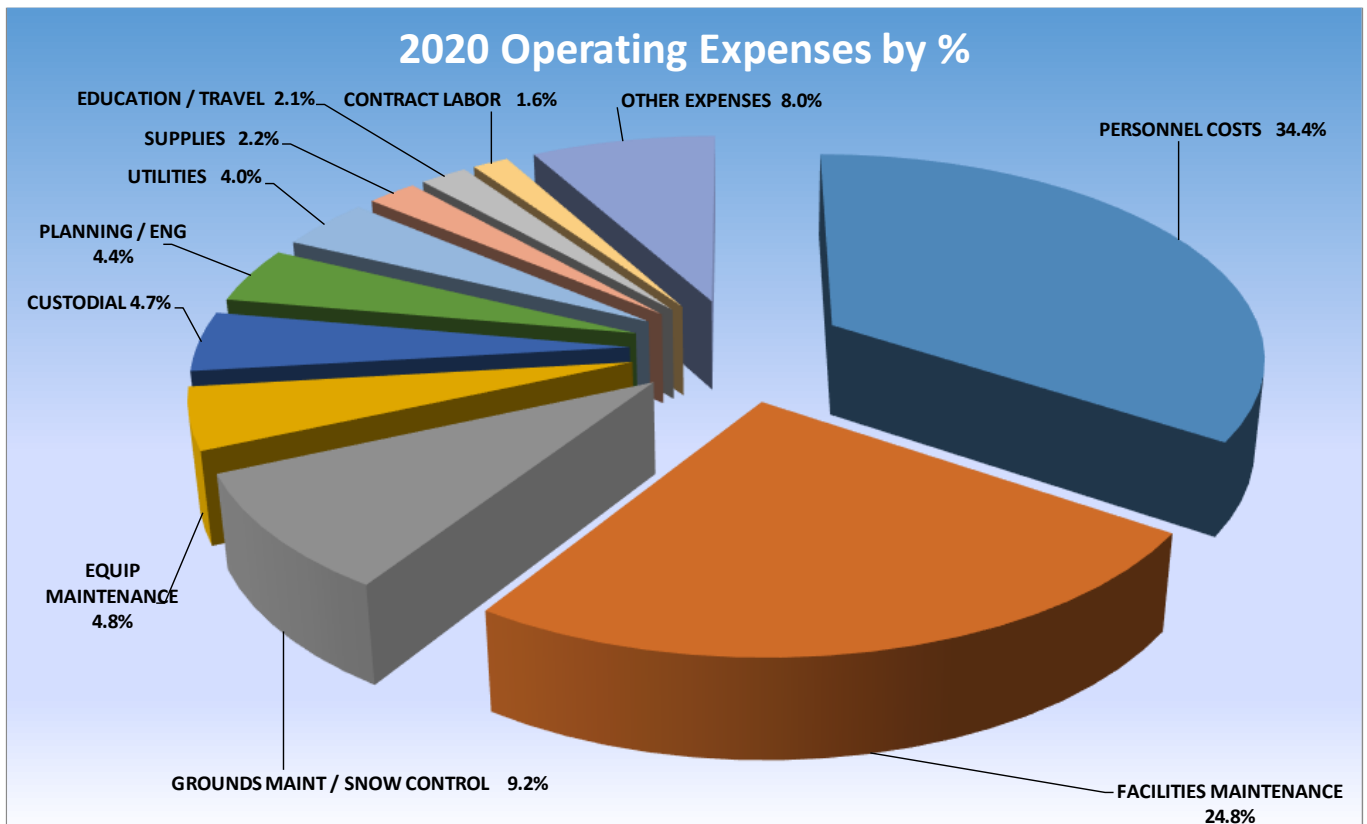


Chart shows operating expenses in 2020 as a percentage of total operating expenses



Section VII. Capital Improvement Program

The Capital Improvement Program (CIP) is developed annually and updated throughout each year. The purpose of the CIP process is to evaluate, prioritize, and coordinate proposed projects for, ideally, a five-year period. Projects that may require FAA funding in the future are updated with the FAA annually. The projects developed through the planning process require the use of Federal funding through the FAA, DOT, and the TSA along with State grants, PFCs, CFCs and cash generated by operation of the Airport.

The primary goal of the CIP is the development of a detailed capital budget for the current fiscal year and a plan for capital development during the next three to four years. By updating and approving the CIP, a strategy and schedule is set for budgeting and constructing facilities at SIA, ABP, and Felts Field.

The table below shows a summary of projects by department for 2019-2020.

2018 - 2020 CAPITAL IMPROVEMENT PROGRAM			
SPOKANE INTERNATIONAL AIRPORT	<u>Actual 2018</u>	<u>Projected 2019</u>	<u>2020 Budget</u>
Parking / Ground Transportation	\$10,403,324	\$4,005,723	\$15,445,000
Airfield / Ops / Fuel	25,075,540	4,494,383	2,015,000
Other Buildings & Grounds	625,217	2,206,946	7,100,000
Terminal	3,021,618	16,567,202	15,060,000
ARFF	50,137	14,845	729,000
I.T.	25,640	-	120,000
Police / Security	121,729	-	300,000
Admin	72,904	430,731	150,000
Sub-Total	\$39,396,109	\$27,719,830	\$40,919,000
AIRPORT BUSINESS PARK	<u>838,943</u>	<u>-</u>	<u>\$620,000</u>
FELTS FIELD			
Airfield	1,648,852	1,053,818	630,000
Other Buildings / Grounds	2,559,040	4,089,266	50,000
Terminal	-	-	598,000
Land Acquisitions	387,532	79,507	-
Sub-Total	<u>\$4,595,424</u>	<u>\$5,222,591</u>	<u>\$1,278,000</u>
TOTAL CAPITAL IMPROVEMENTS	<u>\$44,830,476</u>	<u>\$32,942,421</u>	<u>\$42,817,000</u>



Section VIII. Debt Service

The Airport has covenants to maintain a bond debt service coverage ratio of not less than 1.3, which it has successfully maintained. The Airport currently maintains A+ Standard & Poor's, A+ Fitch, and A-2 Moody's ratings. The calculation from 2017 and 2018, along with forecasts for 2019 and 2020 is shown below. The Airport defeased a 2008 bond and redeemed a 2005 bond in 2017 leaving only four Washington State Community Economic Revitalization Board (CERB) loans as long term debt. These loans carry interest rates ranging from 0% - 1% and were utilized to complete projects housing tenants providing services for the aeronautical clients of the Airport.

The Airport has entered into agreements with Spokane County to borrow, on a short term basis, up to \$7,500,000 if needed to fund construction. The Airport has also entered into an agreement to borrow from the City of Spokane, on a long term basis, up to \$5,000,000 if needed to fund construction of a hangar at Felts Field. As of November 2019, the Airport has not exercised either of these options, therefore there is no effect on the 2020 Budget.

The low level of debt carried currently favorably positions the Airport to be able to pursue funding needed for the upcoming Terminal Renovation and Expansion (TRES) project.

Debt Service by Series and Cost Center

Spokane International Airport

(for the 12 months ending December 31; numbers in thousands except rates)

	Actual 2017	Actual 2018	Projected 2019	Budgeted 2020
By Series				
Senior Lien				
2008 Revenue Bonds	\$ -	\$ -	\$ -	\$ -
2010 Revenue Bonds	-	-	-	-
Total Existing Debt Service	\$ -	\$ -	\$ -	\$ -
Future PFC Debt Service	-	-	-	-
Less: PFC Revenues Pledged	-	-	-	-
Future GARB Debt Service	-	-	-	-
Total Senior Lien Debt Service	\$ -	\$ -	\$ -	\$ -
Subordinate Lien				
2005 CERB Loan	\$ 51	\$ 51	\$ 51	\$ 51
2006 CERB Loan	48	48	48	48
2008 CERB Loan	118	118	118	118
2010 CERB Loan	250	250	250	250
Total Subordinate Debt Service	\$ 468	\$ 468	\$ 468	\$ 468
Subordinate Lien - Felts Field				
2018 City Hangar Loan	-	-	-	-
Senior Lien				
2005 Revenue Bonds - ABP	\$ 1,445	\$ -	\$ -	\$ -
TOTAL DEBT SERVICE	\$ 1,913	\$ 468	\$ 468	\$ 468



Section IX. Benchmark Table of Other Airports

This table compares Spokane International Airport's various statistics with airports of similar size. The table on the following page shows the same statistics for those airports that are direct connections. Comparing statistics from one airport to another can be problematic as each airport operates under differing conditions and corporate formation. Spokane's Landing Fee (LF) and Cost per Enplanement (CPE) numbers show the year 2017 along with expected 2018 and 2019 calculations for comparison purposes only.

SIMILAR SIZE AIRPORT COMPARISONS

Hub Size	Airport Name	LOC_ID	Enplanements	Signatory Landing Fee	CPE	FTEs @ Year End
M	EPPLEY - OMAHA	OMA	2,519,934	2.89	6.57	168.00
S	MEMPHIS	MEM	2,150,535	1.25	9.05	306.00
S	TED GREEN	PVD	2,140,422	4.59	9.87	147.00
S	CHARLESTON	CHS	2,096,750	-	9.38	171.00
S	RENO/TAHOE	RNO	2,064,968	2.95	6.82	278.00
S	LONG BEACH	LGB	2,006,292	4.00	9.13	130.00
S	SPOKANE	GEG	1,998,949	2.10	6.01	137.00
S	RICHMOND	RIC	1,922,428	1.34	5.65	183.00
S	BOISE	BOI	1,898,766	1.51	3.62	110.00
S	LOUISVILLE	SDF	1,818,676	1.13	5.23	163.00
S	TUCSON	TUS	1,782,050	1.04	7.47	233.00
S	NORFOLK	ORF	1,741,125	4.03	6.45	202.00
S	GERALD R FORD	GRR	1,639,968	2.97	9.21	102.00
S	EL PASO	ELP	1,576,390	1.80	6.17	232.00
S	ORLANDO SANFORD	SFB	1,531,881	1.37	2.30	95.00
S	ALBANY	ALB	1,466,706	2.92	6.57	211.00
S	TULSA	TUL	1,430,909	3.62	8.69	141.00
S	BIRMINGHAM	BHM	1,409,531	5.69	12.22	166.00
S	SAVANNAH	SAV	1,395,040	3.00	8.05	205.00
S	DES MOINES	DSM	1,386,278	2.95	8.95	56.00
	AVERAGE		1,811,892	2.58	7.33	169.33

Memphis, Charleston, Richmond, Boise, Louisville have significant non-passenger traffic influence on rates
(Source: 2018 FAA Form 127)

DIRECT CONNECTION AIRPORT COMPARISONS

<u>Hub Size</u>	<u>Airport Name</u>	<u>LOC ID</u>	<u>Signatory Landing Fee</u>	<u>CPE</u>
S	SPOKANE	GEG	2.10	6.01
L	LOS ANGELES	LAX	4.60	16.75
L	OHARE	ORD	9.78	17.87
L	DALLAS/FORT WORTH	DFW	3.09	12.90
L	DENVER	DEN	4.75	10.24
L	SAN FRANCISCO	SFO	5.24	20.63
L	SEATAC	SEA	3.77	10.79
L	MC CARRAN	LAS	1.93	10.05
L	PHOENIX	PHX	1.91	6.26
L	MINNEAPOLIS	MSP	2.90	6.74
L	SALT LAKE CITY	SLC	2.27	4.17
L	SAN DIEGO	SAN	1.74	9.72
L	PORTLAND	PDX	3.19	10.22
M	SAN JOSE	SJC	2.45	10.01
M	OAKLAND	OAK	3.19	12.05
M	SACRAMENTO	SMF	3.71	13.36
S	BOISE	BOI	1.51	3.62
AVERAGE W/O GEG			3.50	10.96

(Source: 2018 FAA Form 127)




Section X. Budget Summaries by Cost Center

TRAVELER

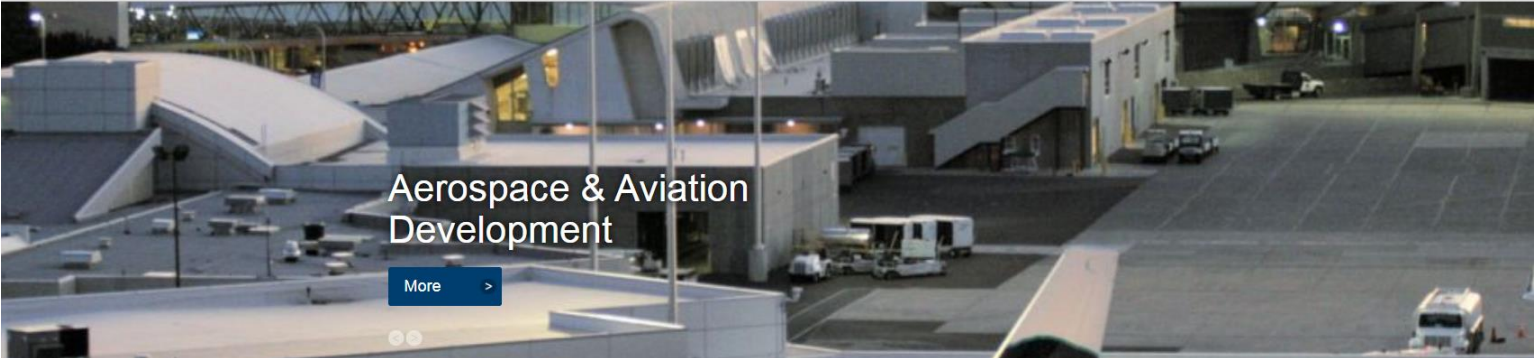
BUSINESS

FELTS FIELD

 Spokane International Airport

Spokane Airport
43°
21°
the weather.com info

About UsDoing BusinessAviation ServicesBusiness DevelopmentContact



Aerospace & Aviation Development


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Spokane Airport Board Consolidated Summary Spokane International Operations Summary Business Park Operations Summary Felts Field Operations Summary Capital Improvement Program

TRAVELER


BUSINESS

FELTS FIELD

 Spokane International Airport

Airway Heights, WA
53°F
Partly Cloudy
WU WEATHER UNDERGROUND

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SPOKANE AIRPORT BOARD

2020 BUDGET SUMMARY

*Note: reclassifications have been made to prior years to conform with 2020 presentation
and some totals or % may not add exactly due to rounding*

	<u>2018 Actual</u>	<u>2019 Budget</u>	<u>Projected 2019 Yr End</u>	<u>2020 Budget</u>	<u>% Change 20 vs 19</u>
Operations Revenues					
Spokane International	\$ 38,376,899	\$ 40,825,324	\$ 42,675,144	\$ 45,234,537	
Airport Business Park	1,505,386	1,324,699	1,375,268	1,372,707	
Felts Field	751,123	769,377	690,970	614,180	
	<u>40,633,408</u>	<u>42,919,400</u>	<u>44,741,382</u>	<u>47,221,424</u>	10.0%
Other Sources					
Spokane International	563,274	291,225	531,138	566,138	
Airport Business Park	37,792	15,124	30,772	29,653	
Felts Field	18,365	-	-	-	
(To) / From CIP Carryover	(5,191,593)	(820,786)	(3,396,893)	(1,543,792)	
	<u>(4,572,162)</u>	<u>(514,437)</u>	<u>(2,834,983)</u>	<u>(948,001)</u>	
Total Operations / Other Sources	<u>\$ 36,061,246</u>	<u>\$ 42,404,963</u>	<u>\$ 41,906,399</u>	<u>\$ 46,273,423</u>	9.1%
Operations Expenses					
Spokane International	\$ 25,236,239	\$ 31,416,029	\$ 29,840,017	\$ 34,117,941	
Airport Business Park	526,891	1,133,846	632,742	678,856	
Felts Field	651,419	666,266	627,071	671,555	
	<u>26,414,549</u>	<u>33,216,141</u>	<u>31,099,830</u>	<u>35,468,352</u>	6.8%
Debt Service					
Spokane International	451,701	453,163	453,163	454,636	
Airport Business Park	-	-	-	-	
Felts Field	-	600,000	-	-	
	<u>451,701</u>	<u>1,053,163</u>	<u>453,163</u>	<u>454,636</u>	
Operations & Debt Service	<u>26,866,250</u>	<u>34,269,304</u>	<u>31,552,993</u>	<u>35,922,988</u>	4.8%
Non-Cash Depreciation					
Spokane International	8,032,229	6,917,434	9,060,980	8,916,970	
Airport Business Park	515,243	479,139	614,791	527,839	
Felts Field	647,524	739,086	677,635	905,625	
	<u>9,194,996</u>	<u>8,135,659</u>	<u>10,353,406</u>	<u>10,350,435</u>	
Total Operations/ Other Expenditures	<u>\$ 36,061,246</u>	<u>\$ 42,404,963</u>	<u>\$ 41,906,399</u>	<u>\$ 46,273,423</u>	9.1%
Capital Sources					
Spokane International	39,396,109	44,248,200	27,719,830	40,919,000	
Airport Business Park	838,943	-	-	620,000	
Felts Field	4,595,424	6,800,000	5,222,591	1,278,000	
	<u>\$ 44,830,476</u>	<u>\$ 51,048,200</u>	<u>\$ 32,942,421</u>	<u>\$ 42,817,000</u>	-16.1%
Capital Expenditures					
Spokane International	39,396,109	44,248,200	27,719,830	40,919,000	
Airport Business Park	838,943	-	-	620,000	
Felts Field	4,595,424	6,800,000	5,222,591	1,278,000	
	<u>\$ 44,830,476</u>	<u>\$ 51,048,200</u>	<u>\$ 32,942,421</u>	<u>\$ 42,817,000</u>	-16.1%
Consolidated Sources	<u>\$ 80,891,722</u>	<u>\$ 93,453,163</u>	<u>\$ 74,848,820</u>	<u>\$ 89,090,423</u>	-4.7%
Consolidated Expenditures	<u>\$ 80,891,722</u>	<u>\$ 93,453,163</u>	<u>\$ 74,848,820</u>	<u>\$ 89,090,423</u>	-4.7%

SPOKANE INTERNATIONAL AIRPORT

2020 OPERATIONS BUDGET SUMMARY

Note: reclassifications have been made to prior years to conform with 2020 presentation

and some totals or % may not add exactly due to rounding

	<u>2018 Actual</u>	<u>2019 Budget</u>	<u>Projected 2019 Yr End</u>	<u>2020 Budget</u>	<u>% Change 20 vs. 19</u>
Operations Revenues					
Parking / Ground Transportation	\$ 13,257,078	\$ 14,815,000	\$ 15,626,171	\$ 16,635,000	
Airfield	5,915,001	7,217,300	6,398,209	6,811,993	
Fuel Facility	849,840	849,720	805,000	770,000	
Other Buildings & Grounds	2,240,987	2,244,860	2,508,719	2,528,778	
Terminal	9,520,244	9,894,358	10,533,618	11,606,200	
Rental Car Facilities	6,337,267	5,616,270	6,662,729	6,726,500	
Other Revenues	256,482	187,816	140,698	156,066	
Total Operations Revenue	<u>\$ 38,376,899</u>	<u>\$ 40,825,324</u>	<u>\$ 42,675,144</u>	<u>\$ 45,234,537</u>	10.8%
Operations Expenses					
Parking / GTC / Landside	4,759,094	6,032,700	5,318,809	6,759,300	
Airfield & Operations	5,513,407	7,223,550	6,960,190	6,937,110	
Fuel Facility	464,877	501,110	451,265	495,890	
Other Buildings & Grounds	343,094	485,500	451,113	471,113	
Terminal	4,933,972	5,025,625	5,245,570	5,655,785	
Rental Car Facilities	360,177	431,100	384,906	426,500	
Other Indirect Centers					
Engineering	430,770	690,462	509,430	677,126	
Fire	2,068,856	2,357,583	2,351,273	2,485,032	
Information Technology	405,909	692,960	544,473	792,656	
Police	1,545,951	2,003,020	1,888,925	2,376,864	
Communication	484,267	584,745	488,360	728,250	
General Administration	3,925,865	5,387,674	5,245,703	6,312,315	
Sub-Total Operations Expenses	<u>25,236,239</u>	<u>31,416,029</u>	<u>29,840,017</u>	<u>34,117,941</u>	8.6%
Revenues over Expenditures pre Deprec	<u>\$ 13,140,660</u>	<u>\$ 9,409,295</u>	<u>\$ 12,835,127</u>	<u>\$ 11,116,596</u>	
Gross Depreciation	<u>(21,343,577)</u>	<u>(19,766,246)</u>	<u>(23,415,063)</u>	<u>(22,733,698)</u>	
Credit for Funded Assets	<u>13,311,348</u>	<u>12,848,812</u>	<u>14,354,083</u>	<u>13,816,728</u>	
Net Depreciation	<u>(8,032,229)</u>	<u>(6,917,434)</u>	<u>(9,060,980)</u>	<u>(8,916,970)</u>	
Operations Revenues over Expenses	<u>\$ 5,108,431</u>	<u>\$ 2,491,861</u>	<u>\$ 3,774,147</u>	<u>\$ 2,199,626</u>	
Other Sources Available / (Used)					
Interest Income	578,100	305,582	565,000	600,000	
Debt Interest	(14,826)	(14,357)	(33,862)	(33,862)	
Total Other Sources Available	<u>563,274</u>	<u>291,225</u>	<u>531,138</u>	<u>566,138</u>	94.4%
Available for Debt / Projects / Reserves	<u>5,671,705</u>	<u>2,783,086</u>	<u>4,305,285</u>	<u>2,765,764</u>	-0.6%
Total Debt Principal	<u>(451,701)</u>	<u>(453,163)</u>	<u>(453,163)</u>	<u>(454,636)</u>	
Sources over (Expenses)	<u>\$ 5,220,004</u>	<u>\$ 2,329,923</u>	<u>\$ 3,852,122</u>	<u>\$ 2,311,128</u>	

AIRPORT BUSINESS PARK

2020 OPERATIONS BUDGET SUMMARY

*Note: reclassifications have been made to prior years to conform with 2020 presentation
and some totals or % may not add exactly due to rounding*

	<u>2018 Actual</u>	<u>2019 Budget</u>	<u>Projected 2019 Yr End</u>	<u>2020 Budget</u>	<u>% Change 20 vs. 19</u>
Operating Revenues					
Building / Office Leases	\$ 1,243,760	\$ 1,077,208	\$ 1,113,566	\$ 1,126,652	
Land Leases	241,453	241,201	236,305	222,805	
Miscellaneous	<u>20,173</u>	<u>6,290</u>	<u>25,397</u>	<u>23,250</u>	
Total Operating Revenues	\$1,505,386	\$1,324,699	\$1,375,268	\$1,372,707	3.6%
Operating Expenses					
Buildings	\$283,703	\$803,990	\$436,138	\$423,500	
Grounds	107,012	99,620	77,733	84,150	
General Administration	<u>136,176</u>	<u>230,236</u>	<u>118,871</u>	<u>171,206</u>	
Total Operating Expenses	<u>526,891</u>	<u>1,133,846</u>	<u>632,742</u>	<u>678,856</u>	-40.1%
Revenues over Expenses (Pre Deprec)	\$ 978,495	\$ 190,853	\$ 742,526	\$ 693,851	
Depreciation	<u>(515,243)</u>	<u>(479,139)</u>	<u>(614,791)</u>	<u>(527,839)</u>	
Operating Revenue over (Expense)	<u>\$ 463,252</u>	<u>\$ (288,286)</u>	<u>\$ 127,735</u>	<u>\$ 166,012</u>	
Other Sources Available / Used					
Interest Income	14,853	3,250	14,841	15,000	
Interest Expense	-	-	-	-	
Other Non-Operating Income (Expense)	<u>22,939</u>	<u>11,874</u>	<u>15,931</u>	<u>14,653</u>	
Total Other Sources Available	<u>37,792</u>	<u>15,124</u>	<u>30,772</u>	<u>29,653</u>	
Available for Debt / Projects / Reserves	501,044	(273,162)	158,507	195,665	
Total Debt Principal	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
Sources over Expenditures incl Deprec	<u>\$ 501,044</u>	<u>\$ (273,162)</u>	<u>\$ 158,507</u>	<u>\$ 195,665</u>	

FELTS FIELD

2020 OPERATIONS BUDGET SUMMARY

Note: reclassifications have been made to prior years to conform with 2020 presentation
and some totals or % may not add exactly due to rounding

	E	F	I	J	
	2018 Actual	2019 Budget	Projected 2019 Yr End	2020 Budget	% Change 19 vs. 18
Operating Revenues					
Airfield	\$ 47,209	\$ 48,800	\$ 46,786	\$ 46,980	
Hangars/ Bldgs / Land	667,944	693,367	609,457	534,200	
Terminal	26,512	26,600	26,534	26,600	
Miscellaneous	9,458	610	8,193	6,400	
Total Revenues	\$ 751,123	\$ 769,377	\$ 690,970	\$ 614,180	-20.2%
Operating Expenses					
Airfield	\$ 134,609	\$ 198,000	\$ 166,500	\$ 217,500	
Hangars/ Bldgs / Land	106,131	91,500	89,961	58,375	
Terminal	56,719	85,500	63,150	86,750	
General Admin	353,960	291,266	307,460	308,930	
Total Expenses	651,419	666,266	627,071	671,555	0.8%
Expenses over Revenues Pre Deprec	\$ 99,704	\$ 103,111	\$ 63,899	\$ (57,375)	-155.6%
Depreciation	(1,519,005)	(1,610,567)	(1,549,116)	(1,777,106)	
Credit for Funded Assets	871,481	871,481	871,481	871,481	
Net Depreciation	(647,524)	(739,086)	(677,635)	(905,625)	
Expenses over Revenue incl Deprec	\$ (547,820)	\$ (635,975)	\$ (613,736)	\$ (963,000)	
Cash Available for Debt Service	\$ 99,704	\$ 103,111	\$ 63,899	\$ (57,375)	
Interest and Other Income	18,365	-	-	-	
Available for Debt / Projects / Reserves	118,069	103,111	63,899	(57,375)	
Debt Service	-	(600,000)	-	-	
Expenses over Sources	\$ 118,069	\$ (496,889)	\$ 63,899	\$ (57,375)	

SPOKANE AIRPORT BOARD

2020 CAPITAL SUMMARY

Note: reclassifications have been made to prior years to conform with 2020 presentation and some totals or % may not add exactly due to rounding

SPOKANE INTERNATIONAL AIRPORT	2018 Actual	2019 Budget	Projected 2019 Yr End	2020 Budget
SOURCES OF FUNDS				
Federal & AIP Grants	14,455,213	18,600,000	1,476,301	7,656,100
Other Federal Grants / Funds	411,720	2,000,000	142,729	3,000,000
Other State / Local Funds	1,222	2,000,000	1,625,045	1,500,000
Available / Used PFC Collections and Interest	9,506,056	11,078,200	18,636,259	11,000,000
Available CFC Collections	-	2,825,000	29,652	5,100,000
Funds From Operations & Unrestricted Cash	15,021,897	7,745,000	5,809,844	12,662,900
	39,396,109	44,248,200	27,719,830	40,919,000

EXPENDITURE OF FUNDS				
Parking / Ground Transportation	10,403,324	1,470,000	4,005,723	15,445,000
Airfield / Ops / Fuel	25,075,540	26,436,000	4,494,383	2,015,000
Other Buildings & Grounds	625,217	5,325,000	2,206,946	7,100,000
Terminal	3,021,618	9,467,200	16,567,202	15,060,000
ARFF	50,137	900,000	14,845	729,000
I.T.	25,640			120,000
Police / Security	121,729	50,000		300,000
Admin	72,904	600,000	430,731	150,000
Total Expenditures	39,396,109	44,248,200	27,719,830	40,919,000

AIRPORT BUSINESS PARK	2018 Actual	2019 Budget	Projected 2019 Yr End	2020 Budget
SOURCES OF FUNDS				
Funds From Operations & Unrestricted Cash	838,943	-	-	620,000
Total Sources	838,943	-	-	620,000

EXPENDITURE OF FUNDS				
Total Capital Projects	838,943	-	-	620,000
Total Expenditures	838,943	-	-	620,000
Current Year Change of Reserves	\$ -	\$ -	\$ -	\$ -

FELTS FIELD	2018 Actual	2019 Budget	Projected 2019 Yr End	2020 Budget
SOURCES OF FUNDS				
Federal & AIP Grants	80,854	-	-	300,000
Other Grants	-	-	-	98,000
Debt or Other Funds	-	4,000,000	-	-
Funds From Operations & Unrestricted Cash	4,514,570	2,800,000	5,222,591	880,000
Total Sources	4,595,424	6,800,000	5,222,591	1,278,000

EXPENDITURE OF FUNDS				
Airfield	1,648,852	2,800,000	1,053,818	630,000
Other Buildings / Grounds	2,559,040	4,000,000	4,089,266	50,000
Terminal	-	-	-	598,000
Land Acquisitions	387,532	-	79,507	-
Total Expenditures	4,595,424	6,800,000	5,222,591	1,278,000

Note: The expenditures noted above do not necessarily represent specific projects, rather a variety of projects in a category that will be individually vetted by the Airport Board through the Committee process prior to authorization of expending of funds.



Selected 2020 Rates & Charges List

Space rates shown on a square foot per annum basis

Other rate basis are noted

(This list is not meant to be all inclusive.)

Change from 2019

Spokane International Airport	Signatory	Cargo Exempt*	w/ Use Agreement	Itinerant
Class 1 Space				
Airline Ticket Counters	\$ 64.73			
Airline Ticket Office (ATO)	64.73			
Queuing Areas	64.73			
Instant Travel Machines	64.73			
Concourse Hold Areas	64.73			
Baggage Claim	64.73			
Class 2 Space				
Baggage Service (BOS)	\$ 48.55			
Upper Concourse Office	48.55			
Ops Office	48.55			
Communications Office	48.55			
Baggage Make-Up	48.55			
Baggage Delivery	48.55			
Lower Concourse Office	48.55			
Storage Room	48.55			
Maintenance Office	48.55			
Baggage Cabinet	48.55			
Triturator Building	48.55			
Loading Bridge / mo	\$ 1,916.67			
Aircraft Parking / mo	\$ 500.00			
Boarding Walkway	\$ 11.25			
Ramp GSE Storage	\$ 4.34			
Glycol Pad	4.34			
Outside Storage	0.80			
Landing Fee / 1,000 lbs	\$ 2.24	\$ 2.35	\$ 2.58	\$ 3.36
Non Leased Loading Bridge / full turn	300.00		300.00	300.00
{Includes NON Leased Loading Bridge, A/C Parking, Concourse holding area}				
Non Leased Baggage System / turn	108.00		108.00	108.00
{Includes both baggage make-up for outbound AND baggage claim for inbound}				
Non Leased Ticketing / use	30.00		30.00	30.00
{Includes NON Leased Ticket Counter Only}				
Non Leased Aircraft Parking / use	100.00	105.00	125.00	150.00
{Includes NON Leased Aircraft Parking area away from a Bridge}				
Fuel Flowage Fee / Gallon	0.040	0.040	0.050	0.065

*Cargo Exempt: Cargo Carriers with on-airfield ramp & operation facilities



Selected 2020 Rates & Charges List

Space rates shown on a square foot per annum basis

Other rate basis are noted

(This list is not meant to be all inclusive.)

Change from 2019

Spokane International General Aviation	
Non Lease Aircraft Parking / day	
Single Engine Aircraft	\$ 25.00
Multi Engine / Small Jet	35.00
Q-400 / EJ / RJ or Greater	50.00

Use Agreement / month	
SIA	\$ 90.00
Felts Field	35.00

Felts Field Rates	
Landing Fee / 1000 lbs	\$ 2.50
Non Lease Aircraft / day	25.00
T-Hangar / mo	230.00
Tie-Down / mo	30.00
Fuel Flowage / Gallon	0.065

Mini Warehouse Rates	
amounts due in advance for entire billing term)	
Monthly Only	\$ 56.00
Includes WA St LH Tax	

Miscellaneous Items (not incl. applicable taxes)	
Security Badge Only	\$ 30.00
Badge Renewal or Fingerprinting	40.00
New Badge & Fingerprinting	60.00
1st Lost Badge	30.00
2nd Lost Badge	40.00
3rd Lost Badge	60.00
Telephone Line / mo	12.00
Fitness Center / mo	15.00
GTC Conf room / 4 hrs	25.00
Room Setup (if necessary)	25.00
Event or Conference Center / day	175.00
GTC Trip Fee / Trip	1.75

Force Account Rates	
Materials	Cost + 10%
Labor / hr.	\$ 62.50

ALL VEHICLE PARKING LOT RATES INCLUDE WA STATE SALES TAX					
Parking (Sales Tax Included)	Covered	Outside	Conc		
Length of Stay	Garage	Surface	C-Lot	Economy	Hourly
0 - 2 HR	\$ 4.00	\$ 4.00	\$ 4.00	\$ 5.00	\$ 2.00 / HR
2 - 3 HRS	6.00	6.00	6.00		
3 - 4 HRS	8.00	8.00	7.50		
4 - 5 HRS	10.00				
5-24 HRS	11.00				
DAILY MAX.	\$ 11.00	\$ 8.00	\$ 7.50	\$ 5.00	

Miscellaneous Vehicle Parking	
Tenant Employee Lots / mo	\$ 20.00
Tenant Employee Surface Lot / mo	40.00
Garage Employee Parking / mo	100.00
Commuter Employee Lot / mo	30.00
Commuter Surface Lot / mo	50.00
Commuter Garage / mo	100.00
Passport / Executive / mo	200.00
Vendor / Contractor Parking / veh / year	50.00
Transponder Replacement	50.00
ALL VEHICLE PARKING INCLUDES WSST	

Notes: Certain other terminal and leasehold rental rates are set in conjunction with the Airline Operating Agreement (AOA) provisions while others are set by Fair Market Value appraisals. Rental Car and Concession rates are determined through negotiation and Request for Proposal (RFP) processes. Equipment rentals and other rates are available upon request.

Spokane Airports 2020 Budget

Spokane International Airport / Airport Business Park/ Felts Field



www.spokaneairports.net

Approved:
Spokane Airport Board, November 21, 2019



Agenda Sheet for City Council Meeting of:
12/02/2019

<u>Date Rec'd</u>	11/20/2019
<u>Clerk's File #</u>	OPR 2019-1049
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	DO530600-530601

<u>Submitting Dept</u>	FLEET OPERATIONS
<u>Contact Name/Phone</u>	LOREN SEARL 625-7851
<u>Contact E-Mail</u>	LSEARL@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Purchase w/o Contract
<u>Agenda Item Name</u>	5100 PURCHASE OF REPLACEMENT REPAIR TRUCKS FOR WATER DEPT.

Agenda Wording

Fleet Services would like to purchase two Repair Trucks for the Water Department. The Repair Trucks will be purchased from Kenworth Sales, Spokane, WA, for a total of \$430,453.38 including tax using Sourcewell Contract #081716-KTC.

Summary (Background)

The Repair Trucks will replace vehicles that have reached the end of their economic life. We recommend approval for the purchase of two Repair Trucks for the Water Department. Funding for this is included in the Water Department budget.

<u>Fiscal Impact</u>	Grant related? NO	<u>Budget Account</u>
	Public Works? NO	
Expense \$ 430,453.38		# 4100-42490-94000-56404-99999
Select \$		#
Select \$		#
Select \$		#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	PAINE, DAVID	<u>Study Session</u> 11/25/19
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u>
<u>Finance</u>	ORLOB, KIMBERLY	<u>Distribution List</u>
<u>Legal</u>	PICCOLO, MIKE	mmartinez, sjohnson, dpaine
<u>For the Mayor</u>	ORMSBY, MICHAEL	
<u>Additional Approvals</u>		
<u>Purchasing</u>		
<u>WATER & HYDROELECTRIC SERVICES</u>	KEGLEY, DANIEL	

Briefing Paper

Public Infrastructure, Environment and Sustainability Committee

Division & Department:	Public Works, Fleet Services
Subject:	Purchase of Replacement Repair Trucks for Water Department
Date:	November 25, 2019
Author (email & phone):	Micaela Martinez mmartinez@spokanecity.org 625-7823
City Council Sponsor:	
Executive Sponsor:	Scott Simmons
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 Plan
Strategic Initiative:	Innovative Infrastructure: Maintaining our fleet of support equipment
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	
Background/History: Fleet Services would like to purchase two Repair Trucks for the Water Department. The Repair Trucks will be purchased from Kenworth Sales, Spokane, WA, for a total of \$430,453.38 including tax using Sourcewell Contract #081716-KTC.	
Executive Summary: <u>Impact</u> <ul style="list-style-type: none"> The Repair Trucks will replace vehicles that have reached the end of their economic life. <u>Action</u> <ul style="list-style-type: none"> We recommend approval for the purchase of two Repair Trucks for the Water Department. <u>Funding</u> <ul style="list-style-type: none"> Funding for this is included in the Water Department budget. 	
Budget Impact: Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 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 Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Specify changes required: Known challenges/barriers:	



KENWORTH SALES COMPANY - SPOKANE (T056)
6420 EAST BROADWAY
SPOKANE, Washington 99212

CITY OF SPOKANE FLEET SERVICES

Phone: 509-534-2643
Fax: 5095341358
Email:

Phone: 509-625-7706
Fax:
Contact Email: mmartinez@cityofspokane.org

Customer Quote

Equipment

Quantity:	1	
Truck Price:	\$160,296	
Dealer Options:	\$105,467	
Extended Warranty:	\$0	
Equipment Price:	\$236,910	
Surcharges Not Subject to Discount:	\$0	
Options Not Subject to Discount:	\$0	
Factory Freight Cost:	\$2,475	
Total Equipment Price:		<u>\$239,385</u>

NET Sale Price: **\$197,637**

Miscellaneous

FET Tire Credit:	\$0
Net Chassis FET:	\$0
State Tax:	\$0
Body/Trailer/Accessories FET:	\$0
Fees:	\$0
Other:	\$0

Quotation Total: **\$197,637**

This quotation worksheet is provided to aid dealers in their pricing efforts. Since PACCAR Inc and its truck divisions have no control over data input and various transactional circumstances that may affect the FET calculation, it is not to be considered tax advice. The dealer should consult his own tax advisor for the proper calculation of any taxes under the variety of circumstances, which may occur.

Unpublished options may require review/approval.

Dimensional and performance data for unpublished options may vary from that displayed.

Price Level: January 1, 2019
Deal: WATER DEPT REPAIR SPEC
Printed On: 11/18/2019 1:27:48 PM

Date: November 18, 2019
Quote Number: QUO-461641-D4Q5M9



Agenda Sheet for City Council Meeting of:
12/02/2019

<u>Date Rec'd</u>	11/14/2019
<u>Clerk's File #</u>	OPR 2016-0688
<u>Renews #</u>	

<u>Submitting Dept</u>	WATER & HYDROELECTRIC SERVICES	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	LOREN SEARL 625-7851	<u>Project #</u>	
<u>Contact E-Mail</u>	LSEARL@SPOKANECITY.ORG	<u>Bid #</u>	4264-16
<u>Agenda Item Type</u>	Purchase w/o Contract	<u>Requisition #</u>	VB 300784
<u>Agenda Item Name</u>	4100/4310 DEBRIS RECYCLING & PURCHASE OF RECYCLED MATERIALS		

Agenda Wording

Renewal of existing value blanket for debris recycling and purchase of recycled materials with Action Materials (Cheney, WA) valued at \$250,000.00 including tax to be used by the Water and Wastewater Maintenance departments on an as-needed basis.

Summary (Background)

Bid #4264-16 for debris recycling and purchase of recycled materials in compliance with WSDOT specifications was issued July 15, 2016. Three bids were received and Action Materials was awarded the business as the lowest responsive bid. This represents the third of four (4) annual renewal options upon mutual agreement. This renewal includes unit of measure changes for debris recycling, but prices are accordingly adjusted to result in no overall change in cost.

<u>Fiscal Impact</u>	Grant related? NO	<u>Budget Account</u>
	Public Works? NO	
Expense	\$ 250,000.00	# VARIOUS
Select	\$	#
Select	\$	#
Select	\$	#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	KEGLEY, DANIEL	<u>Study Session</u>	
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u>	PIES 11/25/2019
<u>Finance</u>	ALBIN-MOORE, ANGELA	<u>Distribution List</u>	
<u>Legal</u>	PICCOLO, MIKE	sjohnson@spokanecity.org	
<u>For the Mayor</u>	ORMSBY, MICHAEL		
<u>Additional Approvals</u>			
<u>Purchasing</u>	PRINCE, THEA		

Briefing Paper

Public Infrastructure, Environment, and Sustainability Committee

Division & Department:	Public Works, 4100 Water/4310 Wastewater Maintenance Utilities
Subject:	Recycled Materials – Value Blanket Renewal
Date:	11/25/2019
Author (email & phone):	Loren Searl, lsearl@spokanecity.org , x7851
City Council Sponsor:	
Executive Sponsor:	Scott Simmons, Director – Public Works
Committee(s) Impacted:	PIES
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)	Funding for these purchases has been budgeted in the Water and Wastewater Maintenance department budgets, respectively. Charges will be paid according to actual usage.
Strategic Initiative:	Sustainable Resources, Innovative Infrastructure
Deadline:	Renewal to Support Continued Operations
Outcome: (deliverables, delivery duties, milestones to meet)	This renewal would support the continued timely processing of materials generated and required by City Water and Wastewater projects in an environmentally friendly manner, while also maximizing cost savings.
<p><u>Background/History:</u> <i>Invitation for Bids #4264-16 for recycling of dirt, rock, concrete, and asphalt debris as well as purchase of recycled dirt, rock, concrete, and asphalt in compliance with WA DOT specifications was issued July 15, 2016. Three bid responses were opened on August 8, 2016. Action Materials was awarded the business as the lowest responsive bid.</i></p> <p><i>This value blanket will be valid for a one-year term and represents the third of four optional annual renewals upon mutual agreement. This renewal includes no cost increases from 2019.</i></p>	
<p><u>Executive Summary:</u></p> <ul style="list-style-type: none"> <i>Renewal of Existing Value Blanket Order for Debris Recycling and Purchase of Recycled Materials with Action Materials (Cheney, WA)</i> <i>Estimated Annual Expenditure of \$250,000.00</i> <i>Third of Four Annual Renewal Options at Mutual Agreement</i> <i>No Change in Rates from 2019</i> 	
<p><u>Budget Impact:</u></p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If new, specify funding source: ---</p> <p>Other budget impacts: ---</p>	
<p><u>Operations Impact:</u></p> <p>Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Specify changes required: ---</p> <p>Known challenges/barriers: ---</p>	

2019 – 2020 Pricing

Dirt/Rock/Asphalt Recycling	\$2.50/ton*	*Price reflects will-call pickup
Concrete Recycling	\$10.00/ton*	Add \$7.50/ton for delivery
5/8 Minus Spec Rock	\$7.00/ton*	
5/8 Minus Spec Concrete	\$6.00/ton*	Pickup/Drop Off: 9518 S. Grove Rd.
3/4 Minus Structural Fill	\$4.00/ton*	
Bedding C Sand	\$3.50/ton*	

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

12/02/2019

Date Rec'd

11/6/2019

Clerk's File #

OPR 2019-1050

Renews #**Submitting Dept**

STREETS

Cross Ref #**Contact Name/Phone**

RON HOWERTON (509) 625-7741

Project #**Contact E-Mail**

RHOWERTON@SPOKANECITY.ORG

Bid #WA STATE
CONTRACT
#02714**Agenda Item Type**

Purchase w/o Contract

Requisition #

2020 FUNDS

Agenda Item Name

1100 STREET DEPARTMENT - ANNUAL BLANKET ORDER FOR DEICER

Agenda Wording

This material is used by Street Department during the winter months to aid in snow and ice removal. Roadwise is the supplier. This is on the State contract which expires in 2022.

Summary (Background)

The City of Spokane has a clause in the State contract that states the supplier must deliver the product to our existing storage facility in the northeastern portion of the City and also provide us with access to a supplier owned facility in the eastern portion of the City with a minimum of 120,000 gallons. The site that has and is being provided is at the railroad yards at Havana and Sprague. This year's price is \$164.87 at the Havana location and \$172.40 at the Florida and Queen location in

Fiscal Impact

Grant related? NO

Public Works? NO

Budget Account

Expense \$ 1,400,000.00

1100-21800-42660-54850

Select \$

#

Select \$

#

Select \$

#

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

HARRIS, CLINT E.

Study Session**Division Director**

SIMMONS, SCOTT M.

Other

PIES 11/25/19

Finance

ORLOB, KIMBERLY

Distribution List**Legal**

PICCOLO, MIKE

nzollinger@spokanecity.org

For the Mayor

ORMSBY, MICHAEL

tprince@spokanecity.org

Additional Approvals

rmann@spokanecity.org

Purchasing

PRINCE, THEA

Briefing Paper (PIES)

Division & Department:	Street
Subject:	Deicer
Date:	11/25/2019
Contact (email & phone):	rhowerton@spokanecity.org / 625-7741
City Council Sponsor:	
Executive Sponsor:	Scott Simmons
Committee(s) Impacted:	
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 Plan
Strategic Initiative:	Infrastructure
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	

Background/History:

This material is used by Street Department during the winter months to aid in snow and ice removal. Roadwise is the supplier. This is on the State contract which expires in 2022.

The City of Spokane has a clause in the State contract that states the supplier must deliver the product to our existing storage facility in the northeastern portion of the City and also provide us with access to a supplier owned facility in the eastern portion of the City with a minimum of 120,000 gallons. The site that has and is being provided is at the railroad yards at Havana and Sprague.

This year's price is \$164.87 at the Havana location and \$172.40 at the Florida and Queen location including tax. The estimated annual cost for 8,000 ton's is just under 1,400,000 including tax.

Executive Summary:

Impact

- The total cost to all City Departments noted above will be approximately \$1,400,000 annually.

Action

- Approval of the contract

Funding

- Funding for this is included in the 2019/2020 Street Operation and Maintenance Budget.

Budget Impact:

Approved in current year budget? ☒ Yes, ☐ No ☐ N/A

Annual/Reoccurring expenditure? ☐ Yes, ☐ No ☐ 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:
12/02/2019

<u>Date Rec'd</u>	11/19/2019
<u>Clerk's File #</u>	OPR 2019-1051
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	5202-19
<u>Requisition #</u>	RE 19348

<u>Submitting Dept</u>	WASTEWATER MANAGEMENT
<u>Contact Name/Phone</u>	MIKE LOWDON 625-7927
<u>Contact E-Mail</u>	MLOWDON@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Purchase w/o Contract
<u>Agenda Item Name</u>	4310 TRAILER MOUNTED 4" WASTEWATER PUMPS

Agenda Wording

Purchase of Trailer Mounted 4" Wastewater Pumps from Xylem Dewatering Solutions (Kent, WA) valued at \$124,439.59 including tax.

Summary (Background)

RFQ #5202-19 was issued to solicit quotes for two (2) 4" pumps in accordance with specifications aligned with completion of the upgrading process of the Wastewater Maintenance department's pump inventory as initiated in 2017. Two (2) quotes were received. Award is recommended to Xylem Dewatering Solutions as the low quote meeting functional specifications.

<u>Fiscal Impact</u>	Grant related? NO	<u>Budget Account</u>
	Public Works? NO	
Expense	\$ 124,439.59	# 4330-43354-94000-56401-99999
Select	\$	#
Select	\$	#
Select	\$	#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	KEGLEY, DANIEL	<u>Study Session</u>
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u> PIES 11/25/2019
<u>Finance</u>	ALBIN-MOORE, ANGELA	<u>Distribution List</u>
<u>Legal</u>	SCHOEDEL, ELIZABETH	sjohnson@spokanecity.org
<u>For the Mayor</u>	ORMSBY, MICHAEL	rgennett@spokanecity.org
<u>Additional Approvals</u>		mldowdon@spokanecity.org
<u>Purchasing</u>	PRINCE, THEA	

Briefing Paper

Public Infrastructure, Environment, and Sustainability Committee

Division & Department:	Public Works, 4310 Wastewater Maintenance
Subject:	Purchase of Trailer Mounted Four-Inch Wastewater Pumps
Date:	11/25/2019
Author (email & phone):	Mike Lowdon, mldowd@spokanecity.org , x7927
City Council Sponsor:	
Executive Sponsor:	Scott Simmons, Director – Public Works
Committee(s) Impacted:	PIES
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)	Funding for this purchase is available in the Wastewater Maintenance department capital budget.
Strategic Initiative:	Innovative Infrastructure
Deadline:	Approval of this purchase is needed in 2019 to use funds from this calendar year.
Outcome: (deliverables, delivery duties, milestones to meet)	This purchase supports completion of the replacement and upgrade of the Wastewater Maintenance department's existing pump inventory.
Background/History: <i>In 2017, Wastewater Maintenance began the process of replacing and upgrading the department's existing pump inventory. Specifications for this purchase have been aligned with the pumps already purchased in order to ensure easy cross training for Wastewater personnel and Fleet Services maintenance with an eye to allowing as much supplier competition as possible. \$80,000 per pump has been budgeted for this purchase and award will be recommended to the lowest responsive, responsible bidder in accordance with RFQ #5202-19, scheduled to close Monday, November 18th.</i>	
Executive Summary: <ul style="list-style-type: none"> <i>Purchase of two Trailer Mounted Four-Inch Wastewater Pumps in Accordance with RFQ #5202-19</i> <i>Budgeted Expenditure: \$160,000.00</i> <i>Award Anticipated to Lowest Responsive, Responsible Bidder</i> 	
Budget Impact: Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If new, specify funding source: --- Other budget impacts: ---	
Operations Impact: Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Specify changes required: --- Known challenges/barriers: ---	



CITY OF SPOKANE - WASTEWATER MAINTENANCE

909 E. Sprague Avenue
 Spokane, Washington 99202
 PHONE: 509.625.7900

QUOTE TABULATION

Quote Number	5202-19
Description	Trailer Mounted 4" Wastewater Pumps

	CDPW, Inc.	Xylem, Inc.
Trailer Mounted 4" Wastewater Pump, Qty. 2	\$ 85,636.00	\$ 114,269.60
Subtotal	\$ 85,636.00	\$ 114,269.60
Sales Tax (8.9%)	\$ 7,621.60	\$ 10,169.99
Quote Total	\$ 93,257.60	\$ 124,439.59

Lead Time	45 Business Days ARO	90 Business Days ARO
Exceptions	Yes	Yes

*PLEASE NOTE THAT THIS TABULATION IS NOT AN INDICATION OF AWARD RECOMMENDATION.
 CRITERIA, IN ADDITION TO PRICE, ARE EVALUATED TO DETERMINE RESPONSIVE QUOTE MEETING SPECIFICATIONS.*

Award Determination: 5202-19 Trailer Mounted 4" Wastewater Pump

Award is recommended to Xylem Inc. as the apparent low (CDPW) has indicated exception to the following preferred specifications:

- Supplier acknowledges pump, engine, and base shall be shop primed and finish painted prior to delivery. The finished color of the pump enclosure shall be gloss white.
- Supplier acknowledges the engine shall be started, stopped, and controlled by a digital controller. The controller shall be weather proof enclosed and contain an external weatherproof keypad accessible without the need to remove or open any protective cover or enclosure. It shall be designed to start/stop the engine at a signal supplied by high and low level floats or a 4-20 mA transducer.
- Supplier acknowledges the controller shall have the ability to be programmed for communication with City SCADA system and to control pumps through existing brick and mortar City pump station inputs, all via the keypad without changing relays, chips, printed circuits, or any hardware/software.
- Supplier acknowledges unit shall be supplied with two (2) adjustable position 12VDC work lights operated by a single switch, integrated into the engine control panel.

As these specifications support the long-term functional vision for these pumps, any cost savings realized now would be offset later by needed upgrades to (or potentially complete replacement of) the CDPW pumps.

The exceptions indicated by Xylem, Inc. pertain to the mechanical design of the pump rather than the functional capability and have been approved by Bill Peacock.

Bid Response Summary

Bid Number RFQ 5202-19
Bid Title Trailer Mounted 4" Wastewater Pumps
Due Date Monday, November 18, 2019 1:00:00 PM [(UTC-08:00) Pacific Time (US & Canada)]
Bid Status Closed to Bidding - Award pending Council Approval
Company collin.binder@xyleminc.com
Submitted By collin.binder@xyleminc.com collin.binder@xyleminc.com - Monday, November 18, 2019 10:44:36 AM [(UTC-08:00) Pacific Time (US & Canada)]
Comments

Question Responses

Reference Number	Question	Response
1	Indicate the appropriate point of contact (phone number and email) regarding this quote and placement of order if awarded. If these actions will not be managed by the same person, explicitly specify all relevant contacts.	Collin Binder collin.
1	Supplier acknowledges this purchase is subject to City Council approval. Approval is anticipated early December 2019. The City assumes no obligation to purchase until the purchase is approved by Council and a City purchase order is issued.	Yes
2	Supplier acknowledges the purchase of these pumps is subject to budgetary availability. Ideally, both pumps will be ordered before the end of 2019. Depending on cost, one (1) pump may be ordered in 2019 and the other in Q1 of 2020.	Yes
Directions	Supplier acknowledges the following directions: 'Product' Questions represent preferred specifications. 'Yes' indicates full compliance with the noted specification, 'no' indicates an exception. The last question in the 'Product' category allows supporting documentation to be uploaded which fully addresses any noted exceptions.	Yes
1	Supplier acknowledges pump shall be a portable, trailer mounted diesel pump set.	Yes
2	Supplier acknowledges pump shall be fitted with a fully automatic priming system capable of repeated priming from a completely dry pump casing.	Yes
3	Supplier acknowledges the following Pump Design Requirements: Maximum Operating Speed - 2200 RPM, Maximum Impeller Diameter - 10.8 Inches, Suction Size - 4 Inches, Discharge Size - 4 Inches, Maximum Suction Lift - 28 Feet, Maximum Duty Point - 500 GPM at 125 Foot TDH (Including a 15 Foot Suction Lift), Second Duty Point - 850 GPM at 75 Foot TDH (Including a 20 Foot Suction Lift), Maximum Shutoff Head - 165 Feet.	Yes
4	Supplier acknowledges pump casting shall be cast iron and pump design shall incorporate a direct suction flow path that is in axial alignment with the impeller eye. There shall be no turns, chambers, or valves between the suction flange and the impeller eye.	Yes

5	Supplier acknowledges the impeller shall be of ASTM A-48, Class 35B grey cast iron or ASTM A-532 (Alloy III A) 25% chrome cast iron, dynamically balanced, semi-open, multi-vane, back swept, screw-shaped, non-clog design. The impeller leading edges shall be mechanically self-cleaned automatically upon each rotation as they pass across a spiral groove located on the volute suction. The screw-shaped leading edges of the impeller shall be hardened to Rc 45 and shall be capable of handling solids, fibrous materials, heavy sludge, and other matter normally found in wastewater. The screw shape of the impeller inlet shall provide an inducing effect for the handling of up to 5% sludge and rag-laden wastewater. The impeller to volute clearance shall be readily adjustable by the means of a single trim screw. The impellers shall be locked to the shaft, held by an impeller bolt and shall be coated with alkyd resin primer.	No
6	Supplier acknowledges wear plates shall be fully adjustable and replaceable, fabricated of cast iron. Wear plate clearances shall have no relationship to the ability of the pump to achieve a prime.	Yes
7	Supplier acknowledges pump shall be fitted with a bearing bracket to contain the shaft and bearings. Bearings shall be tapered roller bearings of adequate size to withstand imposed loads for sustained pumping at maximum duty points. Minimum ISO L10 bearing life to be 100,000 hours. Impeller shafts shall be fabricated of 1.5% chromium alloy.	Yes
8	Supplier acknowledges seals shall be high pressure, mechanical self-adjusting type with silicon carbide faces capable of withstanding suction pressures to 40 psi. The mechanical seal shall be cooled and lubricated in an oil bath reservoir, requiring no maintenance or adjustment. Pump shall be capable of running dry, with no damage, for periods up to 24 hours. All metal parts shall be of stainless steel. Elastomers shall be Viton.	Yes
9	Supplier acknowledges pump suction and discharge flanges shall be cast iron ANSI (B16.1) Class 150, flat faced. Ability to connect camlocks to discharge and suction piping required.	Yes
10	Supplier acknowledges pump gaskets shall be compressed fiber and/or Teflon.	Yes
11	Supplier acknowledges pump o-rings shall be Buna-N.	Yes
12	Supplier acknowledges pump shall be fitted with a fully automatic priming system. No vacuum pumps will be accepted. The priming system shall require no fail-safe protection float gear or any adjusting high or low suction lifts. The pump must be capable of running totally dry for periods up to 24 hours, the re-priming and returning to normal pumping volumes. The pump and priming system must be capable of priming the pump from a completely dry pump casing. The pump shall be capable of static suction lifts to 28 vertical feet at sea level. It shall also be capable of operation using extended suction lines. Equipment acceptance shall be contingent upon the pump's ability to run continuously at full speed in a completely dry condition for periods up to 24 hours. Demonstration may be required.	Yes
13	Supplier acknowledges pump shall be supplied with an integral ball-type check valve mounted on the discharge of the pump, allowing unrestricted flow from the impeller. The check valve shall prevent in-line return of flow when the pump is shut off. Non-return valve elastomers shall be nitrile rubber and shall be field replaceable.	No

14	Supplier acknowledges the drive unit shall be a diesel water-cooled engine. The engine shall drive the pump by use of the direct-connected intermediate drive plate. Starter shall be 12VDC electric. Safety shut down switches for low oil pressure and high temperature shall be integrated into the engine control panel. Unit shall include a tachometer and an hour meter. Drive unit shall be final Tier 4 or equal, rated at a minimum of 40HP (continuous) at 2200 RPM. A certified continuous-duty engine curve shall be supplied with the quote package (next question).	Yes
15	Supplier provides a certified continuous-duty engine curve.	4LE2T_VS_Perf Chart.pdf
16	Supplier acknowledges governor shall be electronic type. Engine speed shall be adjustable to operate the pump between maximum and minimum design operation speeds.	Yes
17	Supplier acknowledges integral skid fuel tank capacity shall be sufficient to provide at least 24 hours of operating time at full load. The engines shall be capable of operating satisfactorily on commercial grade of distilled No. 2 fuel oil.	Yes
18	Supplier acknowledges exhaust system shall include critical grade silencer.	Yes
19	Supplier acknowledges the engine and pump shall be completely enclosed with 14 gauge sheet metal panels. The acoustical enclosure shall reduce pump and engine noise to 69 dBA or less at a distance of 30 feet. The enclosure shall be removable for easy access to the engine/pump for maintenance and repair. The enclosure doors shall all be equipped with latches that are keyed alike. For maintenance and service needs, the enclosure sides shall have hinged doors for quick access to the engine oil fill, fuel fill port, oil dipstick, and filters.	Yes
20	Supplier acknowledges the pump and engine shall be mounted on a 2 wheeled, pneumatic type, single-axle trailer, incorporating a structural steel integral fuel tank giving up to 24 hours of nominal running time. The chassis will be constructed of heavy-duty rolled mild steel channel of minimum 3/16" thickness. The fuel tank shall be equipped with drain plugs and large inspection/cleaning access plate. Trailer shall be equipped with fenders, electric brakes, front and rear support stands, lifting bar, safety chains, and side and rear reflectors. Trailer design shall be in compliance with applicable DOT regulations.	Yes
21	Supplier acknowledges pump, engine, and base shall be shop primed and finish painted prior to delivery. The finished color of the pump enclosure shall be gloss white.	Yes
22	Supplier acknowledges the engine shall be equipped with a factory-installed microprocessor-based digital controller designed to start/stop the engine at a signal supplied by high and low level floats or a 4-20 mA transducer.	Yes
23	Supplier acknowledges the engine shall be started, stopped, and controlled by a digital controller. The controller shall be weather proof enclosed and contain an external weatherproof keypad accessible without the need to remove or open any protective cover or enclosure. It shall be designed to start/stop the engine at a signal supplied by high and low level floats or a 4-20 mA transducer.	Yes
24	Supplier acknowledges the engine controller keypad shall be a capacitive touch sensing system. No mechanical switches will be acceptable. The keypad shall operate in extreme temperatures, with gloves, through ice, snow, mud, grease, etc. and maintain complete weather-tight sealing of the controller.	Yes

25	Supplier acknowledges the unit shall conserve energy and have the ability to go to "sleep" in automatic mode.	Yes
26	Supplier acknowledges the engine controller keypad shall function interchangeably from float switches, pressure switch, or transducer, as well as manual start/stop by selection at the keypad.	Yes
27	Supplier acknowledges the start function shall have the ability to be programmed to provide three (3) separate functions each day for seven (7) days (i.e. a start, exercise cycle) OR on three (3) separate days at different times and for a varying length of time all via the keypad.	Yes
28	Supplier acknowledges the manual "Start" button shall start engine and engine shall continue to run until "Stop" button is depressed or an emergency shutdown occurs in manual mode.	Yes
29	Supplier acknowledges start/stop sequencing shall be initiated by either one (1) high-level N/O and one (1) low-level N/C narrow angler float switches, pressure switch, transducer, or a signal from a digital input in automatic mode.	Yes
30	Supplier acknowledges the controller shall integrate the engine safety shut-off for low and high oil temperature and provide over-speed production.	Yes
31	Supplier acknowledges the controller shall include standard, field-adjustable parameters for engine cycle crank timer and shutdown time delay.	Yes
32	Supplier acknowledges the controller shall have the ability to be programmed for communication with City SCADA system and to control pumps through existing brick and mortar City pump station inputs, all via the keypad without changing relays, chips, printed circuits, or any hardware/software.	Yes
33	Supplier acknowledges standard components shall consist of digital inputs, analog inputs, magnetic pick-up input, eight (8) twenty (20) amp form "C" relays, and one (1) 64X128 pixel full graphic LCD display with backlight.	Yes
34	Supplier acknowledges the industrially-hardened controller shall withstand vibration of 3g, three (3) axis, frequency swept 10-1000 Hz in an operating temperature range of 4° to 176°F (-20° to 80°C) and an operating humidity range of 0-95% non-condensing.	Yes
35	Supplier acknowledges unit shall include a fully automatic trickle charger powered by six (6) amps, 115 VAC.	Yes
36	Supplier acknowledges the drive unit shall be supplied with an integral 750 watt thermostatically controlled engine block heater (eight (8) amp, 115 VAC required).	Yes
37	Supplier acknowledges unit shall be supplied with one (1) float assembly including one (1) high-level N/O and one (1) low-level N/C narrow angle float switches which shall integrate with the engine control panel via a single multi-pin plug.	Yes
38	Supplier acknowledges unit shall be supplied with one (1) sewage compatible level transducer assembly including a single 4-20 mA level transducer (0-15 psig) which shall integrate with the engine control panel via a single multi-pin plug.	Yes
39	Supplier acknowledges unit shall be supplied with two (2) adjustable position 12VDC work lights operated by a single switch, integrated into the engine control panel.	Yes
40	Supplier acknowledges trailer shall include a DOT approved lighting package and reflectors.	Yes

Exceptions	Respondent should upload supporting documentation addressing any exceptions to the preferred specifications herein provided.	Exceptions Backup Information.pdf
Supporting Documents	Suppliers wishing to include product cutsheets, brochures, etc. but NOT wanting to indicate an exception to any preferred specification may include that documentation here.	Product Information.pdf
1	Supplier acknowledges product pricing shall include the services of a trained representative to inspect the system prior to delivery, supervise start up and testing of the system, and certify the system has been properly furnished and is ready for operation.	Yes
2	Supplier acknowledges product pricing shall include a representative to instruct the Purchaser's operating personnel in the proper operation and maintenance of the system for a period of not less than one (1) half-day. System start-up and training will be coordinated directly by Wastewater Maintenance personnel after the unit has been delivered to and commissioned by City Fleet Services. Due to the unknown timeline of the commissioning process, Wastewater personnel will contact this representative to schedule these services after the unit is delivered to Wastewater's facility. Start-up and training will occur at 909 E. Sprague Ave. Spokane, WA 99202.	Yes
3	Supplier acknowledges a copy of the engine manufacturer's parts and labor warranty shall be furnished to the Purchaser, along with a one (1) year warranty on the trailer mounted pump. This warranty must cover all pump parts, including the mechanical seal. All work or material described in these specifications, including any authorized modifications thereto, shall be guaranteed for a period of one (1) year from the date of final acceptance against all faulty/imperfect materials or workmanship and against all injury or undue deterioration from proper and usual use of the work. The Supplier shall remove or restore, without cost the Purchaser, any work which may be found to be improper, imperfect, or defective or fails to perform as specified.	Yes
1	Supplier shall furnish a recommended list of spare parts and an Operations/Maintenance manual for the pump and engine upon delivery of the unit.	Yes
2	Supplier acknowledges all freight expenses shall be the responsibility of the winning supplier. Unit pricing on this quote is understood to include delivery to the FOB point.	Yes
3	Supplier agrees all product shall be ordered/delivered FOB: Destination to 915 N. Nelson St. Spokane, WA 99202.	Yes
4	Supplier acknowledges partial deliveries shall be accepted and any delivery delays must be communicated to the City employee who placed the order *before* the anticipated delivery date. Supplier is responsible for ensuring all deliveries meet promised timelines and for any resulting expenses, such as expedited freight costs.	Yes
5	Supplier specifies, if awarded, all product shall be delivered within the following number of business days ARO:	90
6	Supplier acknowledges a title application listing 'City of Spokane, Fleet Services' as the 'owner' of the units will be provided upon delivery, along with a Certificate of Origin (COO) or Manufacturer's Statement of Origin (MSO).	Yes
1	The City of Spokane reserves the right to purchase additional items at the quoted price. Supplier agrees to sell at the same price, terms, and conditions.	Yes

1	Supplier agrees payment shall be made via direct deposit/ACH (except as provided by state law or if paid by credit card) according to net30 terms after receipt of goods ordered. A completed ACH application is required (if not already on file) before a City order will be issued. If the City objects to all or any portion of an invoice, it shall notify the supplier and reserve the right to pay only that portion of the invoice not in dispute. In that event, all parties shall immediately make every effort to settle the disputed amount.	Yes
2	Supplier agrees to accept Visa credit card payment at no additional fee.	Yes
1	Supplier acknowledges the City of Spokane is not a tax exempt entity and is therefore obligated to pay sales tax under Washington State law. Therefore, all submissions shall be tabulated with the applicable sales tax rate whether that tax shall be charged through the supplier or paid by the City as use tax.	Yes
1	Supplier acknowledges Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained and being the holder of a valid annual business registration or temporary business registration as provided in this chapter. The supplier shall be responsible for contacting the State of Washington Business License Services at http://bls.dor.wa.gov or 1-800-451-7985 to obtain a business registration. If the supplier does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at 509-625-6070 to request an exemption status determination.	Yes
2	Supplier's Business Registration No.	N/A available if needed
1	In accordance with SMC 7.06.172(A), the respondent certifies that the products quoted and to be supplied (to include product packaging) do not contain polychlorinated biphenyls (PCBs). Moreover and consistent with SMC 7.06.172(B), the City of Spokane, at its sole discretion, may require (at no cost to the City) the apparent successful respondent to provide testing data (prior to contract execution or issue of purchase order) from an accredited laboratory or testing facility documenting the proposed products and or product packaging polychlorinated biphenyl levels.	Yes
2	As far as you know, has this product type been tested for PCBs by a WA State accredited lab using EPA Method 1668c (or equivalent as updated)?	No
3	If so, were PCBs found at a measureable level?	No
4	As far as you know, has this actual product been tested for PCBs by a WA State accredited lab using EPA Method 1668 (or equivalent as updated)?	No
5	If so, note from whom the results can be obtained.	
6	Do you have reason to believe the product contains measureable levels of PCBs?	No
7	Do you have reason to believe the product packaging contains measureable levels of PCBs?	No
1	Supplier accepts the Terms & Conditions of this request in accordance with the document so named in the 'Documents' tab.	Yes

Pricing Responses

Reference Number	Description	Type	Unit Of Measure	Quantity	Unit Price	Ext Base Price	Comment
1	Trailer Mounted 4" Wastewater Pump	Base	Each	2.00	\$57,134.80	\$114,269.60	
2	WA State Sales Tax (8.9%)	Base	Each	1.00	\$10,169.99	\$10,169.99	

Total Base Bid	\$124,439.59
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Agenda Sheet for City Council Meeting of:
12/02/2019

Date Rec'd	11/5/2019
Clerk's File #	OPR 2019-1052
Renews #	
Cross Ref #	
Project #	2019096
Bid #	
Requisition #	BT

Submitting Dept	ENGINEERING SERVICES
Contact Name/Phone	DAN BULLER 625-6391
Contact E-Mail	DBULLER@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	0370 - LOW BID AWARD - BACON CONCRETE, INC.

Agenda Wording

Low Bid of Bacon Concrete, Inc. of Spokane, WA for the 37th Avenue Sidewalks - Manito Blvd. to Latawah St. in the amount of \$261,504.00. An administrative reserve of \$26,150.40, which is 10% of the contract price, will be set aside.

Summary (Background)

On November 4, 2019 bids were opened for the above project. The low bid was from Bacon Concrete, Inc. in the amount of \$261,504.00, which is \$28,258.00 or 9.75% under the Engineer's Estimate; four other bids were received as follows: Winkler \$280,425.79, Cameron-Reilly \$306,600.00, LaRiviere, Inc. \$334,122.00, and National Native American Construction, Inc. \$427,715.00.

<u>Fiscal Impact</u>		Grant related? NO	<u>Budget Account</u>	
		Public Works? YES		
Expense	\$ 199,721.33		#	3200-95134-95300-56501-99999
Expense	\$ 87,933.07		#	1990-49848-95300-56501-99999
Select	\$		#	
Select	\$		#	
<u>Approvals</u>		<u>Council Notifications</u>		
<u>Dept Head</u>	TWOHIG, KYLE	<u>Study Session</u>		
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u>	PIES 10/28/19	
<u>Finance</u>	ORLOB, KIMBERLY	<u>Distribution List</u>		
<u>Legal</u>	PICCOLO, MIKE	eraea@spokanecity.org		
<u>For the Mayor</u>	ORMSBY, MICHAEL	publicworksaccounting@spokanecity.org		
<u>Additional Approvals</u>		kgoodman@spokanecity.org		
<u>Purchasing</u>		htrautman@spokanecity.org		
		aduffey@spokanecity.org		
		greg@baconconcrete.com		

Briefing Paper

Public Infrastructure, Environmental and Sustainability

Division & Department:	Public Works, Engineering
Subject:	37 th Avenue Sidewalk – Manito Blvd. to Latawah St.
Date:	October 28, 2019
Contact (email & phone):	Dan Buller (dbuller@spokanecity.org 625-6391)
City Council Sponsor:	
Executive Sponsor:	Scott Simmons, Director of Public works
Committee(s) Impacted:	PIES
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)	Sidewalk infill is consistent with the pedestrian master plan.
Strategic Initiative:	Innovative Infrastructure
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	Approval of construction contract
Background/History: <ul style="list-style-type: none"> With a school at one end of the proposed sidewalk and a large ballfield at the other, the project alignment is a heavily used pedestrian corridor which currently has sidewalk on one side only (north side). 	
Executive Summary: <ul style="list-style-type: none"> The proposed project provides infill sidewalk on the south side of 37th Avenue directly south of Hart Field and just east of Jefferson Elementary. This sidewalk was prioritized by the TBD board which is providing approximately one third of the funding. The other two thirds of the project funding is provided by the state TIB. Construction is planned for summer 2020, when school is out. 	
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 type="checkbox"/> Yes <input checked="" 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 Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Specify changes required: Known challenges/barriers:	





City of Spokane

PUBLIC WORKS CONTRACT

Title: **37TH AVENUE SIDEWALK – MANITO
BLVD. TO LATAWAH ST.**

This Contract is made and entered into by and between the **CITY OF SPOKANE** as ("City"), a Washington municipal corporation, and **BACON CONCRETE, INC.**, whose address is 16510 North Brannon Lane, Spokane, Washington 99208 as ("Contractor"), individually hereafter referenced as a "party", and together as the "parties".

The parties agree as follows:

1. PERFORMANCE. The Contractor will do all work, furnish all labor, materials, tools, construction equipment, transportation, supplies, supervision, organization and other items of work and costs necessary for the proper execution and completion of the work described in the specifications entitled **37TH AVENUE SIDEWALK – MANITO BLVD. TO LATAWAH ST. PROJECT**.
2. CONTRACT DOCUMENTS. The contract documents are this Contract, the Contractor's completed bid proposal form, the Washington State Department of Transportation's Standard Specifications for Road, Bridge and Municipal Construction 2018, contract provisions, contract plans, standard specifications, standard plans, addenda, various certifications and affidavits, supplemental agreements, change orders and subsurface boring logs (if any). These contract documents are on file in the Engineering Services Department and are incorporated into this Contract by reference as if they were set forth at length. In the event of a conflict, or to resolve an ambiguity or dispute, federal and state requirements supersede this Contract, and this Contract supersedes the other contract documents.
3. TIME OF PERFORMANCE. The time of performance of the Contract shall be in accordance with the contract documents.
4. LIQUIDATED DAMAGES. Liquidated damages shall be in accordance with the contract documents.
5. TERMINATION. Either party may terminate this Contract in accordance with the contract documents.
6. COMPENSATION. Total compensation for Contractor's services under this Contract shall be a maximum amount not to exceed **TWO HUNDRED SIXTY ONE THOUSAND FIVE HUNDRED FOUR AND NO/100 DOLLARS (\$261,504.00)**, including applicable taxes, unless

modified by a written amendment to this Contract. This is the maximum amount to be paid under this Contract for the work described in Section 1 above, and shall not be exceeded without the prior written authorization of the City in the form of an executed amendment to this Contract.

7. TAXES. Sales taxes will be included in bid items for Schedule A

8. PAYMENT. The Contractor will send its applications for payment to the Engineering Services Department, 808 West Spokane Falls Blvd., Second Floor, Spokane, Washington 99201. All invoices should include the Department Contract No. "OPR XXXX-XXXX" and an approved L & I Intent to Pay Prevailing Wage number. The final invoice should include an approved Affidavit of Wages Paid number. Payment will not be made without this documentation included on the invoice. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Company's application except as provided by state law. Five percent (5%) of the Contract price may be retained by the City, in accord with RCW 60.28 for a minimum of forty five (45) days after final acceptance, as a trust fund for the protection and payment of: the claims of any person arising under the Contract; and the State with respect to taxes imposed pursuant to Titles 50, 51 and 82 RCW which may be due from the Contractor.

9. INDEMNIFICATION. The Contractor shall defend, indemnify, and hold the City and its officers and employees harmless from all claims, demands, or suits at law or equity asserted by third parties for bodily injury (including death) and/or property damage which arise from the Contractor's negligence or willful misconduct under this Agreement, including attorneys' fees and litigation costs; provided that nothing herein shall require a Contractor to indemnify the City against and hold harmless the City from claims, demands or suits based solely upon the negligence of the City, its agents, officers, and employees. If a claim or suit is caused by or results from the concurrent negligence of the Contractor's agents or employees and the City, its agents, officers and employees, this indemnity provision shall be valid and enforceable to the extent of the negligence of the Contractor, its agents or employees. The Contractor specifically assumes liability and agrees to defend, indemnify, and hold the City harmless for actions brought by the Contractor's own employees against the City and, solely for the purpose of this indemnification and defense, the Contractor specifically waives any immunity under the Washington State industrial insurance law, or Title 51 RCW. The Contractor recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. The indemnity and agreement to defend and hold the City harmless provided for in this section shall survive any termination or expiration of this agreement.

10. BONDS. The Contractor may not commence work until it obtains all insurance, permits and bonds required by the contract documents and applicable law. This includes the execution of a performance bond and a payment bond on the forms attached, each equal to one hundred percent (100%) of the contract price, and written by a corporate surety company licensed to do business in Washington State.

12. INSURANCE. The Contractor represents that it and its employees, agents and subcontractors, in connection with the Contract, are protected against the risk of loss by the insurance coverages required in the contract documents. The policies shall be issued by companies that meet with the approval of the City Risk Manager. The policies shall not be canceled without at least minimum required written notice to the City as Additional Insured.

13. CONTRACTOR'S WARRANTY. The Contractor's warranty for all work, labor and materials shall be in accordance with the contract documents.

13. WAGES. The Contractor and all subcontractors will submit a "Statement of Intent to Pay Prevailing Wages" certified by the industrial statistician of the Department of Labor and Industries, prior to any payments. The "Statement of Intent to Pay Prevailing Wages" shall include: (1) the Contractor's registration number; and (2) the prevailing wages under RCW 39.12.020 and the number of workers in each classification. Each voucher claim submitted by the Contractor for payment on a project estimate shall state that the prevailing wages have been paid in accordance with the "Statement(s) of Intent to Pay Prevailing Wages" on file with the City. Prior to the payment of funds held under RCW 60.28, the Contractor and subcontractors must submit an "Affidavit of Wages Paid" certified by the industrial statistician.

14. STATEMENT OF INTENT TO PAY PREVAILING WAGES TO BE POSTED. The Contractor and each subcontractor required to pay the prevailing rate of wages shall post in a location readily visible at the job site: (1) a copy of a "Statement of Intent to Pay Prevailing Wages" approved by the industrial statistician of the State Department of Labor and Industries; and (2) the address and telephone number of the industrial statistician of the Department of Labor and Industries where a complaint or inquiry concerning prevailing wages may be made.

15. PUBLIC WORKS REQUIREMENTS. The Contractor and each subcontractor are required to fulfill the Department of Labor and Industries Public Works and Prevailing Wage Training Requirement under RCW 39.04.350. The contractor must verify responsibility criteria for each first tier subcontractor, and a subcontractor of any tier that hires other subcontractors must verify the responsibility criteria listed in RCW 39.04.350(1) for each of its subcontractors. Verification shall include that each subcontractor, at the time of subcontract execution, meets the responsibility criteria. This verification requirement, as well as responsibility criteria, must be included in every public works contract and subcontract of every tier.

16. SUBCONTRACTOR RESPONSIBILITY.

A. The Contractor shall include the language of this section in each of its first tier subcontracts, and shall require each of its subcontractors to include the same language of this section in each of their subcontracts, adjusting only as necessary the terms used for the contracting parties. Upon request of the City, the Contractor shall promptly provide documentation to the City demonstrating that the subcontractor meets the subcontractor responsibility criteria below. The requirements of this section apply to all subcontractors regardless of tier.

B. At the time of subcontract execution, the Contractor shall verify that each of its first tier subcontractors meets the following bidder responsibility criteria:

1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
2. Have a current Washington Unified Business Identifier (UBI) number;
3. If applicable, have:
 - a. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;

- b. A Washington Employment Security Department number, as required in Title 50 RCW;
 - c. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
 - d. An electrical contractor license, if required by Chapter 19.28 RCW;
 - e. An elevator contractor license, if required by Chapter 70.87 RCW.
4. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).

C. All Contractors and subcontractors are required to comply with the Spokane Municipal Code (SMC). In accordance with Article X, 7.06 SMC, Public Works Apprentice Program, for public works construction projects as defined in RCW 39.04.010 with an estimated cost of six hundred thousand dollars (\$600,000.00) or more, at least fifteen (15%) percent of the total contract labor project (all contractor and subcontractor hours) shall be performed by apprentices enrolled in a state-approved apprenticeship program.

- 1. The utilization percentage requirement of apprenticeship labor for public works construction contracts shall also apply to all subcontracts which value exceeds one hundred thousand dollars (\$100,000), provided there is a state-approved apprenticeship program for the trade for which a subcontract is issued (see, SMC 7.06.510).
- 2. Each subcontractor which this chapter applies is required to execute a form, provided by the city, acknowledging that the requirements of Article X 07.06 SMC are applicable to the labor hours for the project.
- 3. Each subcontractor is required to submit by the 15th of each month, a City of Spokane Statement of Apprentice/Journeyman Participation form for worked performed the previous month.

17. **NONDISCRIMINATION.** No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities. The Contractor agrees to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable to the Contractor.

18. **EXECUTIVE ORDER 11246.**

- A. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include but not be limited to the following: employment upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other

forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

- B. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- C. The Contractor will send each labor union, or representative of workers with which it has a collective bargaining contract or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- E. The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
- F. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this Contract or with any of such rules, regulations or orders, this Contract may be canceled, terminated or suspended in whole or in part, and the Contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- G. The Contractor will include the provisions of paragraphs A through G in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: PROVIDED, HOWEVER, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as the result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

19. 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.

20. ASSIGNMENTS. The Contractor may not assign, transfer or sublet any part of the work under this Contract, or assign any monies due, without the written approval of the City, except as may be required by law. In the event of assignment of accounts or monies due under this Contract, the Contractor specifically agrees to give immediate written notice to the City Administrator, no later than five (5) business days after the assignment.

21. ANTI-KICKBACK. No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this Contract shall have or acquire any interest in the Contract, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in the Contract.
22. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws and regulations that are incorporated herein by reference.
23. DISPUTES. This Contract shall be performed under the laws of the State of Washington. Any litigation to enforce this Contract or any of its provisions shall be brought in Spokane County, Washington.
24. SEVERABILITY. In the event any provision of this Contract should become invalid, the rest of the Contract shall remain in full force and effect.
25. AUDIT / RECORDS. The Contractor and its subcontractors shall maintain for a minimum of three (3) years following final payment all records related to its performance of the Contract. The Contractor and its subcontractors shall provide access to authorized City representatives, at reasonable times and in a reasonable manner to inspect and copy any such record. In the event of conflict between this provision and related auditing provisions required under federal law applicable to the Contract, the federal law shall prevail.
26. BUSINESS REGISTRATION REQUIREMENT. Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained a valid annual business registration. The Contractor shall be responsible for contacting the State of Washington Business License Services at <http://bls.dor.wa.gov> or 1-800-451-7985 to obtain a business registration. If the Contractor does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at (509) 625-6070 to request an exemption status determination.
27. CONSTRUAL. The Contractor acknowledges receipt of a copy of the contract documents and agrees to comply with them. The silence or omission in the contract documents concerning any detail required for the proper execution and completion of the work means that only the best general practice is to prevail and that only material and workmanship of the best quality are to be used. This Contract shall be construed neither in favor of nor against either party.
28. MODIFICATIONS. The City may modify this Contract and order changes in the work whenever necessary or advisable. The Contractor will accept modifications when ordered in writing by the Director of Engineering Services, and the Contract time and compensation will be adjusted accordingly.
29. INTEGRATION. This Contract, including any and all exhibits and schedules referred to herein or therein set forth the entire Agreement and understanding between the parties pertaining to the subject matter and merges all prior agreements, negotiations and discussions between them on the same subject matter.
30. FORCE MAJEURE. Neither party shall be liable to the other for any failure or delay in performing its obligations hereunder, or for any loss or damage resulting therefrom, due to: (1) acts of God or public enemy, acts of government, riots, terrorism, fires, floods, strikes, lock outs, epidemics, act or failure to act by the other party, or unusually severe weather affecting City,

Contractor or its subcontractors, or (2) causes beyond their reasonable control and which are not foreseeable (each a "Force Majeure Event"). In the event of any such Force Majeure Event, the date of delivery or performance shall be extended for a period equal to the time lost by reason of the delay.

BACON CONCRETE, 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 Contract:

Payment Bond
Performance Bond
Certification Regarding Debarment

19-212

PAYMENT BOND

We, **BACON CONCRETE, INC.**, as principal, and _____, as surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **TWO HUNDRED SIXTY ONE THOUSAND FIVE HUNDRED FOUR AND NO/100 DOLLARS (\$261,504.00)**, including applicable taxes, for the payment of which, we bind ourselves and our legal representatives and successors, jointly and severally by this document.

The principal has entered into a contract with the City of Spokane, Washington, to do all work and furnish all materials for the **37TH AVENUE SIDEWALK – MANITO BLVD. TO LATAWAH ST. PROJECT**. If the principal shall:

- A. pay all laborers, mechanics, subcontractors, material suppliers and all person(s) who shall supply such person or subcontractors; and pay all taxes and contributions, increases and penalties as authorized by law; and
- B. comply with all applicable federal, state and local laws and regulations;

then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety for value received agrees that no change, extension of time, alteration or addition to the terms of the Contract, the specifications accompanying the Contract, or to the work to be performed under the Contract shall in any way affect its obligation on this bond, except as provided herein, and waives notice of any change, extension of time, alteration or addition to the terms of the Contract or the work performed. The Surety agrees that modifications and changes to the terms and conditions of the Contract that increase the total amount to be paid the Principal shall automatically increase the obligation of the Surety on this bond and notice to Surety is not required for such increased obligation... Any judgment obtained against the City, which relates to or is covered by the contract or this bond, shall be conclusive against the principal and the surety, as to the amount of damages, and their liability, if reasonable notice of the suit has been given.

SIGNED AND SEALED on _____.

BACON CONCRETE, INC.,

AS PRINCIPAL

By: _____
Title: _____

_____,
AS SURETY

A valid POWER OF ATTORNEY
for the Surety's agent must
accompany this bond.

By: _____
Its Attorney in Fact

STATE OF WASHINGTON)
) ss.
County of _____)

I certify that I know or have satisfactory evidence that _____
_____ signed this document; on oath stated that he/she was
authorized to sign the document and acknowledged it as the agent or representative of the
named surety company which is authorized to do business in the State of Washington, for
the uses and purposes therein mentioned.

DATED: _____

Signature of Notary Public

My appointment expires _____

Approved as to form:

Assistant City Attorney

PERFORMANCE BOND

We, **BACON CONCRETE, INC.**, as principal, and _____, as Surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **TWO HUNDRED SIXTY ONE THOUSAND FIVE HUNDRED FOUR AND NO/100 DOLLARS (\$261,504.00)**, including applicable taxes, for the payment of which, we bind ourselves and our legal representatives and successors, jointly and severally by this document.

The principal has entered into a Contract with the City of Spokane, Washington, to do all the work and furnish all materials for the **37TH AVENUE SIDEWALK – MANITO BLVD. TO LATAWAH ST. PROJECT**. If the principal shall:

- A. promptly and faithfully perform the Contract, and any contractual guaranty and indemnify and hold harmless the City from all loss, damage or claim which may result from any act or omission of the principal, its agents, employees, or subcontractors; and
- B. comply with all applicable federal, state and local laws and regulations;

then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety for value received agrees that no change, extension of time, alteration or addition to the terms of the Contract, the specifications accompanying the Contract, or to the work to be performed under the Contract shall in any way affect its obligation on this bond, except as provided herein, and waives notice of any change, extension of time, alteration or addition to the terms of the Contract or the work performed. The Surety agrees that modifications and changes to the terms and conditions of the Contract that increase the total amount to be paid the Principal shall automatically increase the obligation of the Surety on this bond and notice to Surety is not required for such increased obligation. Any judgment obtained against the City, which relates to or is covered by the Contract or this bond, shall be conclusive against the principal and the Surety, not only as to the amount of damages, but also as to their liability, if reasonable notice of the suit has been given.

SIGNED AND SEALED on _____

BACON CONCRETE, INC.,

AS PRINCIPAL

By: _____
Title: _____

_____,
AS SURETY

A valid POWER OF ATTORNEY
for the Surety's agent must
accompany this bond.

By: _____
Its Attorney in Fact

STATE OF WASHINGTON)
) ss.
County of _____)

I certify that I know or have satisfactory evidence that _____
_____ signed this document; on oath stated that
he/she was authorized to sign the document and acknowledged it as the agent or representative of
the named Surety Company which is authorized to do business in the State of Washington, for the
uses and purposes mentioned in this document.

DATED on _____.

Signature of Notary

My appointment expires _____

Approved as to form:

Assistant City Attorney

**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. 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)

SCHEDULE A

Tax Classification: Sales tax shall be included in unit prices

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITIES	UNIT PRICE	TOTAL
101	ADA FEATURES SURVEYING	1.0 LS	3600.00	3600.00
102	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1.0 EST	1.00	1.00
103	SPCC PLAN	1.0 LS	200.00	200.00
104	REFERENCE AND REESTABLISH SURVEY MONUMENT	4.0 EA	700.00	2800.00
105	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1.0 LS	3000.00	3000.00
106	MOBILIZATION	1.0 LS	23000.00	23000.00
107	PROJECT TEMPORARY TRAFFIC CONTROL	1.0 LS	12000.00	12000.00
108	CLEARING AND GRUBBING	1.0 LS	6000.00	6000.00
109	TREE ROOT TREATMENT	2.0 EA	710.00	1420.00
110	TREE PROTECTION ZONE	2.0 EA	275.00	550.00
111	REMOVE TREE, CLASS I	1.0 EA	400.00	400.00
112	REMOVE TREE, CLASS II	1.0 EA	1000.00	1000.00
113	REMOVE TREE, CLASS III	1.0 EA	5000.00	5000.00
114	TREE PRUNING	2.0 EA	225.00	450.00
115	REMOVAL OF STRUCTURE AND OBSTRUCTION	1.0 LS	3900.00	3900.00
116	REMOVE EXISTING CURB	890.0 LF	12.00	10680.00

117	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	270.0	SY	15.00	4050.00
118	SAWCUTTING CURB	42.0	EA	35.00	1470.00
119	SAWCUTTING RIGID PAVEMENT	1,015.0	LFI	1.00	1015.00
120	SAWCUTTING FLEXIBLE PAVEMENT	2,160.0	LFI	0.50	1080.00
121	CONTROLLED DENSITY FILL	10.0	CY	100.00	1000.00
122	CSTC FOR SIDEWALK AND DRIVEWAYS	35.0	CY	95.00	3325.00
123	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 70-28, 6 INCH THICK	105.0	SY	115.00	12075.00
124	PAVEMENT REPAIR EXCAVATION INCL. HAUL	105.0	SY	32.00	3360.00
125	CEMENT CONCRETE CURB WALL	65.0	LF	68.00	4420.00
126	RECONSTRUCT BLOCK WALL	1.0	LS	1900.00	1900.00
127	SEGMENTAL CONCRETE RETAINING WALL	700.0	SF	40.00	28000.00
128	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	1.0	EA	450.00	450.00
129	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN CONCRETE	1.0	EA	450.00	450.00
130	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	1.0	EA	700.00	700.00
131	VALVE BOX AND COVER	1.0	EA	400.00	400.00
132	CLEANING EXISTING DRAINAGE STRUCTURE	9.0	EA	300.00	2700.00

133	ESC LEAD	1.0	LS	500.00	500.00
134	INLET PROTECTION	10.0	EA	70.00	700.00
135	TOPSOIL TYPE A, 2 INCH THICK	330.0	SY	5.00	1650.00
136	SOD INSTALLATION	330.0	SY	15.00	4950.00
137	2 INCH CALIPER SHADE TREE	1.0	EA	650.00	650.00
138	1 GALLON SHRUB - PRIVET	6.0	EA	50.00	300.00
139	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1.0	LS	4200.00	4200.00
140	CEMENT CONCRETE CURB	1,252.0	LF	30.00	37560.00
141	CEMENT CONCRETE DRIVEWAY	366.0	SY	63.00	23058.00
142	CEMENT CONCRETE DRIVEWAY TRANSITION	116.0	SY	45.00	5220.00
143	CEMENT CONC. SIDEWALK	832.0	SY	45.00	37440.00
144	RAMP DETECTABLE WARNING	44.0	SF	20.00	880.00
145	SIGNING, PERMANENT, CITY MANUFACTURED SIGNS	1.0	LS	4000.00	<u>4000.00</u>
					<u>\$261,504.00</u>

City Of Spokane
Engineering Services Department
*** * * Bid Tabulation * * ***

Project Number: 2019096

Project Description 37th Ave Sidewalk - Manito Blvd to Latawah St

Original Date 10/10/2019 9:35:32 AM

Funding Source State

Update Date 11/4/2019 1:50:25 PM

Preparer Rich Proszek

Addendum

Project Number: 2019096			Engineer's Estimate		Bacon Concrete Inc		William Winkler Company		Cameron-Reilly LLC	
Item No	Bid Item Description	Est. Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
Schedule Description					Tax Classification					
Schedule 01 Street Improvements					Sales tax shall be included in unit prices					
101	ADA FEATURES SURVEYING	1 LS	*****	3,000.00	*****	3,600.00	*****	2,500.00	*****	5,500.00
102	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
103	SPCC PLAN	1 LS	*****	1,000.00	*****	200.00	*****	427.30	*****	750.00
104	REFERENCE AND REESTABLISH SURVEY MONUMENT	4 EA	500.00	2,000.00	700.00	2,800.00	2,750.00	11,000.00	750.00	3,000.00
105	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	3,500.00	*****	3,000.00	*****	3,750.00	*****	3,500.00
106	MOBILIZATION	1 LS	*****	26,000.00	*****	23,000.00	*****	29,507.08	*****	24,091.00
107	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	10,000.00	*****	12,000.00	*****	14,303.04	*****	15,000.00
108	CLEARING AND GRUBBING	1 LS	*****	6,000.00	*****	6,000.00	*****	6,570.56	*****	31,622.00
109	TREE ROOT TREATMENT	2 EA	700.00	1,400.00	710.00	1,420.00	719.28	1,438.56	750.00	1,500.00
110	TREE PROTECTION ZONE	2 EA	300.00	600.00	275.00	550.00	262.51	525.02	300.00	600.00
111	REMOVE TREE, CLASS I	1 EA	800.00	800.00	400.00	400.00	378.01	378.01	450.00	450.00
112	REMOVE TREE, CLASS II	1 EA	2,000.00	2,000.00	1,000.00	1,000.00	1,008.04	1,008.04	1,000.00	1,000.00
113	REMOVE TREE, CLASS III	1 EA	5,500.00	5,500.00	5,000.00	5,000.00	4,725.17	4,725.17	5,000.00	5,000.00
114	TREE PRUNING	2 EA	300.00	600.00	225.00	450.00	220.51	441.02	300.00	600.00

<i>Project Number:</i> 2019096			<i>Engineer's Estimate</i>		Bacon Concrete Inc		William Winkler Company		Cameron-Reilly LLC	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Est. Qty</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Street Improvements					Sales tax shall be included in unit prices					
115	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	5,000.00	*****	3,900.00	*****	4,318.70	*****	7,500.00
116	REMOVE EXISTING CURB	890 LF	15.00	13,350.00	12.00	10,680.00	4.93	4,387.70	10.00	8,900.00
117	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	270 SY	22.00	5,940.00	15.00	4,050.00	16.54	4,465.80	12.00	3,240.00
118	SAWCUTTING CURB	42 EA	30.00	1,260.00	35.00	1,470.00	31.50	1,323.00	45.00	1,890.00
119	SAWCUTTING RIGID PAVEMENT	1015 LFI	1.80	1,827.00	1.00	1,015.00	1.05	1,065.75	1.00	1,015.00
120	SAWCUTTING FLEXIBLE PAVEMENT	2160 LFI	0.90	1,944.00	0.50	1,080.00	0.32	691.20	1.00	2,160.00
121	CONTROLLED DENSITY FILL	10 CY	180.00	1,800.00	100.00	1,000.00	141.32	1,413.20	90.00	900.00
122	CSTC FOR SIDEWALK AND DRIVEWAYS	35 CY	120.00	4,200.00	95.00	3,325.00	159.28	5,574.80	100.00	3,500.00
123	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 70-28, 6 INCH THICK	105 SY	100.00	10,500.00	115.00	12,075.00	97.50	10,237.50	110.00	11,550.00
124	PAVEMENT REPAIR EXCAVATION INCL. HAUL	105 SY	30.00	3,150.00	32.00	3,360.00	99.58	10,455.90	38.00	3,990.00
125	CEMENT CONCRETE CURB WALL	65 LF	90.00	5,850.00	68.00	4,420.00	80.06	5,203.90	100.00	6,500.00
126	RECONSTRUCT BLOCK WALL	1 LS	*****	2,500.00	*****	1,900.00	*****	1,798.20	*****	3,000.00
127	SEGMENTAL CONCRETE RETAINING WALL	700 SF	25.00	17,500.00	40.00	28,000.00	18.76	13,132.00	30.00	21,000.00
128	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	1 EA	650.00	650.00	450.00	450.00	407.13	407.13	750.00	750.00
129	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN CONCRETE	1 EA	650.00	650.00	450.00	450.00	407.13	407.13	750.00	750.00
130	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	1 EA	350.00	350.00	700.00	700.00	485.56	485.56	1,000.00	1,000.00
131	VALVE BOX AND COVER	1 EA	400.00	400.00	400.00	400.00	443.85	443.85	750.00	750.00
132	CLEANING EXISTING DRAINAGE STRUCTURE	9 EA	600.00	5,400.00	300.00	2,700.00	360.00	3,240.00	300.00	2,700.00

Project Number: 2019096			Engineer's Estimate		Bacon Concrete Inc		William Winkler Company		Cameron-Reilly LLC	
Item No	Bid Item Description	Est. Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Schedule Description					Tax Classification					
Schedule 01 Street Improvements					Sales tax shall be included in unit prices					
133	ESC LEAD	1 LS	*****	1,500.00	*****	500.00	*****	782.06	*****	750.00
134	INLET PROTECTION	10 EA	100.00	1,000.00	70.00	700.00	107.56	1,075.60	100.00	1,000.00
135	TOPSOIL TYPE A, 2 INCH THICK	330 SY	13.00	4,290.00	5.00	1,650.00	9.00	2,970.00	7.50	2,475.00
136	SOD INSTALLATION	330 SY	20.00	6,600.00	15.00	4,950.00	7.96	2,626.80	19.00	6,270.00
137	2 INCH CALIPER SHADE TREE	1 EA	500.00	500.00	650.00	650.00	500.00	500.00	900.00	900.00
138	1 GALLON SHRUB - PRIVET	6 EA	50.00	300.00	50.00	300.00	85.00	510.00	40.00	240.00
139	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	3,000.00	*****	4,200.00	*****	3,750.00	*****	6,600.00
140	CEMENT CONCRETE CURB	1252 LF	30.00	37,560.00	30.00	37,560.00	29.65	37,121.80	30.00	37,560.00
141	CEMENT CONCRETE DRIVEWAY	366 SY	70.00	25,620.00	63.00	23,058.00	87.05	31,860.30	80.00	29,280.00
142	CEMENT CONCRETE DRIVEWAY TRANSITION	116 SY	75.00	8,700.00	45.00	5,220.00	66.03	7,659.48	60.00	6,960.00
143	CEMENT CONC. SIDEWALK	832 SY	60.00	49,920.00	45.00	37,440.00	49.41	41,109.12	43.00	35,776.00
144	RAMP DETECTABLE WARNING	44 SF	25.00	1,100.00	20.00	880.00	19.19	844.36	20.00	880.00
145	SIGNING, PERMANENT, CITY MANUFACTURED SIGNS	1 LS	*****	5,000.00	*****	4,000.00	*****	3,990.15	*****	4,200.00
Schedule Totals				289,762.00		261,504.00		280,425.79		306,600.00

<i>Project Number:</i> 2019096			<i>Engineer's Estimate</i>		LaRiviere Inc		National Native American Construction, Inc			
<i>Item No</i>	<i>Bid Item Description</i>	<i>Est. Qty</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Street Improvements					Sales tax shall be included in unit prices					
101	ADA FEATURES SURVEYING	1 LS	*****	3,000.00	*****	12,000.00	*****	7,500.00	*****	0.00
102	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00
103	SPCC PLAN	1 LS	*****	1,000.00	*****	2,500.00	*****	2,000.00	*****	0.00
104	REFERENCE AND REESTABLISH SURVEY MONUMENT	4 EA	500.00	2,000.00	1,200.00	4,800.00	657.00	2,628.00	0.00	0.00
105	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	3,500.00	*****	4,500.00	*****	4,845.00	*****	0.00
106	MOBILIZATION	1 LS	*****	26,000.00	*****	30,000.00	*****	20,000.00	*****	0.00
107	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	10,000.00	*****	18,000.00	*****	32,250.00	*****	0.00
108	CLEARING AND GRUBBING	1 LS	*****	6,000.00	*****	6,500.00	*****	90,350.00	*****	0.00
109	TREE ROOT TREATMENT	2 EA	700.00	1,400.00	1,200.00	2,400.00	935.00	1,870.00	0.00	0.00
110	TREE PROTECTION ZONE	2 EA	300.00	600.00	350.00	700.00	346.00	692.00	0.00	0.00
111	REMOVE TREE, CLASS I	1 EA	800.00	800.00	400.00	400.00	498.00	498.00	0.00	0.00
112	REMOVE TREE, CLASS II	1 EA	2,000.00	2,000.00	1,200.00	1,200.00	1,329.00	1,329.00	0.00	0.00
113	REMOVE TREE, CLASS III	1 EA	5,500.00	5,500.00	5,000.00	5,000.00	6,229.00	6,229.00	0.00	0.00
114	TREE PRUNING	2 EA	300.00	600.00	300.00	600.00	291.00	582.00	0.00	0.00
115	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	5,000.00	*****	6,500.00	*****	10,775.00	*****	0.00
116	REMOVE EXISTING CURB	890 LF	15.00	13,350.00	11.00	9,790.00	8.70	7,743.00	0.00	0.00
117	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	270 SY	22.00	5,940.00	12.00	3,240.00	21.50	5,805.00	0.00	0.00
118	SAWCUTTING CURB	42 EA	30.00	1,260.00	35.00	1,470.00	27.50	1,155.00	0.00	0.00
119	SAWCUTTING RIGID PAVEMENT	1015 LFI	1.80	1,827.00	1.00	1,015.00	1.00	1,015.00	0.00	0.00

<i>Project Number:</i> 2019096			<i>Engineer's Estimate</i>		LaRiviere Inc		National Native American Construction, Inc			
<i>Item No</i>	<i>Bid Item Description</i>	<i>Est. Qty</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Street Improvements					Sales tax shall be included in unit prices					
120	SAWCUTTING FLEXIBLE PAVEMENT	2160 LFI	0.90	1,944.00	0.60	1,296.00	0.35	756.00	0.00	0.00
121	CONTROLLED DENSITY FILL	10 CY	180.00	1,800.00	185.00	1,850.00	140.00	1,400.00	0.00	0.00
122	CSTC FOR SIDEWALK AND DRIVEWAYS	35 CY	120.00	4,200.00	65.00	2,275.00	264.00	9,240.00	0.00	0.00
123	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 70-28, 6 INCH THICK	105 SY	100.00	10,500.00	100.00	10,500.00	125.00	13,125.00	0.00	0.00
124	PAVEMENT REPAIR EXCAVATION INCL. HAUL	105 SY	30.00	3,150.00	21.00	2,205.00	75.00	7,875.00	0.00	0.00
125	CEMENT CONCRETE CURB WALL	65 LF	90.00	5,850.00	92.00	5,980.00	79.00	5,135.00	0.00	0.00
126	RECONSTRUCT BLOCK WALL	1 LS	*****	2,500.00	*****	4,500.00	*****	2,800.00	*****	0.00
127	SEGMENTAL CONCRETE RETAINING WALL	700 SF	25.00	17,500.00	35.00	24,500.00	35.31	24,717.00	0.00	0.00
128	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	1 EA	650.00	650.00	650.00	650.00	715.00	715.00	0.00	0.00
129	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN CONCRETE	1 EA	650.00	650.00	650.00	650.00	906.00	906.00	0.00	0.00
130	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	1 EA	350.00	350.00	750.00	750.00	988.00	988.00	0.00	0.00
131	VALVE BOX AND COVER	1 EA	400.00	400.00	450.00	450.00	988.00	988.00	0.00	0.00
132	CLEANING EXISTING DRAINAGE STRUCTURE	9 EA	600.00	5,400.00	300.00	2,700.00	686.00	6,174.00	0.00	0.00
133	ESC LEAD	1 LS	*****	1,500.00	*****	1,500.00	*****	3,485.00	*****	0.00
134	INLET PROTECTION	10 EA	100.00	1,000.00	110.00	1,100.00	145.00	1,450.00	0.00	0.00
135	TOPSOIL TYPE A, 2 INCH THICK	330 SY	13.00	4,290.00	12.00	3,960.00	9.00	2,970.00	0.00	0.00
136	SOD INSTALLATION	330 SY	20.00	6,600.00	15.00	4,950.00	22.00	7,260.00	0.00	0.00
137	2 INCH CALIPER SHADE TREE	1 EA	500.00	500.00	600.00	600.00	1,107.00	1,107.00	0.00	0.00

Project Number: 2019096			Engineer's Estimate		LaRiviere Inc		National Native American Construction, Inc			
Item No	Bid Item Description	Est. Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
Schedule Description					Tax Classification					
Schedule 01 Street Improvements					Sales tax shall be included in unit prices					
138	1 GALLON SHRUB - PRIVET	6 EA	50.00	300.00	150.00	900.00	44.00	264.00	0.00	0.00
139	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	3,000.00	*****	9,500.00	*****	8,305.00	*****	0.00
140	CEMENT CONCRETE CURB	1252 LF	30.00	37,560.00	41.00	51,332.00	29.50	36,934.00	0.00	0.00
141	CEMENT CONCRETE DRIVEWAY	366 SY	70.00	25,620.00	77.00	28,182.00	90.00	32,940.00	0.00	0.00
142	CEMENT CONCRETE DRIVEWAY TRANSITION	116 SY	75.00	8,700.00	66.00	7,656.00	115.00	13,340.00	0.00	0.00
143	CEMENT CONC. SIDEWALK	832 SY	60.00	49,920.00	60.00	49,920.00	49.00	40,768.00	0.00	0.00
144	RAMP DETECTABLE WARNING	44 SF	25.00	1,100.00	25.00	1,100.00	46.50	2,046.00	0.00	0.00
145	SIGNING, PERMANENT, CITY MANUFACTURED SIGNS	1 LS	*****	5,000.00	*****	4,500.00	*****	4,760.00	*****	0.00
Schedule Totals				289,762.00		334,122.00		427,715.00		0.00

	SCHEDULE SUMMARY								
	Sched 1	Sched 2	Sched 3	Sched 4	Sched 5	Sched 6	Sched 7	Sched 8	Total
Engineer's Est	289,762.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	289,762.00
Bacon Concrete Inc	261,504.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	261,504.00
William Winkler Compa	280,425.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	280,425.79
Cameron-Reilly LLC	306,600.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	306,600.00
LaRiviere Inc	334,122.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	334,122.00
National Native Americ	427,715.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	427,715.00

Low Bid Contractor: Bacon Concrete Inc

	Contractor's Bid	Engineer's Estimate	% Variance
Schedule 01	\$261,504.00	\$289,762.00	9.75 % Under Estimate
Bid Totals	\$261,504.00	\$289,762.00	9.75 % Under Estimate



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/19/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER FEDERATED MUTUAL INSURANCE COMPANY HOME OFFICE: P.O. BOX 328 OWATONNA, MN 55060		CONTACT NAME: CLIENT CONTACT CENTER PHONE (A/C, No, Ext): 888-333-4949 FAX (A/C, No): 507-446-4664 E-MAIL ADDRESS: CLIENTCONTACTCENTER@FEDINS.COM	
INSURED BACON CONCRETE INC 16510 N BRANNON LN SPOKANE, WA 99208-8750		INSURER(S) AFFORDING COVERAGE INSURER A: FEDERATED MUTUAL INSURANCE COMPANY INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
385-038-5		NAIC # 13935	

COVERAGES

CERTIFICATE NUMBER: 76

REVISION NUMBER: 0

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	N	N	9803980	12/31/2018	12/31/2019	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) EXCLUDED PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	N	N	9803980	12/31/2018	12/31/2019	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION	N	N	9803982	12/31/2018	12/31/2019	EACH OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N N / A	N	9803980	12/31/2018	12/31/2019	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

STOP-GAP (EMPLOYER'S LIABILITY) COVERED STATE(S) WA**PROJECT: 37TH AVENUE SIDEWALK - MANITO BLVD TO LATAWAY STREET**
PROJECT: #2019096**CERTIFICATE HOLDER****CANCELLATION**385-038-5
CITY OF SPOKANE DEPARTMENT OF ENGINEERING SERVICES
808 W SPOKANE FALLS BLVD
SPOKANE, WA 99201-3333

76 0

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/19/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER FEDERATED MUTUAL INSURANCE COMPANY HOME OFFICE: P.O. BOX 328 OWATONNA, MN 55060		CONTACT NAME: CLIENT CONTACT CENTER PHONE (A/C, No, Ext): 888-333-4949 FAX (A/C, No): 507-446-4664 E-MAIL ADDRESS: CLIENTCONTACTCENTER@FEDINS.COM	
INSURED BACON CONCRETE INC 16510 N BRANNON LN SPOKANE, WA 99208-8750		INSURER(S) AFFORDING COVERAGE INSURER A: FEDERATED MUTUAL INSURANCE COMPANY INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
385-038-5		NAIC # 13935	

COVERAGES

CERTIFICATE NUMBER: 76

REVISION NUMBER: 1

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	N	9803980	12/31/2018	12/31/2019	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) EXCLUDED PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COM/OP AGG \$2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	Y	N	9803980	12/31/2018	12/31/2019	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION	N	N	9803982	12/31/2018	12/31/2019	EACH OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N N / A	N	9803980	12/31/2018	12/31/2019	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
SEE ATTACHED PAGE

CERTIFICATE HOLDER**CANCELLATION**

385-038-5
CITY OF SPOKANE DEPARTMENT OF ENGINEERING SERVICES
808 W SPOKANE FALLS BLVD
SPOKANE, WA 99201-3333

76 1

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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AGENCY CUSTOMER ID: 385-038-5

LOC #:

ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

AGENCY FEDERATED MUTUAL INSURANCE COMPANY		NAMED INSURED BACON CONCRETE INC 16510 N BRANNON LN SPOKANE, WA 99208-8750
POLICY NUMBER SEE CERTIFICATE # 76.1		
CARRIER SEE CERTIFICATE # 76.1	NAIC CODE	EFFECTIVE DATE: SEE CERTIFICATE # 76.1

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

STOP-GAP (EMPLOYER'S LIABILITY) COVERED STATE(S) WA

PROJECT: 37TH AVENUE SIDEWALK - MANITO BLVD TO LATAWAH STREET

PROJECT: #2019096

THE CERTIFICATE HOLDER IS AN ADDITIONAL INSURED SUBJECT TO THE CONDITIONS OF THE ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS - AUTOMATIC STATUS WHEN REQUIRED IN CONSTRUCTION AGREEMENT WITH YOU ENDORSEMENT FOR GENERAL LIABILITY.

THE CERTIFICATE HOLDER IS AN ADDITIONAL INSURED SUBJECT TO THE CONDITIONS OF THE ADDITIONAL INSURED BY CONTRACT ENDORSEMENT FOR BUSINESS AUTO LIABILITY.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED BY CONTRACT ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE PART

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

A. WHO IS AN INSURED for "bodily injury" and "property damage" liability is amended to include:

Any person or organization other than a joint venture, for which you have agreed by written contract to procure bodily injury or property damage "auto" liability insurance arising out of operation of a covered "auto" with your permission. However, this additional insurance does not apply to:

- (1) The owner or anyone else from whom you hire or borrow a covered "auto". This exception does not apply if the covered "auto" is a "trailer" connected to a covered "auto" you own.
- (2) Your "employee" if the covered "auto" is owned by that "employee" or a member of his or her household.
- (3) Someone using a covered "auto" while he or she is working in a business of selling, servicing, repairing, parking or storing "autos" unless that business is yours.
- (4) Anyone other than your "employees", partners (if you are a partnership), members (if you are a limited liability company), or a lessee or borrower or any of their "employees", while moving property to or from a covered "auto".
- (5) A partner (if you are a partnership), or a member (if you are a limited liability company) for a covered "auto" owned by him or her or a member of his or her household.

B. The coverage extended to any additional insured by this endorsement is limited to, and subject to all terms, conditions, and exclusions of the Coverage Part to which this endorsement is attached.

In addition, coverage shall not exceed the terms and conditions that are required by the terms of the written agreement to add any insured, or to procure insurance.

C. The limits of insurance applicable to such insurance shall be the lesser of the limits required by the agreement between the parties, or the limits provided by this policy.

D. Additional exclusions. The insurance afforded to any person or organization as an insured under this endorsement does not apply:

1. To "loss" which occurs prior to the date of your contract with such person or organization;
2. To "loss" arising out of the sole negligence of any person or organization that would not be an insured except for this endorsement.
3. To "loss" for any leased or rented "auto" when the lessor or his or her agent takes possession of the leased or rented "auto" or the policy period ends, whichever occurs first.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED - OWNERS, LESSEES OR
CONTRACTORS - AUTOMATIC STATUS WHEN
REQUIRED IN CONSTRUCTION AGREEMENT WITH YOU**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

A. Section II - Who Is An Insured is amended to include as an additional insured any person or organization for whom you are performing operations when you and such person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured on your policy. Such person or organization is an additional insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured.

However, the insurance afforded to such additional insured:

1. Only applies to the extent permitted by law; and
2. Will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

A person's or organization's status as an additional insured under this endorsement ends when your operations for that additional insured are completed.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to:

1. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - a. The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - b. Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or the failure to render any professional architectural, engineering or surveying services.

2. "Bodily injury" or "property damage" occurring after:

- a. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
- b. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III - Limits Of Insurance:**

The most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement you have entered into with the additional insured; or
 2. Available under the applicable Limits of Insurance shown in the Declarations;
- whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/19/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER FEDERATED MUTUAL INSURANCE COMPANY HOME OFFICE: P.O. BOX 328 OWATONNA, MN 55060		CONTACT NAME: CLIENT CONTACT CENTER PHONE (A/C, No, Ext): 888-333-4949 FAX (A/C, No): 507-446-4664 E-MAIL ADDRESS: CLIENTCONTACTCENTER@FEDINS.COM	
INSURED BACON CONCRETE INC 16510 N BRANNON LN SPOKANE, WA 99208-8750		INSURER(S) AFFORDING COVERAGE INSURER A: FEDERATED MUTUAL INSURANCE COMPANY INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
385-038-5		NAIC # 13935	

COVERAGES

CERTIFICATE NUMBER: 76

REVISION NUMBER: 0

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	N	N	9803980	12/31/2019	12/31/2020	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) EXCLUDED PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	N	N	9803980	12/31/2019	12/31/2020	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION	N	N	9803982	12/31/2019	12/31/2020	EACH OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N N / A	N	9803980	12/31/2019	12/31/2020	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

STOP-GAP (EMPLOYER'S LIABILITY) COVERED STATE(S) WAPROJECT: 37TH AVENUE SIDEWALK - MANITO BLVD TO LATAWAY STREET
PROJECT: #2019096**CERTIFICATE HOLDER****CANCELLATION**385-038-5
CITY OF SPOKANE DEPARTMENT OF ENGINEERING SERVICES
808 W SPOKANE FALLS BLVD
SPOKANE, WA 99201-3333

76 0

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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CERTIFICATE OF LIABILITY INSURANCE

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11/19/2019

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385-038-5		NAIC # 13935	

COVERAGES

CERTIFICATE NUMBER: 76

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A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	Y	N	9803980	12/31/2019	12/31/2020	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION	N	N	9803982	12/31/2019	12/31/2020	EACH OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N N / A	N	9803980	12/31/2019	12/31/2020	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
SEE ATTACHED PAGE

CERTIFICATE HOLDER**CANCELLATION**385-038-5
CITY OF SPOKANE DEPARTMENT OF ENGINEERING SERVICES
808 W SPOKANE FALLS BLVD
SPOKANE, WA 99201-3333

76 0

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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AGENCY CUSTOMER ID: 385-038-5

LOC #:

ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

AGENCY FEDERATED MUTUAL INSURANCE COMPANY		NAMED INSURED BACON CONCRETE INC 16510 N BRANNON LN SPOKANE, WA 99208-8750	
POLICY NUMBER SEE CERTIFICATE # 76.0		EFFECTIVE DATE: SEE CERTIFICATE # 76.0	
CARRIER SEE CERTIFICATE # 76.0	NAIC CODE		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

STOP-GAP (EMPLOYER'S LIABILITY) COVERED STATE(S) WA

PROJECT: 37TH AVENUE SIDEWALK - MANITO BLVD TO LATAWAH STREET

PROJECT: #2019096

THE CERTIFICATE HOLDER IS AN ADDITIONAL INSURED SUBJECT TO THE CONDITIONS OF THE ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS - AUTOMATIC STATUS WHEN REQUIRED IN CONSTRUCTION AGREEMENT WITH YOU ENDORSEMENT FOR GENERAL LIABILITY.

THE CERTIFICATE HOLDER IS AN ADDITIONAL INSURED SUBJECT TO THE CONDITIONS OF THE ADDITIONAL INSURED BY CONTRACT ENDORSEMENT FOR BUSINESS AUTO LIABILITY.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED BY CONTRACT ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE PART

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

A. WHO IS AN INSURED for "bodily injury" and "property damage" liability is amended to include:

Any person or organization other than a joint venture, for which you have agreed by written contract to procure bodily injury or property damage "auto" liability insurance arising out of operation of a covered "auto" with your permission. However, this additional insurance does not apply to:

- (1) The owner or anyone else from whom you hire or borrow a covered "auto". This exception does not apply if the covered "auto" is a "trailer" connected to a covered "auto" you own.
- (2) Your "employee" if the covered "auto" is owned by that "employee" or a member of his or her household.
- (3) Someone using a covered "auto" while he or she is working in a business of selling, servicing, repairing, parking or storing "autos" unless that business is yours.
- (4) Anyone other than your "employees", partners (if you are a partnership), members (if you are a limited liability company), or a lessee or borrower or any of their "employees", while moving property to or from a covered "auto".
- (5) A partner (if you are a partnership), or a member (if you are a limited liability company) for a covered "auto" owned by him or her or a member of his or her household.

B. The coverage extended to any additional insured by this endorsement is limited to, and subject to all terms, conditions, and exclusions of the Coverage Part to which this endorsement is attached.

In addition, coverage shall not exceed the terms and conditions that are required by the terms of the written agreement to add any insured, or to procure insurance.

C. The limits of insurance applicable to such insurance shall be the lesser of the limits required by the agreement between the parties, or the limits provided by this policy.

D. Additional exclusions. The insurance afforded to any person or organization as an insured under this endorsement does not apply:

1. To "loss" which occurs prior to the date of your contract with such person or organization;
2. To "loss" arising out of the sole negligence of any person or organization that would not be an insured except for this endorsement.
3. To "loss" for any leased or rented "auto" when the lessor or his or her agent takes possession of the leased or rented "auto" or the policy period ends, whichever occurs first.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED - OWNERS, LESSEES OR
CONTRACTORS - AUTOMATIC STATUS WHEN
REQUIRED IN CONSTRUCTION AGREEMENT WITH YOU**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

A. Section II - Who Is An Insured is amended to include as an additional insured any person or organization for whom you are performing operations when you and such person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured on your policy. Such person or organization is an additional insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured.

However, the insurance afforded to such additional insured:

1. Only applies to the extent permitted by law; and
2. Will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

A person's or organization's status as an additional insured under this endorsement ends when your operations for that additional insured are completed.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to:

1. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - a. The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - b. Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or the failure to render any professional architectural, engineering or surveying services.

2. "Bodily injury" or "property damage" occurring after:

- a. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
- b. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III - Limits Of Insurance:**

The most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement you have entered into with the additional insured; or
 2. Available under the applicable Limits of Insurance shown in the Declarations;
- whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.



Agenda Sheet for City Council Meeting of:
12/02/2019

Date Rec'd	11/11/2019
Clerk's File #	OPR 2019-1053
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	PARKS & RECREATION
Contact Name/Phone	GARRETT JONES 363-5462
Contact E-Mail	GJONES@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	1400 - RIVERFRONT PARK ALL-INCLUSIVE PLAYGROUND SIP LOAN

Agenda Wording

Request to approve an SIP loan, not to exceed \$900,000 for the construction of an all-inclusive playground, including an accessible restroom, scheduled to be completed by the end of 2020.

Summary (Background)

Parks partnered with the Parks Foundation to raise private donations to be used toward completing the Riverfront Park Master Plan. The foundation secured a \$1.3 million donation to build an all-inclusive playground on West Havermale. Donor funds will be distributed over a 5-year period at 20%/year. Parks is seeking SIP funds to construct the playground in 2020 before the donation funds are available. The donation funds would be used to repay the loan. The foundation agreed to a \$400,000 down.

<u>Fiscal Impact</u>		Grant related?	NO	<u>Budget Account</u>	
		Public Works?	NO		
Expense	\$ 0.0			#	N/A
Select	\$			#	
Select	\$			#	
Select	\$			#	
<u>Approvals</u>			<u>Council Notifications</u>		
<u>Dept Head</u>		CONLEY, JASON K.		<u>Study Session</u>	
<u>Division Director</u>		JONES, GARRETT		<u>Other</u>	
				11/18-Finance Com approved	
<u>Finance</u>		HUGHES, MICHELLE		<u>Distribution List</u>	
<u>Legal</u>		PICCOLO, MIKE		gjones@spokanecity.org	
<u>For the Mayor</u>		ORMSBY, MICHAEL		jkconley@spokanecity.org	
<u>Additional Approvals</u>			mhughes@spokanecity.org		
<u>Purchasing</u>					

Briefing Paper

Finance & Administration Committee

Division & Department:	Parks and Recreation
Subject:	Riverfront Park all-inclusive playground SIP loan
Date:	Nov. 18, 2019
Author (email & phone):	Garrett Jones; gjones@spokanecity.org ; 363-5462
City Council Sponsor:	Candace Mumm
Executive Sponsor:	Gavin Cooley
Committee(s) Impacted:	Park Board Finance/City Finance and Administration
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)	Riverfront Park Master Plan (Section 5.4.3)
Strategic Initiative:	Partnerships with private community donors
Deadline:	Construction planned for 2020
Outcome: (deliverables, delivery duties, milestones to meet)	A new inclusive playground, including an accessible restroom, will become a new park amenity available to all guests by the end of 2020.
Background/History: Parks and Recreation partnered with the Spokane Parks Foundation to raise additional funds through private donations towards completing the Riverfront Park Master Plan. The Parks Foundation has secured a donation to fully fund an inclusive playground on West Havermale Island (near the former YMCA playground.) The \$1.3 million donation is designated for the playground, including an ADA accessible restroom. The donor has committed 20% of the project funds per year, for a 5-year period. To leverage ongoing Bond construction in this quadrant of the park, along with mitigating future construction cost escalation, Parks is seeking SIP funds to construct the playground in 2020. The Parks and Recreation SIP loan will be repaid by utilizing the annual donor funds committed to the Foundation. An MOU between the Park Board and Park Foundation depicts this funding agreement. The Foundation is contributing \$400,000 in funding, as a down payment to the total project cost.	
Executive Summary: <ul style="list-style-type: none"> • A Park Board Resolution is formally seeking SIP funds to construct an inclusive playground in 2020, before the playground pledge payments are fully received to align with the timing of other Bond related construction projects in Riverfront Park. • The Park Foundation has successfully secured a \$1.3 million philanthropic pledge to fully fund the playground project in Riverfront Park. • Early construction delivers a new community asset in late 2020, rather than waiting until donor funds are fully received in 2024. • An inclusive playground aligns with the Riverfront Park Master plan and activates the ongoing capital campaign to raise funds for additional projects within the park. • The Park Foundation will make a \$400,000 down payment to the City in December of 2019. • The Park Foundation Board, has adopted a resolution approving an MOU with the Park Board committing the Foundation to pay the \$400,000 down payment and to repay the full SIP loan amount of \$900,000, plus any applicable interest. • A separate SBO request will seek the budget authority from City Council to expense the entire \$1.3 million. 	

Budget Impact:

Approved in current year budget? ☒ Yes ☐ No

Annual/Reoccurring expenditure? ☐ Yes ☒ No

If new, specify funding source: 5 year philanthropic donation/Riverfront Park Capital Campaign

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:

DRAFT

CITY OF SPOKANE PARK BOARD

RESOLUTION

A Resolution from Spokane Parks and Recreation Board of Directors, requesting a loan from the Spokane Investment Pool (SIP) in the amount of \$900,000 to cover the costs of the Shane's Inspiration Inclusive Playground, before the playground pledge payments have been received to align with the timing of other Bond related construction in Riverfront Park, and

WHEREAS, Spokane Parks and Recreation owns or operates and maintains real estate, buildings, and other recreational and entertainment facilities, and operates a wide variety of programs and services, and

WHEREAS, voters approved a \$64.3 million Bond measure to improve and renovate Riverfront Park in 2014, and

WHEREAS, Parks and Recreation entered into a contractual agreement with the Spokane Parks Foundation to carry out a capital campaign to raise funds for additional projects as outlined in the Riverfront Park Master Plan and

WHEREAS, a second playground on the west end of Havermale Island was identified as one of the key projects for the Spokane Park Foundation capital campaign, and

WHEREAS, Spokane Parks Foundation successfully secured a \$1.3 million philanthropic pledge to fully fund the playground project over a five-year period, and

WHEREAS, it is the desire of the Spokane Parks Foundation to honor donor intent and complete the playground in a timely and fiscal manner, and

WHEREAS, Parks and Recreation, and Spokane Parks Foundation have agreed to a Memorandum of Understanding (MOU) where the City Parks Department will request a SIP loan on an as-needed basis with an amount not to exceed \$900,000, and

WHEREAS, Spokane Parks Foundation will make a \$400,000 down payment to the Parks Division in December of 2019, towards the playground project, and

WHEREAS, the Spokane Park Foundation will make biannual payments to the Parks Division when donations are received, and

WHEREAS, construction will start in the spring of 2020, constructing Shane's Inspiration Inclusive Playground and a two-stall ADA accessible restroom within the footprint of the playground design, and

NOW THEREFORE, IT IS HEREBY RESOLVED that the Park Board request a loan from the Spokane Investment Pool (SIP) in the amount of \$900,000, said loan to be repaid over a 5-year term, with Spokane Parks Foundation donor pledges remitted to Spokane Parks and Recreation for debt service of the SIP loan which the Park Division is responsible for, and with the 2019 loan disbursement to be in the amount of \$650,000, with disbursements and debt services to be generally in conformance with attached Exhibit A, as circumstances dictate, and

IT IS FURTHER RESOLVED, the Park Board, by way of Resolution, will request future loan disbursements for playground construction as needed, with the total loan not to exceed \$900,000.

Dated this 14th day of November 2019.

Park Board President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

AGENDA SHEET FOR PARK BOARD MEETING OF: Nov. 14, 2019



Submitting Division
Parks & Recreation

Contact Person
Jason Conley

Phone No.
625-6211

Department: ☒ Finance ☐ Operations ☐ Recreation/Golf ☐ Riverfront Park

Committee: ☒ Finance ☐ Golf ☐ Land ☐ Recreation ☐ Riverfront ☐ UFTC

Type of contract: ☒ New ☐ Renewal ☐ Amendment ☐ Extension ☐ Other

Beginning date: 11/12/2019 Expiration date: 12/31/2024 Open ended ☐

CLERKS' FILE	
RENEWAL	
CROSS REF	OPP 2017-0872
ENG	
BID	
REQUISITION	

AGENDA WORDING:

SIP loan resolution/Riverfront Park all-inclusive playground construction (not to exceed \$900,000)

BACKGROUND:

(Attach additional sheet if necessary)

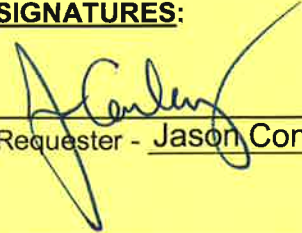
Parks partnered with the Parks Foundation to raise additional funds through private donations towards completion of the Riverfront Park Master Plan. The foundation has secured a donation to fully fund an inclusive playground. The \$1.3 million donation will be distributed over a 5-year period. Parks is seeking SIP funds to construct the playground in 2020. An MOU between the Park Board and the foundation depicts the funding agreement and the foundation is contributing \$400,000 as a down payment. The exact amount on the loan may not be determined until the loan closes. The estimated amount is \$900,000.

RECOMMENDATION:

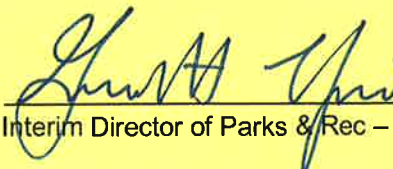
To approve the SIP loan resolution for the construction of the Riverfront Park all-inclusive playground construction not to exceed \$900,000.

ATTACHMENTS: Include in packets. See back of Agenda Sheet for specific supporting document requirements.

SIGNATURES:


Requester - Jason Conley


Dept. Manager Garrett Jones


Interim Director of Parks & Rec - Garrett Jones

Parks Accounting - Megan Qureshi

Legal Dept. - Pat Dalton

DISTRIBUTION:

Parks: Accounting

Parks: Pamela Clarke

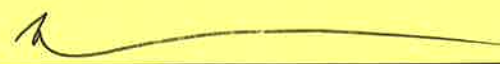
Budget Manager:

Requester: Jason Conley

ed@spokaneparksfoundation.org

PARK BOARD ACTION:

APPROVED BY SPOKANE PARK BOARD



President

Nov. 14, 2019

Spokane Park Board

Briefing Paper



Committee	Finance		
Committee meeting date	Nov. 12, 2019		
Requester	Jason Conley	Phone number: 625-6211	
Type of agenda item	<input type="radio"/> Consent <input type="radio"/> Discussion <input type="radio"/> Information <input checked="" type="radio"/> Action		
Type of contract/agreement	<input checked="" type="radio"/> New <input type="radio"/> Renewal/extension <input type="radio"/> Amendment/change order <input type="radio"/> Other		
City Clerks file (OPR or policy #)			
Item title: (Use exact language noted on the agenda)	SIP loan resolution/Riverfront Park all-inclusive playground construction (not to exceed \$900,000)		
Begin/end dates	Begins: Nov. 12, 2019 Ends: Dec. 31, 2024 <input type="checkbox"/> Open ended		
Background/history: Parks and Recreation partnered with the Spokane Parks Foundation to raise additional funds through private donations towards completing the Riverfront Park Master Plan. The Parks Foundation has secured a donation to fully fund an inclusive playground on West Havermale Island (near the former YMCA playground.) The \$1.3 million donation is designated for the playground, including an ADA accessible restroom. The donor has committed 20% of the project funds per year, for a 5-year period. To leverage ongoing Bond construction in this quadrant of the park, along with mitigating future construction cost escalation, Parks is seeking SIP funds to construct the playground in 2020. The loan will be repaid by utilizing the annual donor funds committed to the Foundation. An MOU between the Park Board and Park Foundation depicts this funding agreement. The Foundation is contributing \$400,000 in funding, as a down payment to the total project cost. The exact amount on the loan may not be determined until the loan closes. Estimated amount is \$900,000.			
Motion wording: To approve the SIP loan resolution to fund the construction of an all-inclusive playground on Havermale Island in Riverfront Park not to exceed \$900,000.			
Approvals/signatures outside Parks: <input checked="" type="radio"/> Yes <input type="radio"/> No If so, who/what department, agency or company: Spokane Parks Foundation Name: Terri Fortner Email address: ed@spokaneparksfoundation.org Phone: 509-710-3033			
Distribution: Parks – Accounting ed@spokaneparksfoundation.org Parks – Pamela Clarke Requester: Jason Conley Grant Management Department/Name:			
Fiscal impact: <input checked="" type="radio"/> Expenditure <input type="radio"/> Revenue Amount: \$900,000.00 Budget code: Parks Foundation Grant			
Vendor: <input checked="" type="radio"/> Existing vendor <input type="radio"/> New vendor Supporting documents: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Quotes/solicitation (RFP, RFQ, RFB) <input type="checkbox"/> Contractor is on the City's A&E Roster - City of Spokane <input type="checkbox"/> UBI: Business license expiration date: </div> <div> <input type="checkbox"/> W-9 (for new contractors/consultants/vendors) <input type="checkbox"/> ACH Forms (for new contractors/consultants/vendors) <input type="checkbox"/> Insurance Certificate (min. \$1 million in General Liability) </div> </div>			

CITY OF SPOKANE PARK BOARD

RESOLUTION

A Resolution from Spokane Parks and Recreation Board of Directors, requesting a loan from the Spokane Investment Pool (SIP) in the amount of \$900,000 to cover the costs of the Shane's Inspiration Inclusive Playground, before the playground pledge payments have been received to align with the timing of other Bond related construction in Riverfront Park, and

WHEREAS, Spokane Parks and Recreation owns or operates and maintains real estate, buildings, and other recreational and entertainment facilities, and operates a wide variety of programs and services, and

WHEREAS, voters approved a \$64.3 million Bond measure to improve and renovate Riverfront Park in 2014, and

WHEREAS, Parks and Recreation entered into a contractual agreement with the Spokane Parks Foundation to carry out a capital campaign to raise funds for additional projects as outlined in the Riverfront Park Master Plan and

WHEREAS, a second playground on the west end of Havermale Island was identified as one of the key projects for the Spokane Park Foundation capital campaign, and

WHEREAS, Spokane Parks Foundation successfully secured a \$1.3 million philanthropic pledge to fully fund the playground project over a five-year period, and

WHEREAS, it is the desire of the Spokane Parks Foundation to honor donor intent and complete the playground in a timely and fiscal manner, and

WHEREAS, Parks and Recreation, and Spokane Parks Foundation have agreed to a Memorandum of Understanding (MOU) where the City Parks Department will request a SIP loan on an as-needed basis with an amount not to exceed \$900,000, and

WHEREAS, Spokane Parks Foundation will make a \$400,000 down payment to the Parks Division in December of 2019, towards the playground project, and

WHEREAS, the Spokane Park Foundation will make biannual payments to the Parks Division when donations are received, and

WHEREAS, construction will start in the spring of 2020, constructing Shane's Inspiration Inclusive Playground and a two-stall ADA accessible restroom within the footprint of the playground design, and

NOW THEREFORE, IT IS HEREBY RESOLVED that the Park Board request a loan from the Spokane Investment Pool (SIP) in the amount of \$900,000, said loan to be repaid over a 5-year term, with Spokane Parks Foundation donor pledges remitted to Spokane Parks and Recreation for debt service of the SIP loan which the Park Division is responsible for, and with the 2019 loan disbursement to be in the amount of \$650,000, with disbursements and debt services to be generally in conformance with attached Exhibit A, as circumstances dictate, and

IT IS FURTHER RESOLVED, the Park Board, by way of Resolution, will request future loan disbursements for playground construction as needed, with the total loan not to exceed \$900,000.

Dated this 14th day of November 2019.



Park Board President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

EXHIBIT A

<u>Playground Development</u>		<u>SIP Loan//</u>		<u>Annual</u>	<u>Semi-Annual</u>	<u>Rate Calc</u>	<u>10/3/2019</u>	<u>interpolated</u>	<u>add 75 bp's</u>
		Assumed Rate		2.43%		5-yr treasury	1.68%		2.43%
		Periods		5	10				
		2019	2020				Capital		
<i>Department Capital:</i>									
	Park Foundation	\$ 650,000	\$ 250,000		\$ -		\$ 900,000		
	Available Funding	\$ -	\$ -	\$ -	\$ -		\$ -		
	Total to be Financed	\$ 650,000	\$ 250,000	\$ -	\$ -		\$ 900,000		
		1	2	3	4	5	6	7	8
<i>Debt Service:</i>		2020	2021	2022	2023	2024	2025	2026	2027
	2019 Borrowings	\$ 138,837	\$ 138,837	\$ 138,837	\$ 138,837	\$ 138,837			
	2020 Borrowings	\$ 53,399	\$ 53,399	\$ 53,399	\$ 53,399	\$ 53,399			
				\$ -	\$ -	\$ -	\$ -		
					\$ -	\$ -	\$ -		
		\$ 192,236	\$ 192,236	\$ 192,236	\$ 192,236	\$ 192,236	\$ -	\$ -	\$ -



Agenda Sheet for City Council Meeting of:
12/02/2019

Date Rec'd	11/19/2019
Clerk's File #	ORD C35851
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	
Agenda Item Name	0410 - SBO FOR NORTH BANK PUBLIC PARKING LOT MATCH

Agenda Wording

Ordinance amending Ordinance No. C-35703 passed by Council on December 10, 2018 to make changes in the appropriations of the General Fund and Parks Cumulative Reserve Fund.

Summary (Background)

In December 2017 the City Council approved a plan to invest \$51.9 million in a series of one-time projects aligned with the City's Joint Strategic Plan. The initial amount for Parks investments totaled \$3 million. Parks identified three projects to utilize the Strategic Investment Fund: RFP North Suspension Bridge, North Bank/Sportsplex Connection, and RFP North Bank Project Public Parking Lot Construction Match. The SBO establishes the budget authority in the Parks Cumulative Reserve Fund.

<u>Fiscal Impact</u>	Grant related? NO Public Works? NO	<u>Budget Account</u>
Revenue	\$ 500,000	# 0100-99999-99999
Expense	\$ 500,000	# 0020-88300-97118-80101
Revenue	\$ 500,000	# 1950-99999-99999-39710
Expense	\$ 500,000	# 1950-54920-94000-56701

<u>Approvals</u>	<u>Council Notifications</u>
<u>Dept Head</u>	HUGHES, MICHELLE
<u>Division Director</u>	STOPHER, SALLY
	<u>Study Session</u>
	<u>Other</u>
	PIES Committee 11/25/19

<u>Finance</u>	ORLOB, KIMBERLY	<u>Distribution List</u>
<u>Legal</u>	PICCOLO, MIKE	
<u>For the Mayor</u>	ORMSBY, MICHAEL	

Additional Approvals

<u>Purchasing</u>		

ORDINANCE NO C35851

An ordinance amending Ordinance No. C-35703, passed by the City Council December 10, 2018, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2019, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2019, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2019 budget Ordinance No. C-35703, as above entitled, and which passed the City Council December 10, 2018, it is necessary to make changes in the appropriations of the General Fund and Parks Cumulative Reserve Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

FROM:	0100-99999	General Fund	
	99999	Undesignated Reserves	500,000

TO:	0020-88300	General Fund	
	97118-80101	Transfer to Parks Cumulative Res Fund	<u>\$ 500,000</u>

Section 2. That in the budget of the Parks Cumulative Reserve Fund, and the budget annexed thereto with reference to the Parks Cumulative Reserve Fund, the following changes be made:

FROM:	1950-99999	Parks Cumulative Reserve Fund	
	99999-39710	Transfer from General Fund	500,000

TO:	1950-54920	Parks Cumulative Reserve Fund	
	94000-56701	Reserve for Capital outlay	<u>\$ 500,000</u>

Section 3. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to budget for the Riverfront Park north bank project public parking lot construction match, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to form: _____
Assistant City Attorney

Mayor

Date

Effective Date

Briefing Paper

Public Infrastructure, Environment & Sustainability Committee

Division & Department:	Finance
Subject:	Strategic Investment Fund Projects (Parks)
Date:	November 14, 2019
Contact (email & phone):	pingiosi@spokanecity.org; 625-6061
City Council Sponsor:	CP Stuckart
Executive Sponsor:	Theresa Sanders
Committee(s) Impacted:	Public Infrastructure, Environment & 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 Plan
Strategic Initiative:	N/A
Deadline:	December 31, 2019
Outcome: (deliverables, delivery duties, milestones to meet)	SBOs for Strategic Investment Fund Projects (Parks) in the Community Investment Plan

Background/History: In December 2017 the City Council approved a plan to invest \$51.9 million in a series of one-time projects aligned with the City's Joint Strategic Plan.

The initial amount for Parks investments totaled \$3 million with \$1.5 million under both Innovative Infrastructure and Urban Experience initiatives.

Parks has identified three projects to utilize the Strategic Investment Fund: Riverfront Park North Suspension Bridge, North Bank / Sportsplex Connection, and Riverfront North Bank Project Public Parking Lot Construction Match for a total of \$1.9 million.

Funds are currently budgeted in Arterial Streets and will be transferred to Parks Cumulative Reserve Fund; the SBOs will establish the budget authority in the Parks Cumulative Reserve Fund for the North Bank / Sportsplex Connection and Riverfront North Bank Project Public Parking Lot Construction Match projects.

Executive Summary:

- \$51.9 million was approved by City Council for one-time projects aligned with the City's Joint Strategic Plan.
- Parks has identified three projects worth \$1.9 million to utilize their portion of the Strategic Investment Fund: \$1.0 million for Riverfront Park North Suspension Bridge; \$400,000 for North Bank / Sportsplex Connection; and, \$500,000 for Riverfront Park North Bank Project Public Parking Lot Construction Match.
- Funds are currently budgeted in Arterial Streets and will be transferred to Parks Cumulative Reserve Fund; the SBOs will establish the budget authority in the Parks Cumulative Reserve Fund for the North Bank / Sportsplex Connection and Riverfront North Bank Project Public Parking Lot Construction Match projects.

Budget Impact:

Approved in current year budget? ☒ Yes ☐ No ☐ N/A

Annual/Reoccurring expenditure? ☐ Yes ☐ No ☒ N/A

If new, specify funding source: General Fund unappropriated reserves.

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

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:
12/02/2019

<u>Date Rec'd</u>	11/19/2019
<u>Clerk's File #</u>	ORD C35852
<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>	PAUL INGIOSI 625-6061
<u>Contact E-Mail</u>	PINGIOSI@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Special Budget Ordinance
<u>Agenda Item Name</u>	0410 - SBO FOR NORTH BANK SPORTSPLEX CONNECTION

Agenda Wording

Ordinance amending Ordinance No. C-35703 passed by Council on December 10, 2018 to make changes in the appropriations of the Parks Cumulative Reserve Fund.

Summary (Background)

In December 2017 the City Council approved a plan to invest \$51.9 million in a series of one-time projects aligned with the City's Joint Strategic Plan. The initial amount for Parks investments totaled \$3 million. Parks identified three projects to utilize the Strategic Investment Fund: RFP North Suspension Bridge, North Bank/Sportsplex Connection, and RFP North Bank Project Public Parking Lot Construction Match. The SBO establishes the budget authority in the Parks Cumulative Reserve Fund.

<u>Fiscal Impact</u>	Grant related? NO Public Works? NO	<u>Budget Account</u>
Revenue	\$ 400,000	# 1950-99999-99999-39733
Expense	\$ 400,000	# 1950-54920-94000-56701
Select	\$	#
Select	\$	#
<u>Approvals</u>	<u>Council Notifications</u>	
<u>Dept Head</u>	HUGHES, MICHELLE	<u>Study Session</u>
<u>Division Director</u>	STOPHER, SALLY	<u>Other</u> PIES Committee 11/25/19
<u>Finance</u>	ORLOB, KIMBERLY	<u>Distribution List</u>
<u>Legal</u>	PICCOLO, MIKE	lwilliams@spokanecity.org
<u>For the Mayor</u>	ORMSBY, MICHAEL	pingiosi@spokanecity.org
<u>Additional Approvals</u>		
<u>Purchasing</u>		

ORDINANCE NO C35852

An ordinance amending Ordinance No. C-35703, passed by the City Council December 10, 2018, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2019, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2019, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2019 budget Ordinance No. C-35703, as above entitled, and which passed the City Council December 10, 2018, it is necessary to make changes in the appropriations of the Parks Cumulative Reserve Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

FROM:	1950-99999	Parks Cumulative Reserve Fund	
	99999-39733	Transfer from Arterial Street Fund	400,000
TO:	1950-54920	Parks Cumulative Reserve Fund	
	94000-56701	Reserve for Capital Outlay	<u>\$ 400,000</u>

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to budget for the Northbank/Sportplex connection, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to form: _____
Assistant City Attorney

Mayor

Date

Effective Date

Briefing Paper

Public Infrastructure, Environment & Sustainability Committee

Division & Department:	Finance
Subject:	Strategic Investment Fund Projects (Parks)
Date:	November 14, 2019
Contact (email & phone):	pingiosi@spokanecity.org; 625-6061
City Council Sponsor:	CP Stuckart
Executive Sponsor:	Theresa Sanders
Committee(s) Impacted:	Public Infrastructure, Environment & 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 Plan
Strategic Initiative:	N/A
Deadline:	December 31, 2019
Outcome: (deliverables, delivery duties, milestones to meet)	SBOs for Strategic Investment Fund Projects (Parks) in the Community Investment Plan

Background/History: In December 2017 the City Council approved a plan to invest \$51.9 million in a series of one-time projects aligned with the City's Joint Strategic Plan.

The initial amount for Parks investments totaled \$3 million with \$1.5 million under both Innovative Infrastructure and Urban Experience initiatives.

Parks has identified three projects to utilize the Strategic Investment Fund: Riverfront Park North Suspension Bridge, North Bank / Sportsplex Connection, and Riverfront North Bank Project Public Parking Lot Construction Match for a total of \$1.9 million.

Funds are currently budgeted in Arterial Streets and will be transferred to Parks Cumulative Reserve Fund; the SBOs will establish the budget authority in the Parks Cumulative Reserve Fund for the North Bank / Sportsplex Connection and Riverfront North Bank Project Public Parking Lot Construction Match projects.

Executive Summary:

- \$51.9 million was approved by City Council for one-time projects aligned with the City's Joint Strategic Plan.
- Parks has identified three projects worth \$1.9 million to utilize their portion of the Strategic Investment Fund: \$1.0 million for Riverfront Park North Suspension Bridge; \$400,000 for North Bank / Sportsplex Connection; and, \$500,000 for Riverfront Park North Bank Project Public Parking Lot Construction Match.
- Funds are currently budgeted in Arterial Streets and will be transferred to Parks Cumulative Reserve Fund; the SBOs will establish the budget authority in the Parks Cumulative Reserve Fund for the North Bank / Sportsplex Connection and Riverfront North Bank Project Public Parking Lot Construction Match projects.

Budget Impact:

Approved in current year budget? ☒ Yes ☐ No ☐ N/A

Annual/Reoccurring expenditure? ☐ Yes ☐ No ☒ N/A

If new, specify funding source: General Fund unappropriated reserves.

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

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:
12/02/2019

Date Rec'd	11/19/2019
Clerk's File #	ORD C35853
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	FINANCE & ADMIN
Contact Name/Phone	PAUL INGIOSI 625-6061
Contact E-Mail	PINGIOSI@SPOKANECITY.ORG
Agenda Item Type	Special Budget Ordinance
Agenda Item Name	0410 - SBO FOR RFP NORTH SUSPENSION BRIDGE

Agenda Wording

Ordinance amending Ordinance No. C-35703 passed by Council on December 10, 2018 to make changes in the appropriations of the Parks Cumulative Reserve Fund.

Summary (Background)

In December 2017 the City Council approved a plan to invest \$51.9 million in a series of one-time projects aligned with the City's Joint Strategic Plan. The initial amount for Parks investments totaled \$3 million. Parks identified three projects to utilize the Strategic Investment Fund: RFP North Suspension Bridge, North Bank/Sportsplex Connection, and RFP North Bank Project Public Parking Lot Construction Match. The SBO establishes the budget authority in the Parks Cumulative Reserve Fund.

<u>Fiscal Impact</u>		Grant related?	NO	<u>Budget Account</u>	
		Public Works?	NO		
Revenue	\$	1,000,000		#	1950-99999-99999-39733
Expense	\$	1,000,000		#	1950-54920-94000-56701
Select	\$			#	
Select	\$			#	
<u>Approvals</u>			<u>Council Notifications</u>		
<u>Dept Head</u>		HUGHES, MICHELLE		<u>Study Session</u>	
<u>Division Director</u>		STOPHER, SALLY		<u>Other</u>	
				Finance, Administration & Sustainable Resources Committee 11/18/19	
<u>Finance</u>		ORLOB, KIMBERLY		<u>Distribution List</u>	
<u>Legal</u>		PICCOLO, MIKE		lwilliams@spokanecity.org	
<u>For the Mayor</u>		ORMSBY, MICHAEL		pingiosi@spokanecity.org	
<u>Additional Approvals</u>					
<u>Purchasing</u>					

ORDINANCE NO C35853

An ordinance amending Ordinance No. C-35703, passed by the City Council December 10, 2018, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2019, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2019, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2019 budget Ordinance No. C-35703, as above entitled, and which passed the City Council December 10, 2018, it is necessary to make changes in the appropriations of the Parks Cumulative Reserve Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

FROM:	1950-99999	Parks Cumulative Reserve Fund	
	99999-39733	Transfer from Arterial Street Fund	1,000,000
TO:	1950-54920	Parks Cumulative Reserve Fund	
	94000-56701	Reserve for Capital Outlay	<u>\$ 1,000,000</u>

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to budget for the Riverfront Park north suspension bridge, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to form: _____
Assistant City Attorney

Mayor

Date

Effective Date

Briefing Paper

FINANCE AND ADMINISTRATION COMMITTEE

Division & Department:	Finance
Subject:	Strategic Investment Fund Projects (Parks)
Date:	November 6, 2019
Contact (email & phone):	pingiosi@spokanecity.org; 625-6061
City Council Sponsor:	CM Mumm
Executive Sponsor:	Theresa Sanders
Committee(s) Impacted:	Finance and Administration 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 Plan
Strategic Initiative:	N/A
Deadline:	December 31, 2019
Outcome: (deliverables, delivery duties, milestones to meet)	SBO for Strategic Investment Fund Projects (Parks) in the Community Investment Plan

Background/History: In December 2017 the City Council approved a plan to invest \$51.9 million in a series of one-time projects aligned with the City's Joint Strategic Plan.

The initial amount for Parks investments totaled \$3 million with \$1.5 million under both Innovative Infrastructure and Urban Experience initiatives.

Parks has identified three projects to utilize the Strategic Investment Fund: Riverfront Park North Suspension Bridge, North Bank / Sportsplex Connection, and Riverfront North Bank Project Public Parking Lot Construction Match for a total of \$1.9 million.

Funds are currently budgeted in Arterial Streets and will be transferred to Parks Cumulative Reserve Fund; the SBO will establish the budget authority in the Parks Cumulative Reserve Fund for the Riverfront Park North Suspension Bridge project.

Executive Summary:

- \$51.9 million was approved by City Council for one-time projects aligned with the City's Joint Strategic Plan.
- Parks has identified three projects worth \$1.9 million to utilize their portion of the Strategic Investment Fund: \$1.0 million for Riverfront Park North Suspension Bridge; \$400,000 for North Bank / Sportsplex Connection; and, \$500,000 for Riverfront Park North Bank Project Public Parking Lot Construction Match.
- Funds are currently budgeted in Arterial Streets and will be transferred to Parks Cumulative Reserve Fund; the SBO will establish the budget authority in the Parks Cumulative Reserve Fund for the Riverfront Park North Suspension Bridge project.

Budget Impact:

Approved in current year budget? ☒ Yes ☐ No ☐ N/A

Annual/Reoccurring expenditure? ☐ Yes ☐ No ☒ N/A

If new, specify funding source: General Fund unappropriated reserves.

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

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:
12/02/2019

Date Rec'd	11/19/2019
Clerk's File #	ORD C35854
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	FINANCE & ADMIN
Contact Name/Phone	PAUL INGIOSI 625-6061
Contact E-Mail	PINGIOSI@SPOKANECITY.ORG
Agenda Item Type	Special Budget Ordinance
Agenda Item Name	0410 - SBO FOR SPECIAL ELECTION COSTS

Agenda Wording

Ordinance amending Ordinance No. C-35703 passed by Council on December 10, 2018 to make changes in the appropriations of the General Fund.

Summary (Background)

The City budgets expenses for primary and general election costs as part of the annual budget in the General Fund. For 2019 the amount budgeted was \$350,000. The City held a special election in February 2019 and received an invoice from Spokane County for \$223,459.55. In August 2019, the City held a primary election and subsequently received an invoice for \$104,274.51 from the County. The two invoices total approximately 93 percent of the 2019 budget with general election costs outstanding.

<u>Fiscal Impact</u>	Grant related? NO Public Works? NO	<u>Budget Account</u>
Revenue	\$ 223,460	# 0100-99999-99999 Unappropriated Reserves
Expense	\$ 223,460	# 0020-88100-14400-55110
Select	\$	#
Select	\$	#
<u>Approvals</u>	<u>Council Notifications</u>	
<u>Dept Head</u>	HUGHES, MICHELLE	<u>Study Session</u>
<u>Division Director</u>	STOPHER, SALLY	<u>Other</u> Finance, Administration & Sustainable Resources Committee 11/18/19
<u>Finance</u>	HUGHES, MICHELLE	<u>Distribution List</u>
<u>Legal</u>	PICCOLO, MIKE	lwilliams@spokanecity.org
<u>For the Mayor</u>	ORMSBY, MICHAEL	pingiosi@spokanecity.org
<u>Additional Approvals</u>		
<u>Purchasing</u>		

ORDINANCE NO C35854

An ordinance amending Ordinance No. C-35703, passed by the City Council December 10, 2018, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2019, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2019, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2019 budget Ordinance No. C-35703, as above entitled, and which passed the City Council December 10, 2018, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

FROM:	0100-99999	General Fund	
	99999-	Unappropriated Reserves	<u>\$ 223,460</u>
TO:	0020-88100	General Fund	
	14400-55110	Election Expenses	<u>\$ 223,460</u>

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from costs related to the special election held on February 12, 2019, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to form: _____
Assistant City Attorney

Mayor

Date

Effective Date

Briefing Paper

FINANCE AND ADMINISTRATION COMMITTEE

Division & Department:	Finance
Subject:	2019 Special Election Costs
Date:	November 4, 2019
Contact (email & phone):	pingiosi@spokanecity.org; 625-6061
City Council Sponsor:	CM Mumm
Executive Sponsor:	Theresa Sanders
Committee(s) Impacted:	Finance and Administration 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)	Budget
Strategic Initiative:	N/A
Deadline:	December 31, 2019
Outcome: (deliverables, delivery duties, milestones to meet)	SBO for Costs Related to February 2019 Special Election
<p><u>Background/History:</u> The City budgets expenses for primary and general election costs as part of the Non-Departmental annual budget in the General Fund. For 2019 the amount budgeted was \$350,000.</p> <p>The City held a special election on February 12, 2019 and in June 2019 received an invoice from Spokane County for \$223,459.55.</p> <p>On August 6, 2019, the City held a primary election and subsequently received an invoice for \$104,274.51 from the County in October 2019.</p> <p>The two invoices total \$327,734.06, approximately 93 percent of the 2019 budget, with 2019 general election costs yet to be billed.</p>	
<p><u>Executive Summary:</u></p> <ul style="list-style-type: none"> The City budget for primary and general election expenses in 2019 is \$350,000 The City received an invoice from Spokane County for \$223,459.55 for costs related to a special election held February 12, 2019 Through October 2019 the City has spent approximately 93 percent of its election expense budget with 2019 general election costs upcoming 	
<p><u>Budget Impact:</u></p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If new, specify funding source: General Fund unappropriated reserves.</p> <p>Other budget impacts: (revenue generating, match requirements, etc.) n/a</p>	
<u>Operations Impact:</u>	

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:**

12/02/2019

Date Rec'd	11/20/2019
Clerk's File #	RES 2019-0108
Renews #	

Submitting Dept	FLEET OPERATIONS	Cross Ref #	
Contact Name/Phone	DAVID PAINE 625-6878	Project #	
Contact E-Mail	DPAINE@SPOKANECITY.ORG	Bid #	SOLE SOURCE
Agenda Item Type	Resolutions	Requisition #	VB/CONTRACT
Agenda Item Name	5100-SOLID WASTE SYSTEMS SOLE SOURCE RESOLUTION		

Agenda Wording

Fleet Services would like to identify Solid Waste Systems as the Sole Source Provider of Curbtender, Labrie and Sewer Equipment products, parts and services. These parts and services are purchased on an "as needed" basis.

Summary (Background)

Annual expenditure is estimated at \$500,000 annually, including tax for five years. The parts and services are for the City refuse trucks that service the city. These parts and services are necessary for the daily operation of the refuse trucks. We recommend approval of the estimated annual expenditure for parts and services through Solid Waste Systems. Funding for this is included in the Fleet department fund.

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

Expense	\$ 300,000.00	# 5100-71700-48348-53211-55660
Expense	\$ 200,000.00	# 5100-71700-48348-54803-99999
Select	\$	#
Select	\$	#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	PAINE, DAVID	<u>Study Session</u>	11/25/19
<u>Division Director</u>	FEIST, MARLENE	<u>Other</u>	
<u>Finance</u>	ORLOB, KIMBERLY	<u>Distribution List</u>	
<u>Legal</u>	SCHOEDEL, ELIZABETH	mmartinez, tprince	
<u>For the Mayor</u>	ORMSBY, MICHAEL		
<u>Additional Approvals</u>			
<u>Purchasing</u>	PRINCE, THEA		

Briefing Paper

Finance, Administration and Sustainability Resources Committee

Division & Department:	Public Works, Fleet Services
Subject:	Solid Waste Systems Sole Source Resolution
Date:	November 18, 2019
Author (email & phone):	Micaela Martinez mmartinez@spokanecity.org 625-7823
City Council Sponsor:	
Executive Sponsor:	Scott Simmons
Committee(s) Impacted:	Finance, Administration and Sustainability Resources 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 Plan
Strategic Initiative:	Innovative Infrastructure: Maintaining our fleet of support equipment
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	
Background/History: Fleet Services would like to identify Solid Waste Systems as the Sole Source Provider of Curbtender, Labrie and Sewer Equipment products, parts and services. These parts and services are purchased on an “as needed” basis. Annual expenditure is estimated at \$500,000 annually, including tax.	
Executive Summary: <u>Impact</u> <ul style="list-style-type: none"> The parts and services are for our refuse trucks that service the city. These parts and services are necessary to the daily operation of the refuse trucks. <u>Action</u> <ul style="list-style-type: none"> We recommend approval of the estimated annual expenditure for parts and services through Solid Waste Systems. <u>Funding</u> <ul style="list-style-type: none"> Funding for this is included in the Fleet department fund. 	
Budget Impact: Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 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 Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Specify changes required: Known challenges/barriers:	

RESOLUTION

A resolution declaring Solid Waste Systems (Spokane Valley, WA) a sole source provider for Curbtender, Labrie and Sewer Equipment products, parts and service to be purchased on an "as needed" basis for an annual estimated expenditure of \$500,000, including tax.

WHEREAS, the City of Spokane Solid Waste Department currently utilizes Curbtender, Labrie and Sewer Equipment products on City-owned vehicles; and

WHEREAS, these products and parts are only available through authorized distributors and Solid Waste Systems is our local authorized distributor; and

WHEREAS, parts manufactured by other manufacturers are not compatible with equipment currently installed on City vehicles, and

WHEREAS, these parts are essential in maintaining the city's equipment fleet; and

WHEREAS, the estimated annual expenditure for Curbtender, Labrie and Sewer Equipment products, parts and service exceeds the 2019 public bid limit of \$50,000;

Now, Therefore,

BE IT RESOLVED by the City Council for the City of Spokane that it hereby declares SOLID WASTE SYSTEMS a sole source provider for Curbtender, Labrie and Sewer Equipment products, parts and services to be purchased on an "as needed" basis for a period of five years for \$500,000 estimated annual expenditure including tax.

ADOPTED BY THE CITY COUNCIL ON _____

City Clerk

Approved as to form:



Assistant City Attorney

9/5/19



To Whom it May Concern,

This letter is to announce that SWS Equipment is the sole factory authorized reseller for all Curbtender, Inc New Refuse Body Sales, Warranty, OEM Parts and Factory Trained Service for the entire states Washington, Idaho and Montana including the city of Spokane.

Sincerely,

Benjamin Stone
Western Regional Manager
Curbtender, Inc



Micaela Martinez
City of Spokane – Fleet Services
915 N. Nelson Street
Spokane, WA 99202

August 1, 2019

Micaela,

Thank you for your email of 5/11 regarding our local authorized dealer, Solid Waste Systems, and a Sole Source Letter. Solid Waste Systems (SWS) has been our authorized dealer for the state of Washington for over a decade now and remains our only authorized dealer in that market for whole goods, parts and service.

I'm sure if you were to ask your parts and service groups they would tell you that SWS does an outstanding job for the City in both areas, please be assured that you are an important customer of both SWS and Labrie and we truly appreciate your continued business.

If you have any further questions or comments, please feel free to contact me at any time.

Best regards,

Brian Butler
National Accounts Manager
Labrie Enviroquip Group
(951) 591-1348 (cell)





August 22, 2019

To whom it may concern,

SWS Equipment, Inc is the exclusive authorized dealer for all Sewer Equipment products with municipal entities in the state of Oregon, Washington and Idaho. This includes equipment, components, parts, high efficiency "Smart" nozzles, and service. No other Sewer Equipment distributor, regardless of their location, is authorized to provide new products or service in these states.

If any clarification is needed, I encourage you to contact me directly.

Regards,

Tom Hochmuth
Western Region Sales Manager
Sewer Equipment Company of America
1590 Dutch Rd
Dixon, IL 61021

Cell Phone: 815-342-1700
E-mail: tomhochmuth@sewerequipment.com
Home Page: www.sewerequipment.com



www.sewerequipment.com



www.ram-vac.com



www.mongoosejettters.com



**CITY OF
SPOKANE**
808 W Spokane
Falls Blvd
Spokane WA
99201

SOLE SOURCE JUSTIFICATION

Description of Product/Service: Service and parts of Labrie, Sewer Equipment, and Curbtender

Requisition Number: _____

Estimated amount of this purchase: \$ 299,500.00 Parts \$200,000.00 Service

Contract Period November 1, 2019 to October 31, 2020, with four 1-year renewals.

Department: Fleet Contact Person: Micaela Martinez Phone: 625-7823

Due Date: _____ Work must be completed by: _____

Date Material/Equipment/Supplies must be delivered by: On an as needed bases

Location: Fleet Services, 915 N Nelson St, Spokane WA 99202

Date Service must begin by: November 1, 2019 to October 31, 2020

Please provide the following information in order to document justification of a sole source purchase.

1. Explain why the product/service requested is the only product/service that can satisfy your requirements, and explain why alternatives are unacceptable. Be specific with regard to specifications, features, characteristics, requirements, capabilities, and compatibility. Describe what steps have been undertaken to make this determination.

We are requesting to purchase parts and services through SWS for our refuse trucks. Fleet reached out to the manufacturers to get authorized dealer information and were given the name of the only authorized services and distributor, SWS. Sole Source letters from the manufacturers are attached.

2. Explain why this service provider, supplier, or manufacturer is the only practicably available source from which to obtain this product or service, and describe the efforts that were made to verify and confirm whether, or not, this is so. (Obtain and include a letter from the manufacturer confirming claims made by distributors or exclusive distributorships regarding the product or service, if that is cited as a reason for this Sole Source.)

SWS is the only servicer and distributor of the parts and service we are requesting because the manufacturers have established SWS as the authorized dealer.

3. Will this purchase obligate us to a particular vendor for future purchases (either in terms of maintenance that only this vendor will be able to perform and/or if we purchase this item, will we need more "like" items in the future to match this one)?

As long as the manufacturer designates SWS as the authorized dealer of their products and services we will need to have services and parts purchased through SWS.

4. Explain why the price for this product or service is considered to be fair and reasonable. When compared to other manufacturers' services and parts, SWS provides us comparable pricing.

5. Describe the negotiation efforts, if any, that have been made with the supplier to obtain the best possible price.

We have asked the supplier to provide us backup documentation when pricing is going to increase.

6. Explain the consequence(s) to the city or public, including a dollar estimate of the financial impact, if this Sole Source is not approved.

If this sole source is not approved, our refuse vehicles will not be able to be repaired and serviced and therefore, our citizens will not be able to have their garbage and recycling picked up.

Requested Vendor: Solid Waste Systems, Inc.

Vendor's Address: 6515 N Nixon Ave, Spokane Valley, WA 99212

Vendor Contact: Paul Cochran Phone: 509.533.9000

If the cost of the sole source procurement is greater than the appropriate procurement threshold for department action, immediately contact the Purchasing Division or City Attorney's Office as appropriate.

My department's recommendation for sole source is based upon an objective review of the good/service being required and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favor, or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

DocuSigned by:

Micaela Martinez

10/16/2019

Signature of Requestor

Date

(must be an authorized Department Buyer)

DocuSigned by:

David Paine

10/24/2019

Signature of Department Head or Designee

Date

DocuSigned by:

Thea Prince

10/16/2019

Approval by Purchasing (Over \$50,000)

Date

Approval by Grants Management

Date

(Required for grant funded purchases)

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

12/02/2019

Date Rec'd

11/20/2019

Clerk's File #

RES 2019-0109

Renews #**Submitting Dept**

CITY COUNCIL

Contact Name/Phone

LORI KINNEAR 625-6210

Contact E-Mail

BMCCCLATCHEY@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Agenda Item Name

0320 - AMENDING THE CITY COUNCIL'S RULES OF PROCEDURE

Cross Ref #**Project #****Bid #****Requisition #****Agenda Wording**

A Resolution adopting amended City Council Rules of Procedure.

Summary (Background)

From time to time, the City Council updates its Rules of Procedure. This resolution adopts the 2020 update to those rules.

Fiscal Impact

Grant related? NO

Public Works? NO

Budget Account

Neutral

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

Approvals**Dept Head**

MCCLATCHEY, BRIAN

Division Director**Finance**

BUSTOS, KIM

Legal

PICCOLO, MIKE

For the Mayor

ORMSBY, MICHAEL

Council Notifications**Study Session**

Finance Committee,

Other**Distribution List****Additional Approvals****Purchasing**

RESOLUTION NO. 2019-0109

A Resolution amending the City Council's rules of procedure.

WHEREAS, the City Council operates under rules of procedure which guide the conduct of the City Council's business as the legislative authority of the City of Spokane; and

WHEREAS, from time to time, new or amended methods and procedures for conducting the City Council's business arise and must be memorialized in the Council's rules of procedure to give notice to the public and city staff as to how the Council will govern itself and handle city business.

NOW, THEREFORE, BE IT RESOLVED that the Spokane City Council adopts amended Rules of Procedure as set forth the Attachment 'A' to this Resolution.

BE IT ALSO RESOLVED that the Council requests that the City Clerk distribute these rules as amended by this Resolution to ensure that city staff and the public are informed as to the procedures for the conduct of City Council business.

Passed by the City Council this ____ day of _____, 2019.

City Clerk

Approved as to form:

Assistant City Attorney



SPOKANE CITY COUNCIL RULES OF PROCEDURE

RULE 1 - GENERAL PRINCIPLES

Rule 1.1 PURPOSE

The Spokane City Council adopts these Rules to govern the conduct of City Council business. These Rules do not confer upon any person who is not a member of the Council any right to a particular procedure, nor do they affect the validity or legality of any Council action.

Rule 1.2 DUTY OF MUTUAL RESPECT

It is the constant duty of each Council member to treat each other, City staff, board and commission appointees, and the public with respect. Likewise, all persons who attend a Council meeting must act respectfully toward all persons who attend a meeting. Mutual respect between Council members and towards staff includes, but is not limited to, not intentionally disclosing private information about a Council member or staff such as personal telephone numbers or home address without the permission of the Council member or staff.

Rule 1.3 DUTY OF ETHICAL CONDUCT

- A. Every Council member must uphold the constitution, laws, and regulations of the State of Washington and the Charter and ordinances of the City.
- B. Conflicts of Interest.
 - 1. No Council member shall have an interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur an obligation of any nature that may be in conflict with the proper discharge of their duties as an elected official or as a Council member.
 - 2. No Council member in his or her official capacity may participate in a transaction involving the City with a party in which the Council member, or a family member, owns a beneficial interest.
 - 3. Should a Council member have a conflict of interest, or become aware that they have or may have a conflict of interest, that Council member shall immediately inform the Council of the conflict of interest and abstain from any Council action in connection with that matter.

C. Confidential information.

1. No Council member may accept employment or engage in any business or professional activity that might reasonably require or induce them to disclose confidential information acquired by reason of the Council member's official position.
 2. No Council member may disclose confidential information gained by reason of their official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another.
 3. No Council member may disclose confidential information to any person not entitled or authorized to receive the information. Notwithstanding the foregoing, the City Council may, upon the affirmative vote of six (6) Council members taken in an open meeting, authorize the release of specific information which would otherwise be deemed confidential information, including without limitation discussions held in executive session.
 4. For purposes of these rules, "confidential information" means (i) specific information, rather than generalized knowledge, received by a Council member as a result of their position that is not available to the general public on request; (ii) information furnished to a Council member under circumstances as to suggest the information is confidential, including when the provider of the information identifies the information as confidential; (iii) information made confidential by law, including specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy; or (iv) other information made confidential by the Public Records Act ("PRA") (Chapter 42.56 RCW) or the Open Public Meetings Act ("OPMA") (Chapter 42.30 RCW).
- D. No Council member may use or authorize the use of facilities of the City, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the purpose of or opposition to a ballot proposition. Council members shall comply with RCW 42.17A.555 (Use of public office or agency facilities in campaigns—Prohibition—Exceptions). Notwithstanding the foregoing, nothing in these Rules prevent any member of the public from exercising their rights to free expression by wearing clothing, buttons, or other attire which displays messages of a political nature in a Council meeting, so long as such conduct does not disrupt the Council meeting.

Rule 1.4 ROBERT'S RULES OF ORDER

Matters of procedure not otherwise provided for herein are, insofar as practical, determined by reference to *Robert's Rules of Order, newly revised*.

Rule 1.5 AMENDMENT

These rules may be amended by resolution of the City Council.

RULE 2 – MEETINGS

Rule 2.1 PLACE AND TIME OF MEETINGS

- A. As provided in SMC 02.01.010, the regular meeting of the City Council is at 3:30 p.m. every Monday in the Council Chambers. If a Monday is a City Holiday, that week's regular meeting may be held on the next day that is not a holiday if a quorum is available, unless cancelled at the discretion of the Council President.
- B. The 3:30 p.m. Council session is a briefing session in which the Council receives staff reports on matters of interest, committee reports, background information from staff regarding matters on the advance agenda for the next week's meeting and for that day's agenda, making any adjustments to the agenda and agreeing as to any issues of procedure for that day's meeting. Once the advance agenda has been reviewed, the City Council shall approve the agenda by motion.
- C. At the conclusion of the briefing session, there is an administrative session during which action will be taken on consent agenda items. Upon the request of any Council member, an item on the consent agenda may be considered and voted on separately from the consent agenda. Upon the request of two (2) Council members, an item on the consent agenda will be carried over for Council consideration and possible action to that day's legislative session.
- D. At the conclusion of the administrative session, or at other time properly announced, the City Council may adjourn into executive session consistent with the OPMA. Before so doing, the Chair shall announce the subject matter of the executive session with as much particularity as will not frustrate the purpose of the executive session and the estimated duration of the executive session. The Council determines which person(s) shall attend each executive session.
- E. The 6:00 p.m. Council session is the legislative session, during which the Council may take public testimony, discuss and take action on agenda items, and hold the open forum.

Rule 2.2 OPEN FORUM

- A. At each meeting, prior to the legislative agenda, an amount of time may be devoted to public comment of up to thirty (30) minutes at the first open forum. When all agenda items have been acted on, unless it is 10:00 p.m. or later, a second open forum shall continue for up to an additional fifteen (15) minutes unless no one wishes to speak at the second open forum session.
- B. At the beginning of the first open forum session, staff will collect the sign-up

sheet(s) and deliver them to the Chair. The order of the speakers and the appropriate time limits for the speakers will be determined at the discretion of the Chair. Each speaker shall be limited to three minutes.

- C. No action, other than a statement of Council consensus to take up the matter as a future agenda item, points of order, or points of information will be taken by Council members during an 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 and items not currently on the current or advance Council agendas. No person shall be permitted to speak in open forum 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 from residents of the City of Spokane, no person shall be permitted to speak at the first open forum more often than once per calendar month. Any person may speak at the second open forum if they have not yet spoken in that meeting's first open forum. There is no limit on the number of regular legislative agenda 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.
- F. The televised portion of each Council legislative session shall end at the conclusion of Council action on legislative agenda items as described in Rule 5.2(D)(8) (Order of Business); the second open forum session will not be televised.

Rule 2.3 ADJOURNED MEETINGS

- A. At the conclusion of the legislative session, unless there is further business before the Council, the Chair shall adjourn the meeting until the next regularly scheduled Council meeting.
- B. Any meeting may be adjourned to a place and time set by motion. Unless otherwise specified in the motion, the meeting will be adjourned to the place and time fixed for the next regular meeting. If a regular meeting be adjourned to a place and time specified, that adjourned meeting is a regular meeting.
- C. If at the time fixed for the beginning of any meeting, or at any time in the course of a meeting, less than a quorum be present, the Council President, or in the President's absence any member, or if there are no Council members present then the City Clerk, shall declare the meeting adjourned to the next regular meeting.

- D. If a meeting is adjourned prior to the completion of the City Council's agenda, all matters on the agenda not disposed of shall be continued to the adjourned meeting. The City Clerk or other person designated by the Clerk shall post a written notice of adjournment conspicuously on or near the main door of the place of any meeting which has been adjourned. The notice shall be posted as soon as possible after the adjournment and shall state the fact of adjournment and the place and time to which the meeting was adjourned.
- E. At 10:00 p.m. or at any time thereafter, it shall be in order for any member to move, or for the Chair to declare, based on the opinion that the business at hand cannot be concluded within a reasonable time, that a regular meeting be adjourned.

Rule 2.4 SPECIAL MEETINGS

A special meeting may be called by the Council President or by passage of a motion made during a regular meeting. All such special meetings shall be noticed in compliance with the OPMA and Rule 4.2 of these Rules.

Rule 2.5 STUDY SESSIONS

The Council President may schedule study sessions as needed for receiving information on staff matters, staff briefings, and discussion among Council members on issues of public concern. Study sessions are held in a workshop format, with no public hearing, no Council action to dispose of any item unless the study session was noticed as a special meeting in compliance with the OPMA and Rule 4.2 of these rules. A quorum of the Council is not necessary in order to proceed with a study session, though a quorum is required for the Council to take any action to dispose of any item.

Rule 2.6 QUORUM

A quorum is four (4) or more Council members present and qualified to act, unless a particular action requires the affirmative vote of more than four. The quorum for the adoption of an ordinance making an emergency expenditure as provided in RCW 35.33.081 and .091, adoption of an ordinance effective immediately under subsection 19(a)(1) of the Charter, and override of a veto as provided in subsection 16(b) is five (5).

Rule 2.7 SERVICE ANIMALS AT CITY COUNCIL MEETINGS

- A. For purposes of these Rules, only dogs that are individually trained to do work or perform tasks for a person with a disability are recognized as service animals. Dogs or other animals whose sole function is to provide comfort or emotional support do not qualify as service animals under these Rules. Service animals are permitted to accompany people with disabilities in City Council meetings, as well as all areas where members of the public are allowed to go.
- B. Service animals must, at all times while present in a City Council meeting, be harnessed, leashed, or tethered, unless these devices interfere with the service

animal's work or the individual's disability prevents using these devices, in which case, the individual must maintain control of the animal through voice, signal, or other effective controls.

- C. When it is not obvious what service an animal provides, City staff may only inquire (1) whether the dog is a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. City Staff shall not ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- D. Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- E. A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When one of these situations exists, City staff shall offer the person with the disability the opportunity to be present at the City Council meeting without the animal's presence.
- F. No person with a disability who uses a service animal will be isolated from other people, or treated less favorably than another person in the conduct of a City Council meeting.
- G. City staff shall not be required to provide care or food for a service animal at a City Council meeting.

RULE 3 – AGENDA

Rule 3.1 FUNCTIONS OF AGENDA

The agenda serves to introduce items to the Council, to establish the order of business and to give notice to the public. The notice of a special meeting is the agenda for such meeting.

Rule 3.2 INTRODUCTION OF ITEMS

- A. Resolutions and ordinances shall only be placed on a regular legislative meeting agenda by the Council President or any Council member, except as otherwise provided by Rule 5.6 (Suspension of Rules). No such item may be filed for consideration on the legislative agenda unless it has first been presented in or scheduled for presentation in a committee or study session before the date of Council consideration and possible action, and is recommended by at least two

Council members for full Council consideration.

- B. Regular meeting agendas are prepared by the City Clerk in the manner and format prescribed by the City Council and consistent with administrative policies and procedures and these Rules.

Rule 3.3 AGENDA PROCESS

- A. The process of submitting agenda items and preparing the agenda for all Council meetings shall be consistent with these Rules and any administrative policies and procedures governing Council meetings and agenda items. In a conflict between these Rules and an administrative policy and procedure, these Rules shall control.
- B. An agenda item is submitted using the agenda sheet presented to the City Clerk and in the template provided for in the exhibit to these Rules.
- C. The wording for the agenda item and the relevant information placed on the agenda sheet is provided by the person submitting the item. The City Clerk and City Attorney's office staff may edit agenda items for grammatical or typographical errors.
- D. Each Council member shall have the continuing duty to be familiar with all agenda items and all accompanying information.

RULE 4 – TIME AND NOTICE

Rule 4.1 NOTICE BY AGENDA

Except as provided below, the agenda is the only required meeting notice.

Rule 4.2 SPECIAL MEETINGS

Notice of every special meeting shall be given in writing to every Council member, Council staff, the Mayor, the City Attorney, and to all parties who have on file with the City Clerk a request for such notices. The notice shall be delivered personally, electronically, by mail, by facsimile or otherwise, so as to be received at least 24 hours before the meeting or as otherwise provided for in RCW 42.30.080. The notice shall state the place and time of the meeting and the business to be conducted. The Council shall not make final disposition of any matter not included in the notice. Notices of special meetings are prepared by the City Council Office staff and issued by the City Clerk's office.

RULE 5 – CONDUCT OF MEETINGS

Rule 5.1 THE CHAIR

- A. The Council President, or in their absence or incapacity, the Council member elected by the Council to serve as Council President *pro tem* pursuant to SMC

03.01.120(A), each of whom is referred to in these Rules as “the Chair,” shall preside over meetings of the Council and cause the business of the Council to be transacted in accordance with these rules. The presiding officer may yield the Chair to another Council member to conduct a portion of the meeting.

- B. The Chair shall determine all questions of parliamentary procedure, subject to appeal as provided in this Rule 5.1.2, but shall liberally grant leave to the City Council Policy Advisor and/or City Attorney to speak to the question. A ruling of the Chair can be appealed, before the ruling is acted on, by any Council member’s announcement of an appeal, which appeal is perfected by receiving a second. The Chair shall then state the question in terms of upholding the ruling and may state the reasons for the ruling. Then the member appealing has the floor to open debate on the appeal. Upon the close of debate, the Council shall vote on the appeal.
- C. The Chair may not make a motion. The Chair may second a motion only if there is no other second and only for the purposes of discussion. The Chair may vote as any other Council member.
- D. The Chair has the authority to recess, subject to appeal, any meeting when noise, disturbance, indecorum, or other circumstances warrant a recess to enable the Council to conduct its meeting in an appropriate manner. The Chair may direct any person disrupting the meeting to be removed from the chambers or to otherwise eliminate a source of disruption.
- E. The Chair has the authority to recess a meeting upon the request of any Council member. Recognizing that fatigue, discomfort, and tedium detract from the quality of participation in deliberative process on the part of all participants, the Chair is encouraged to call or grant requests for recesses as needed and at such frequency as dictated by the time of day, temperature, and other factors.

Rule 5.2 ORDER OF BUSINESS

A. Briefing Session.

The regular order of business in a briefing session is as follows:

1. Roll call;
2. Council or staff reports of matters of interest;
3. Background information from staff regarding matters on the advance agenda;
4. Discussion of and any adjustments to the advance agenda for the following week’s meeting;
5. Approval by motion of the advance agenda;
6. Any new background for items on the current agenda; and

7. Discussion of and any adjustments to the current agenda.

B. Administrative Session.

The regular order of business in an administration session is as follows:

1. Reading of consent agenda items by the Clerk;
2. Request(s), if any, to consider any specific consent agenda items separately from the consent agenda;
3. Action on the consent agenda; and
4. Action on any items considered separately from the consent agenda.

C. Executive Session.

The business of an executive session is determined case by case within the restrictions of the OPMA and other provisions of state law.

D. Legislative Session.

The regular order of business in a legislative session is as follows:

1. Pledge of Allegiance;
2. Words of inspiration and special introductions;

Roll call to establish the presence of a quorum;

3. Council and Committee reports;
4. Announcement of adjustments to the agenda;
5. Council appointments and approval of Mayoral appointments;
6. Report from the Administration on internal City issues;
7. Open forum (first session);
8. Reading of each agenda item by the Clerk;
 - a. Report by staff and questions to staff;
 - b. Motion and second (except for a hearing in which case the motion is made at the close of the hearing);
 - c. Comment from citizens;
 - d. Deliberation by Council, and such further dialogue with staff and citizens as Council may desire; and

e. Vote.

9. Open forum (second session, if needed).

10. Adjournment.

- E. Items shall be acted upon in the order in which they appear on the agenda; provided, items may be taken out of order, combined, or separated at the Chair's discretion, absent the objection of a majority of the Council. Items on the agenda may be grouped under various headings or sections and entire sections may be read and acted upon at one time at the discretion of the Chair absent the objection of a majority of the Council.
- F. All City Council appointments or Mayoral appointments which require City Council approval shall be announced and voted upon by motion during the legislative session; provided, that the confirmation of mayoral nominations of department heads, the City Clerk, and the City Attorney, pursuant to Section 24 of the City Charter, shall be by resolution.

Rule 5.3 PARTICIPATION BY MEMBERS OF THE PUBLIC IN COUNCIL MEETINGS

- A. Members of the public may address the Council regarding items on the Council's legislative agenda, special consideration items, hearing items, and other items before the City Council requiring Council action that are not adjudicatory or administrative in nature. This rule shall not limit the public's right to speak during the open forum.
- B. No member of the public may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet and provide their city of residence as a condition of recognition. In order for a Council member to be recognized by the Chair for the purpose of obtaining the floor, the Council member shall either raise a hand or depress the call button on the dais until recognized by the Council President.
- C. Each person speaking at the public microphone shall verbally identify themselves by name, city of residence, and, if appropriate, representative capacity.
- D. Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded and documents submitted for the record are identified and marked by the Clerk.
- E. In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression not provided by these rules, including but not limited to demonstrations,

banners, signs, applause, profanity, vulgar language, or personal insults will be permitted.

- F. A speaker asserting a statement of fact may be asked to document and identify the sources of the factual datum being asserted.
- G. When addressing the Council, members of the public shall direct all remarks to the Council President and shall confine remarks to the matters that are specifically before the Council at that time.
- H. When any person, including members of the public, City staff, and others, are addressing the Council, Council members shall observe the same decorum and process, as the rules require among the members *inter se*. That is, a Council member shall not engage the person addressing the Council in colloquy, but shall speak only when granted the floor by the Council President. All persons and/or Council members shall not interrupt one another. The duty of mutual respect set forth in Rule 1.2 and the rules governing debate set forth in *Robert's Rules of Order, newly revised*, shall extend to all speakers before the City Council. The City Council Policy Advisor and/or City Attorney shall, with the assistance of Council staff, assist the Council President to ensure that all individuals desiring to speak shall be identified, appropriately recognized, and provided the opportunity to speak.

Rule 5.4 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS – TIME LIMITS

- A. 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 their discretion, the Chair determines that, because of the number of speakers signed up to testify, less time will be needed for each speaker in order to accommodate all 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 items on the Council's consent agenda, amendments to legislative agenda items, or procedural, parliamentary, or administrative matters of the Council, including amendments to these Rules.
- 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 their 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 allotted time between or among themselves.
 - c. Following the presentation of the proponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the proponents 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 amount of time which was allotted to the proponents.
 - e. Following the presentation by the opponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the opponents who wishes to speak on behalf of the opponents' position.
 - f. Up to ten (10) 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 (3) minutes to present their 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.

Rule 5.5 VOTING

- A. Except where a majority plus one vote is required, (*e.g.*, Charter section 19, RCW 35.33.081), and unless otherwise provided herein, all motions, except a motion to adjourn (which passes by a majority of votes cast), to carry must receive at least four (4) affirmative votes.
- B. If a motion receives a majority of favorable votes, but less than four, and if further voting cannot produce four votes for any motion, either:
 - 1. The matter will be continued, or
 - 2. if it appears that because of disqualification or other reason the Council will not obtain four votes for any motion to dispose of the matter, it shall be declared that no action was taken and the status quo shall prevail.
- C. Upon a tie vote, the status quo prevails and the matter upon which the vote was cast.
- D. The votes on any ordinance or formal resolution shall be individually taken and recorded. As to any other matter (such as motions), voting shall be by voice vote unless a member requests, prior to action on the next item of business, a different method. Unless the Council shall order otherwise, the alternative to voice vote shall be the electronic voting tally system currently in use.
- E. In all cases of voting by other than voice vote, the City Clerk shall record the names of those voting on each side of the question and of those abstaining. In cases of voice vote, it shall be sufficient for the Chair to announce, and the record to reflect, whether the motion carried or failed. Regardless of method of voting, each Council member shall have the right, before the next matter is considered, to explain the reasons for their vote and such a request shall be regarded as a point of personal privilege.
- F. A Council member may abstain from voting on any matter before the Council if they have a direct personal or pecuniary interest not common to other members of the Council. In order to abstain from voting, a Council member must sufficiently describe to all other members of the Council during the Council meeting, the existence and nature of the interest which supports their abstention.

Rule 5.6 SUSPENSION OF THE RULES

These Rules may be temporarily suspended for a particular matter by the affirmative vote of a majority plus one of the Council members present at the meeting.

Rule 5.7 RECONSIDERATION

A Council member who voted on the prevailing side regarding an item voted on during an administrative session may move reconsideration of that item at that day's legislative session or at the next briefing session. All legislative decisions of the City Council regarding ordinances, resolutions, and hearing items are final. When permissible, a Council member may re-submit a subsequent ordinance or resolution to repeal or modify a prior City Council action.

Rule 5.8 PARTICIPATION BY TELEPHONIC COMMUNICATION

- A. A Council member may participate telephonically in all or part of a Council meeting if:
 - 1. Prior approval is given by the Council President for good cause, whose approval shall not be unreasonably withheld;
 - 2. All persons participating in the meeting are able to hear each other at the same time, such as by the use of a speaker phone; and
 - 3. The Council member participating telephonically shall have reviewed all of the applicable material and participated in the relevant portion of the Council meeting related to the topic to which the Council member is voting on.
- B. Any technical prohibitions or difficulties that prevent all parties present at the Council meeting from adequately communicating with one another will negate any authorization previously given by the Council President.

RULE 6 – ADJUDICATIVE APPEALS AND HEARINGS

- A. Adjudicative hearings are quasi-judicial hearings involving named parties. Testimony during adjudicative hearings is limited to the parties involved in the hearing. Public testimony is not accepted in adjudicative hearings. Where procedures for appeals and hearings have been established by ordinance, the Council shall follow those procedures. If a conflict arises between the ordinance and Council rules, the ordinance shall prevail. Where there are no established procedures for an adjudicative appeal or hearing, the Council shall implement the following procedure.
- B. No person shall be allowed to discuss any matter pending hearing with any member or members of the Council except in the Council Chambers in the regular course of a Council meeting. Each Council member shall vigorously strive to avoid any outside communication from anyone in any form concerning a matter pending hearing or decision. If an outside contact cannot be avoided, the Council member shall immediately make a note of the contact and shall at the beginning of the Council's hearing on the matter announce the fact of the contact, the identity of the person, and the substance of the communication. If the communication be in written form, the Council member shall as soon as possible file it with the City Clerk.

- C. When the Council's discussion and vote on a hearing item is at a meeting other than the hearing, it shall be the obligation of every Council member participating in the action to be familiar with the facts in order to reach an informed, independent judgment. When a member discussing or voting on the matter was not present at the hearing, that member will have familiarized themselves with the hearing item based upon any audio or video recording of the hearing and all documents contained in the record. A Council member shall not be briefed by anyone except in an open meeting.
- D. Council members shall disqualify themselves from participating in a hearing whenever bias, interest, or other influences will prevent or appear to prevent them from exercising fair-minded, independent judgment on the facts and established policy. Disqualifying influences include prejudice of the issues that cannot be swayed by the facts in evidence, a partiality or personal bias for or against a party, and a personal pecuniary interest in the subject matter. Examples of disqualifying bias include a close personal, family, or business relationship with a party, ownership of property the value of which might be affected by the decision, and a business or personal financial situation that might be affected by the decision.
- E. Should a Council member be aware of circumstances which might appear to disqualify them, they can either disqualify themselves or explain the circumstances before the hearing and let the rest of the Council, by majority vote, decide whether they can participate. Should the Council be aware of circumstances which might appear to disqualify a member, the Council may, by majority vote, disqualify the member. The Council's discussion concerning disqualification of a member may occur in executive session. A disqualified member shall be absent from the dais during the hearing and during discussion and voting.
- F. In all adjudicatory appeals and hearings, Council members are acting in their quasi-judicial capacity and shall comply with all applicable provisions of state law including the appearance of fairness doctrine (Chapter 42.36 RCW) and the code of ethics for municipal officers in contract interests (Chapter 42.23 RCW).
- G. Adjudicatory Appeal Hearing Procedures.

At the hearing on the appeal, the following rules apply:

1. Oral argument on appeal is limited to parties of record.
2. Oral argument on appeal is limited to thirty minutes per side. If there is more than one appellant or more than one person wishing to present oral argument on appeal, the total time allowed to all such persons is thirty minutes. Any time reserved for rebuttal or surrebuttal is deducted from the time allowed for opening argument. Time taken to respond to questions from the City Council is not deducted from the time allowed for argument.

3. Argument is presented first by the appellant in support of the appeal followed by the respondent in opposition to the appeal.
4. No new evidence may be presented during oral argument. Matters found by the hearing officer or body to be facts in the record are presumed to be true and accurate. Oral argument is limited to stating why the record does or does not support the decision.
5. The City Council may not consider any new facts or evidence on appeal. The City Council's review of appeals is limited to the record prepared by the hearing officer or body, including the verbatim transcript of the hearing, the written appeal, memoranda submitted, and, if permitted, oral arguments presented in accordance with the requirements of this section. Closed record appeals before the City Council must be concluded within 90 days of the date the appeal is filed unless all parties agree to a longer period.
6. Supplemental documents.
 - a. The parties to the appeal may file memoranda regarding the appeal. Such memoranda must be filed by the agenda deadline for the meeting preceding the meeting set for consideration of the appeal.
 - b. Any replies to the memoranda must be filed by the agenda deadline for the meeting set for consideration of the appeal.
 - c. The City Clerk distributes such memoranda and responsive documents to all parties to the appeal, the City Council, the City Attorney, the Planning Director, and the Hearing Examiner.
 - d. Neither memoranda nor responses may contain any new facts or evidence or discuss matters outside the record. They are limited to stating why the record does or does not support the decision.
- H. The City Council may supplement these rules in a case-by-case situation in order to provide due process to all participants in a hearing.

RULE 7 – ORDINANCES AND FORMAL RESOLUTIONS

Rule 7.1 FILING

- A. Unless impractical in a given case, ordinances and formal resolutions shall be filed with the Clerk by the advance agenda (Wednesday at 1:00 p.m.) deadline. Copies of ordinances and formal resolutions submitted by the advance agenda deadline shall be included in the Council's packet which will be made available by the second Friday preceding the meeting for which the ordinance is on the agenda. In any event, an ordinance or formal resolution must have been filed with the Clerk

prior to the meeting of which it is an agenda item. No ordinance or formal resolution, except emergency measures, shall be passed until it has been on file with the Clerk for at least three (3) business days, including the day of the Council meeting.

- B. If an ordinance or formal resolution has not been on file with the Clerk for at least three (3) business days, its reading shall be a reading in full. If an ordinance or formal resolution has been so pre-filed, it shall be sufficient reading to read its title or a summary.
- C. Each ordinance or formal resolution shall be identified by succinct summary which describes its purpose and by the name of the Council Member sponsor. Every sponsor shall, when filing the same with the City Clerk, specify the committee of origin for the ordinance or formal resolution. Subject to Rule 5.6 (Suspension of Rules), every ordinance or formal resolution must be first presented in or scheduled for presentation in a committee before it may appear on the Council's agenda for first reading (for ordinances) or for Council consideration (for formal resolutions).
- D. For each ordinance or formal resolution which would have an impact on the fiscal condition of the City, the sponsor must check the box to note the fact of the fiscal impact and briefly describe the fiscal impact of the ordinance or resolution on the current year's budget when preparing the agenda sheet.

Rule 7.2 AMENDMENT

- A. Amendment of the wording of an ordinance or formal resolution on file does not require repetition of all filing and reading procedures. The Council may elect to defer final action until the amendatory language has been embodied in the document and the document resubmitted, or to pass or adopt the measure as amended in which case the City Council Policy Advisor and/or City Attorney shall be responsible for redrafting or changing the document for record purposes.
- B. A revised version of an ordinance or formal resolution may be substituted for the one in the packet between readings or between meetings when the differences between the two versions are minor. When a substituted ordinance or formal resolution makes a significant substantive change from the earlier version, it is to be processed as an original item. That is, a substituted ordinance will be given first reading and carried over and a substituted resolution will be deferred or the Council may take action to amend and substitute the revised version for the version previously filed.
- C. The deletion of an emergency clause converts the ordinance to a regular ordinance which requires a second reading at a subsequent meeting. The addition of an emergency clause requires the ordinance to be deferred to allow public hearing.

Rule 7.3 SUBJECT MATTER

The Council shall not consider or pass any ordinance or resolution the subject matter of which is not directly related to local affairs or municipal business or if action by the City Council does not result in the adoption of a new or amendment to an existing ordinance or resolution or affect any City policy or practice.

RULE 8 – PROCESSING ORDINANCES

Rule 8.1 PUBLICATION, SIGNATURE AND RECORDING

- A. An ordinance passed by the City Council shall, within five (5) days thereafter, be presented to the Mayor.
- B. An ordinance:
 - 1. Making the annual tax levy,
 - 2. Adopting the original annual budget,
 - 3. Making appropriations,
 - 4. Implementing a local improvement district or confirming the assessments therefor,
 - 5. Which is an emergency or special budget ordinance,
 - 6. Which is an emergency ordinance, or
 - 7. Which has been approved by the electors by referendum or initiative

shall become effective immediately upon passage.

- C. Ordinances signed by the Mayor, and the approved parts of ordinances that have been partially vetoed, will thereupon be filed with the Clerk for recording and publication if not already published.
- D. Ordinances not signed by the Mayor after ten (10) days will be filed with the Clerk for signature, recording and publication as necessary.

Rule 8.2 VETO

If, within ten (10) days of presentment, the Mayor vetoes an ordinance or part of an ordinance, the ordinance or part thereof, along with the veto message (if any), is returned to the City Council, which shall provide a copy to the City Clerk. The City Clerk shall schedule the matter for consideration for the next available Council meeting, if requested by a City Council member. If, within thirty (30) days of the Mayor's veto or partial veto, the ordinance receives at least five (5) votes for passage, it shall thereupon take effect. Such

ordinance will then be signed by the Council President or two Council members and filed with the City Clerk for publication and recording.

RULE 9 – COMMITTEES

Rule 9.1 STANDING COMMITTEES – ESTABLISHMENT AND MEMBERSHIP

- A. There shall be four (4) standing committees, as follows:
 - 1. Public Safety and Community Health;
 - 2. Finance and Administration;
 - 3. Urban Development;
 - 4. Public Infrastructure, Environment and Sustainability.
- B. Committee membership shall be comprised of a minimum of one (1) council member from each council district, and additional members as desired. Standing committees composed of more than three (3) Council members shall be noticed as meetings of the Council where no legislative action shall occur.
- C. The Council President shall chair each study session, Administrative Session and Legislative Session of the City Council. All committee chairs and vice-chairs shall be determined by majority vote of the Council.
- D. The Council shall confirm the standing committee membership and leadership by resolution adopted no later than the second meeting in January of each year or as soon thereafter as possible.

Rule 9.2 COMMITTEE PROCESS

- A. The purposes of standing committee meetings are to provide the city administration and city staff an opportunity to update members of the committee regarding department programs, plans, and other administrative activities and future City Council administrative items, to brief the Council on future legislative agenda items, and to discuss strategic initiatives with the City administration and measuring progress of these initiatives.
- B. All standing committees shall be open to the public except during such time as the committee is in executive session consistent with the OPMA. No public testimony is taken during standing committee meetings. Participation in a standing committee meeting shall be limited to standing committee members, appropriate staff and other individuals recognized by the committee. Participation by Council Members, including deliberation and voting, shall be limited to the appointed Council members. Upon motion of the City Council, a standing committee meeting may be

conducted as a meeting of the full City Council, in which case, a special meeting notice shall be issued and the meeting shall be conducted in a study session format.

C. Each committee shall meet monthly at 1:15 p.m. in the Council Briefing Center, except where cancelled at the discretion of the chair, in the following order:

1. Public Safety and Community Health: First Monday of each month
2. Urban Development: Second Monday of each month
3. Finance and Administration: Third Monday of each month
4. Public Infrastructure, Environment, and Sustainability: Fourth Monday of each month
5. If there is a fifth Monday in a month, that date is reserved for an additional study session if needed and as convened by the Council President.
6. If a committee meeting falls on a scheduled City Holiday, the chair may cancel the meeting or reschedule it for a Monday morning in the same month.

D. Committee meeting agendas are formalized under the following process:

1. Three Wednesdays prior to the committee meeting, the chair's legislative aide or administrative staff will circulate a request for agenda items.
2. No later than 5 p.m. on the Wednesday occurring 12 days before the committee meeting, suggested agenda items and briefing papers (for both consent and discussion items) are due to be submitted to the legislative aides or administrative staff who circulated the request for agenda items.
 - a. At that time, the briefing paper template should be filled out and must indicate whether the preparer prefers the item to be a consent item or a discussion agenda item.
 - b. Agenda items that require no discussion at committee meetings (consent items) can be placed on any committee's agenda.
 - c. As many supporting documents as are available should be attached to the briefing paper.
3. By the Friday occurring 10 days before the committee meeting, the preliminary agenda, with briefing papers, is to be sent out to all Council Members for review.

4. No later than 5 p.m. on the Monday occurring 1 week before the committee meeting, Council Member requests for additional information on any agenda item are due.
5. At any time after briefing papers are submitted, the committee Chair, Vice Chair and administrative leads meet at least once to create and/or finalize the agenda.
6. The Wednesday at 5 p.m. prior to the committee meeting is the deadline for all supporting documents for briefing papers and addenda, if any.
7. After the final agenda is approved by the Chair, the legislative aide or administrative staff circulates the final agenda by 5pm on the Thursday prior to the committee meeting.
8. Any deviation from the schedule above (accepting briefing papers past the deadlines for example), must be approved by the Committee Chair.

The regular order of business for committee meetings is as specified in the Agenda Template document attached as an exhibit to these Rules.

- E. Each item presented in committee must be accompanied by a briefing paper, using the Briefing Paper Template attached as an exhibit to these Rules, and any additional briefing or research documents necessary, unless waived in the particular case by the committee chair.
- F. Each ordinance or resolution must be presented by the Council sponsor or their designee in a committee before it receives first reading. With the consent of the Council President, an item may be presented in a regular Council study session which has been noticed as a public meeting in lieu of presentation before a committee.
- G. By declaration of the Chair (subject to a seconded appeal) or by motion of the Council, any matter before the Council may be referred to a committee, except that no committee shall investigate the facts of, nor shall any member or members of the Council take independent action on, any pending or contemplated adjudicated matters.

Rule 9.3 INTER-GOVERNMENTAL COMMITTEES AND BOARDS

Unless governed by other regulations, statutes, or ordinances, the nomination of the full slate of Council members to inter-governmental committees or boards shall be made by the Council President, subject to confirmation by a majority of the City Council. All appointments shall be made consistent with the governmental documents creating the inter-governmental committee.

Rule 9.4 AD HOC COMMITTEES

Ad hoc committees with specified functions may be established for a designated term or for a specific task or to advise the Council on specific subject matter, by resolution. Unless specified in the resolution which created the ad hoc committee, matters of committee business such as the appointment process and qualifications for membership, the number of members, and the deadline for any resulting reports of the ad hoc committee shall be determined by the committee itself.

Rule 9.5 BOARDS AND COMMISSIONS APPOINTMENT PROCESS

The Council shall interview Mayoral nominees for appointment to boards and commissions and shall take action on each such nomination in an open public meeting.

RULE 10 – MISCELLANEOUS

Rule 10.1 COUNCIL POSITION VACANCY

- A. Upon receipt of a written notice of a vacancy or an impending vacancy of a City Council position other than that of Council President, the Council President or designee shall announce the vacancy within seven (7) days of the receipt of the vacancy notice occurring and call for interested parties to submit their applications for consideration by a deadline stated by the Council President set with concurrence of the Council.
- B. Upon the close of the deadline, each member of the Council shall review the applications, interview on an individual basis whichever applicant they desire to interview, and notify the Council President of the names of the individuals who they believe should be interviewed by the entire City Council.
- C. The Council President shall compile the Council members' list of candidates to be interviewed and schedule the compiled list of candidates to be interviewed by the entire City Council.
- D. The Council shall conduct interviews of each individual candidate selected for interviews in an open public meeting. No public comment is permitted in such public meetings.
- E. Upon completion of the interviews, the Council, pursuant to RCW 42.30.110(1)(h), may go into executive session to evaluate the qualifications of each candidate.
- F. The Council shall take final action appointing a candidate to fill the vacancy during an open public meeting.
- G. Provisions regarding the selection of a candidate for a City Council vacancy not set forth by these rules shall be determined by the City Council by motion during an open public meeting.

- H. If the Council President position becomes vacant, the City Council may elect to appoint one of the existing Council members to fill the position of Council President without following the selection procedure set forth above. If, upon a motion of the City Council, the City Council decides to consider someone other than an existing Council member to fill the vacant position of Council President, the City Council shall follow the selection procedure set forth above.

Rule 10.2 COUNCIL MEMBER DISCIPLINE

Council members may be subject to disciplinary action only by motion adopted by the affirmative vote of five (5) members of the Council, taken in an open public meeting. Disciplinary action may include, without limitation, censure, removal from membership on a standing committee, or removal from membership on an intergovernmental board or commission.

Rule 10.3 COUNCIL STAFF

- A. Each Council Member has the sole authority to hire, direct, and discharge one legislative assistant.
- B. While all Council Members have the authority to direct a member of shared council office staff, shared council office staff members are appointed by a majority vote of the City Council and may only be discharged by a majority plus one vote of the City Council.
- C. On a quarterly basis, shared council office staff shall present in a study session to all Council Members, a progress report on their ongoing duties and projects.

Rule 10.4 COUNCIL OFFICE BUDGET

- A. Any Council Member may propose to allocate funding from the approved Council office budget beyond that which is reserved for the salaries of Council Members, personal staff, and approved shared council office staff.
- B. All Council office budget allocation proposals must be approved by the affirmative vote of four (4) Council Members at an open public meeting.
- C. On a quarterly basis, a directed member of the shared Council office staff shall make available to all Council Members a report on the status of and balances of all individual line items in the Council office budget.

Rule 10.5 COUNCIL MEMBER AND STAFF ORIENTATION

- A. Newly-elected Council members and newly-appointed staff shall receive on-

boarding and orientation meetings and information within thirty (30) days of their swearing-in or appointment.

B. Orientation materials shall be generated by shared Council staff and shall consist of at least the following:

1. Charter and Spokane Municipal Code overview;
2. Overview of the city's budget process and statutory budget requirements;
3. Overview of the Council rules of procedure and meeting process;
4. Summary of often-cited parliamentary process (i.e., motions, decorum, etc);
5. Overview of all standing and outside boards and commissions to which Council members are appointed, including their functions, history, and composition.

Adopted by Resolution 2019-_____ (date)

Exhibits:

Agenda Sheet template

Briefing Paper template

Committee Agenda template



Agenda Sheet for City Council Meeting of:

<u>Date Rec'd</u>	
<u>Clerk's File #</u>	
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	

<u>Submitting Dept</u>	
<u>Contact Name/Phone</u>	
<u>Contact E-Mail</u>	
<u>Agenda Item Type</u>	

<u>Agenda Item Name</u>	
<u>Agenda Wording</u>	

<u>Summary (Background)</u>

<u>Fiscal Impact</u>	<u>Grant related?</u>	<u>Budget Account</u>
	<u>Public Works?</u>	
Expense \$		#
Select \$		#
Select \$		#
Select \$		#

<u>Approvals</u>	<u>Council Notifications</u>
<u>Dept Head</u>	<u>Study Session</u>
<u>Division Director</u>	<u>Other</u>
<u>Finance</u>	<u>Distribution List</u>
<u>Legal</u>	
<u>For the Mayor</u>	
<u>Additional Approvals</u>	
<u>Purchasing</u>	

Attachment 'A'

[TO BE PROVIDED TO CLERK FOR DECEMBER 2, 2019 MEETING]

DRAFT

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

12/02/2019

Date Rec'd

11/15/2019

Clerk's File #

RES 2019-0110

Renews #**Submitting Dept**

WASTEWATER MANAGEMENT

Contact Name/Phone

MIKE CANNON 625-4642

Contact E-Mail

MCANNON@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Cross Ref #**Project #****Bid #****Requisition #**

VALUE BLANKET

Agenda Item Name

4320 -WHITNEY EQUIPMENT COMPANY, INC. FOR FLYGT RESOLUTION WITH

Agenda Wording

Council approval to authorize sole source procurement and authorizing its purchase from Whitney Equipment Company, Inc. to supply Flygt pump, parts and supplies at an estimated cost of \$500,000 over 5 years for November 1st, through October 31, 2024.

Summary (Background)

RPWRF uses Flygt products to pump, mix and deliver chemicals to critical systems. These pumps and mixers are compatible with our existing equipment and are used to ensure compliance with the Department of Ecology and EPA requirements regarding the Clean Water Act, which is the basis of the City's NPDES Permit.

Fiscal Impact

Grant related? NO

Public Works? NO

Budget Account

Expense \$ 500,000.00

4320.43230.35148.53210

Select \$

#

Select \$

#

Select \$

#

Approvals**Dept Head**

COSTER, MICHAEL

Division Director

SIMMONS, SCOTT M.

Finance

ALBIN-MOORE, ANGELA

Legal**For the Mayor**

ORMSBY, MICHAEL

Council Notifications**Study Session****Other**

PIES 11/25/19

Distribution List

hbarnhart@spokanecity.org

kkeck@spokanecity.org

mhughes@spokanecity.org

cwahl@spokanecity.org

Tax & Licenses

Janderson@spokanecity.org

Additional Approvals**Purchasing**

PRINCE, THEA



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Whitney Equipment Company, Inc. is the exclusive factory authorized distributor of Flygt Products, a Xylem brand, which includes pumps and accessories for the Municipal and Industrial markets for the entire State of Washington. In addition, Whitney Equipment is the sole factory authorized service center for Washington. This is a five-year resolution tentatively scheduled to begin on November 1st, 2019 and to end on October 31, 2024.

Fiscal Impact

Select **\$**

Select **\$**

Budget Account

#

#

Distribution List

Briefing Paper

Public Infrastructure, Environment, and Sustainability

Division & Department:	Public Works – Riverside Park Water Reclamation Facility
Subject:	Purchase and Sole Source Resolution of Pumps, Parts and Supplies
Date:	11/26/19
Contact (email & phone):	Michael Cannon, Assistant Plant Manager, 625-4642 mcannon@spokanecity.org
City Council Sponsor:	
Executive Sponsor:	Scott Simmons, Director, Public Works
Committee(s) Impacted:	PIES
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment:	Operating Budget
Strategic Initiative:	
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	Council approval to authorize sole source procurement and authorizing its purchase from Whitney Equipment Company, Inc. to supply Flygt pump, parts and supplies at an estimated cost of \$500,000 over 5 years for November 1 st , 2019 through October 31, 2024.

Background/History: RPWRF uses Flygt products to pump, mix and deliver chemicals to critical systems. These pumps and mixers are compatible with our existing equipment and are used to ensure compliance with the Department of Ecology, EPA and Sierra Club requirements regarding the Clean Water Act, which is the basis of the City's NPDES Permit.

Whitney Equipment Company, Inc. is the exclusive factory authorized distributor of Flygt Products, a Xylem brand, which includes pumps and accessories for the Municipal and Industrial markets for the entire State of Washington. In addition, Whitney Equipment is the sole factory authorized service center for Washington.

This is a five-year resolution tentatively scheduled to begin on November 1st, 2019 and to end on October 31, 2024.

Executive Summary:

- Impact** – Continuation of RPWRF operations.
- Action** – RPWRF is seeking Council approval to authorize sole source procurement and authorizing its purchase from Whitney Equipment Company, Inc. the exclusive factory authorized distributor to supply Flygt pumps, parts and supplies.
- Funding** – Funding for this purchase is provided in the Wastewater Management budget and revenue is derived from sewer rates.

Budget Impact:

Approved in current year budget? ☒ Yes ☐ No ☐ N/A

Annual/Reoccurring expenditure? ☒ Yes ☐ No ☐ N/A

If new, specify funding source: Department

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:

SOLE-SOURCE RESOLUTION

A RESOLUTION declaring Whitney Equipment Company, Inc. (Woodinville, WA) a sole-source provider and authorizing the City to enter into a value blanket order for Flygt Products for a five (5) year period – approximately \$500,000.00, without public bidding.

WHEREAS, Flygt pumps are already existing throughout the facility and are used to pump, mix and deliver chemicals to critical systems; and

WHEREAS, these pumps and mixers are compatible with our existing equipment and are used to ensure compliance with the Department of Ecology, EPA and Sierra Club requirements regarding the Clean Water Act, which is the basis of the City's NPDES Permit

WHEREAS, Whitney Equipment Company, Inc. is exclusive factory authorized distributor of Flygt pumps and accessories for the Municipal and Industrial markets for the entire State of Washington; and

WHEREAS, It is to our benefit to maintain that standardization to streamline future maintenance operations; and

WHEREAS, if one of the Flygt pumps would fail, we could send millions of gallons of raw wastewater into the Spokane River; and

WHEREAS, the department anticipates the purchase of assorted universal pumps and accessories to be approximately \$500,000.00 over five (5) year; which exceeds the 2019 public bid limit of \$50,000 for goods;

-- Now, Therefore,

BE IT RESOLVED by the City Council for the City of Spokane that it hereby declares the purchase of the Flygt pumps and accessories a sole-source purchase through Whitney Equipment Company, Inc.; and

BE IT FURTHER RESOLVED that the City Council authorizes a five (5) year value blanket order for the purchase of Flygt pumps and accessories - \$500,000, without public bidding.

ADOPTED BY THE CITY COUNCIL ON _____

City Clerk

Approved as to form:



Assistant City Attorney



Mark A Shaw
SE Territory Manager
Flygt Products
Xylem Water Solutions, Inc.

766 N Sandy Ln
Elkhorn, WA 53121
Cell 262 227 3763

mark.shaw@xyleminc.com

January 1, 2019

Subject: Factory authorized distributor for Flygt products and service

To Whom It May Concern:

This letter is to inform you that

Whitney Equipment Company, Inc.
16120 Woodinville Redmond Road Unit 3
Woodinville, WA 98072
425-486-9499

is the exclusive factory authorized distributor of Flygt pumps and accessories for the Municipal and Industrial markets for the entire State of Washington and the Industrial market for the entire State of Oregon. Whitney also has Municipal and Industrial for the following counties in Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Letah, Lewis, New Perce, Shoshone. Whitney is also the sole factory authorized service center for Washington, employing factory-trained mechanics that are capable of servicing all Flygt products manufactured by Xylem Water Solutions.

We are confident that Whitney Equipment Company will be able to provide expert advice in a professional manner for any of your pumping needs.

Your interest in Flygt products is genuinely appreciated.

Sincerely,

Mark A Shaw

Mark A. Shaw
Territory Manager
Flygt Products, a Xylem brand
262 227 3763



CITY OF
SPOKANE
808 W Spokane
Falls Blvd
Spokane WA
99201

SOLE SOURCE JUSTIFICATION

Description of Product/Service: Flygt pump and parts

Requisition Number: N/A

Estimated amount of this purchase: \$ \$40000

Contract Period N/A

Department: Maintenance Contact Person: Justin Anderson
Phone: 625-4652

Due Date: N/A Work must be completed by: N/A

Date Material/Equipment/Supplies must be delivered by: ASAP

Location: Wastewater Lift Stations

Date Service must begin by: N/A

Please provide the following information in order to document justification of a sole source purchase.

1. Explain why the product/service requested is the only product/service that can satisfy your requirements, and explain why alternatives are unacceptable. Be specific with regard to specifications, features, characteristics, requirements, capabilities, and compatibility. Describe what steps have been undertaken to make this determination.

These are existing pumps and parts that we already use.

2. Explain why this service provider, supplier, or manufacturer is the only practicably available source from which to obtain this product or service, and describe the efforts that were made to verify and confirm whether, or not, this is so. (Obtain and include a letter from the manufacturer confirming claims made by distributors or exclusive distributorships regarding the product or service, if that is cited as a reason for this Sole Source.)

Whitney Equipment is the sole provider of Flygt in our area. They provided us with a sole source letter from Flygt.

3. Will this purchase obligate us to a particular vendor for future purchases (either in terms of maintenance that only this vendor will be able to perform and/or if we purchase this item, will we need more "like" items in the future to match this one)?

Yes. These are the pumps that we use, and the parts that we use to repair them have to come from the same manufacturer.

4. Explain why the price for this product or service is considered to be fair and reasonable.

These are the pumps and parts for the pumps that we use, and as the sole source provider of them, this is what they charge for the parts.

5. Describe the negotiation efforts, if any, that have been made with the supplier to obtain the best possible price.

As the sole source provider of these pumps and parts, there is no negotiation on price.

6. Explain the consequence(s) to the city or public, including a dollar estimate of the financial impact, if this Sole Source is not approved.

Our pump station could fail, and we could send millions of gallons of raw wastewater into the Spokane river and untold numbers of houses and businesses.

Requested Vendor: Whitney Equipment

Vendor's Address: 21222 30th Drive SE, Suite 110 Bothell, Wa 98021

Vendor Contact: Laura Haggard Phone: 206-459-7841

If the cost of the sole source procurement is greater than the appropriate procurement threshold for department action, immediately contact the Purchasing Division or City Attorney's Office as appropriate.

My department's recommendation for sole source is based upon an objective review of the good/service being required and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favor, or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.



Signature of Requestor
(must be an authorized Department Buyer)

5-9-2019

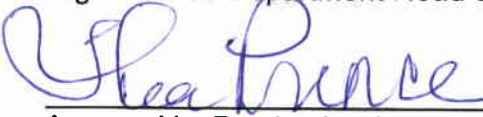
Date



Signature of Department Head or Designee

5-13-19

Date



Approval by Purchasing (when applicable)

11/20/19

Date

Approval by Grants Management
(Required for grant funded purchases)

Date

CITY OF SPOKANE OFFICE OF THE CITY ATTORNEY
CONTRACT REQUEST FORM

Requesting Department: RPWRF

Contact Person: Heather Barnhart Phone: 625-4606

Type of Contract: ☒ New Contract RESOLUTION ☐ Renewal
 ☐ Amendment ☐ Extension

What work or service is being provided: Resolution declaring Whitney Sole Source for Flygt pumps, parts, supplies and repairs.

If Request Is For Amendment, Renewal or Extension, Provide OPR #:

Contractor/Consultant Name: Whitney Equipment Company, Inc.

Contractor/Consultant Address: 16120 Woodinville-Redmond Rd NE, Suite #3 Woodinville, WA 98072

Contract Begin Date: January 1st, 2019 Contract End Date: December 31st, 2024

Dollar Amount of Contract (Provide Breakdown of Costs If Applicable): \$300,000.00 over 5 years

Funding Sources (e.g., CD, Dept. of Justice, Etc.): Department

Federal Funding (DWSRF, CWSRF, WSDOT, FHWA, Etc.): N/A

Was The Contractor / Consultant Solicited by City's Request For Proposal / Quote / Bid?

 If Yes, Provide City's Specifications And / Or City's Request for Proposals.

 If Yes, Provide Copy of the Consultant's Proposal / Contractor's Bid / Quote.

 If No, Provide Scope Of Work To Be Performed By The Consultant / Contractor.

 If No, Provide Sole Source Justification Form For Contracts Greater Than \$10,000.

Contract Amendments:

 Provide Reason For Amendment.

 Provide Desired Changes In Contract Wording.

*****IF THIS IS A PUBLIC WORKS CONTRACT REQUEST*****

Prevailing Wages:

Did The City's Request For Quote / Bid Require Payment of Prevailing Wages By The Contractor? ☐ Yes ☐ No

If Federal Funds Are Involved, Did The City's Request For Quote / Bid Require Payment of Davis Bacon Wages By The Contractor?

☐ Yes ☐ No Wage Decision No. _____

Performance / Payment Bond:

Did the City's Request For Quote / Bid require a 100% Performance / Payment Bond
By The Contractor? ☐ Yes ☐ No

For Contracts Up To \$150,000, Does The Contractor Want To Do A 10% Retainage
In Lieu Of A Bond? ☐ Yes ☐ No

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

12/02/2019

Date Rec'd	11/13/2019
Clerk's File #	RES 2019-0111
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	WASTEWATER MANAGEMENT
Contact Name/Phone	ANGELA 625-4620
Contact E-Mail	ATAGNANI@SPOKANECITY.ORG
Agenda Item Type	Resolutions
Agenda Item Name	4320 PUBLIC RULE AND POLICY INDUSTRIAL PRETREATMENT PROGRAM FINE

Agenda Wording

Resolution for Council approval to authorize the Wastewater Treatment Facility Public Rule and Policy - RPWRF Industrial Pretreatment Program - Fine Structure.

Summary (Background)

The RPWRF Industrial Pretreatment Program administers wastewater regulations that protect our workers, the treatment process, infrastructure, water quality, and biosolids quality. The Program is required and authorized to enforce issues of noncompliance through utilization of an Enforcement Response Plan (ERP). The ERP contains detailed procedures of how the City will investigate and respond to instances of industrial user noncompliance.

<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>	CONKLIN, CHUCK	<u>Study Session</u>
<u>Division Director</u>	SIMMONS, SCOTT M.	<u>Other</u> PIES 11/25/19
<u>Finance</u>	ALBIN-MOORE, ANGELA	<u>Distribution List</u>
<u>Legal</u>	SCHOEDEL, ELIZABETH	hbarnhart@spokanecity.org
<u>For the Mayor</u>	ORMSBY, MICHAEL	kkeck@spokanecity.org
<u>Additional Approvals</u>		mhughes@spokanecity.org
<u>Purchasing</u>		cwahl@spokanecity.org
		Tax & Licenses
		Mcannon@spokanecity.org
		mcoaster@spokanecity.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

The ERP allows for escalating enforcement responses for recurring issues of noncompliance. While the ERP provides for the Pretreatment Program to issue administrative fines to an industrial user in certain circumstances, there is not a policy in place to determine the dollar amount. In order to ensure fines are issued fairly and consistently, a protocol has been developed as an Appendix to the existing ERP.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

Briefing Paper

Public Infrastructure, Environment, and Sustainability

Division & Department:	Public Works – Riverside Park Water Reclamation Facility
Subject:	Resolution to adopt a Public Rule and Policy for the Wastewater Treatment Facility Industrial Pretreatment Program – Fine Schedule
Date:	November 25 th , 2019
Contact (email & phone):	Michael Cannon, Assistant Plant Manager, 625-4642 mcannon@spokanecity.org Angela Tagnani, Pretreatment Supervisor, 625-4620 atagnani@spokanecity.org
City Council Sponsor:	
Executive Sponsor:	Scott Simmons, Director, Public Works
Committee(s) Impacted:	PIES
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment:	
Strategic Initiative:	
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	Council approval to authorize the Wastewater Treatment Facility Public Rule and Policy – RPWRF Industrial Pretreatment Program – Fine Structure
Background/History: The RPWRF Industrial Pretreatment Program administers wastewater regulations that protect our workers, the treatment process, infrastructure, water quality, and biosolids quality. The Program is required and authorized to enforce issues of noncompliance through utilization of an Enforcement Response Plan (ERP). The ERP contains detailed procedures of how the City will investigate and respond to instances of industrial user noncompliance. The ERP allows for escalating enforcement responses for recurring issues of noncompliance. While the ERP provides for the Pretreatment Program to issue administrative fines to an industrial user in certain circumstances, there is not a policy in place to determine the dollar amount. In order to ensure fines are issued fairly and consistently, a protocol has been developed as an Appendix to the existing ERP.	
Executive Summary: <ul style="list-style-type: none"> <u>Impact</u> – Industrial Users of the sanitary sewer will be held financially accountable for serious &/or recurring violations of Federal, State, and local Pretreatment Standards. The City will recoup costs associated with the violations in a fair, consistent manner. <u>Action</u> – Resolution authorizing the RPWRF Industrial Pretreatment Program – Fine Structure as contained in Attachment “A” <u>Funding</u> – Revenue generating. This is to ensure all administrative fines relating to the enforcement of Federal, State and City wastewater Pretreatment Standards are implemented in a fair and consistent matter. 	
Budget Impact: Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A If new, specify funding source: Department 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 Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Specify changes required:	

Known challenges/barriers:

RESOLUTION

A resolution regarding the City of Spokane Wastewater Treatment Facility Public Rule and policy - RPWRF Industrial Pretreatment Program – Fine Schedule.

WHEREAS, the City of Spokane Wastewater Management Department Riverside Park Water Reclamation Facility maintains an Industrial Pretreatment Program in accordance with Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 – 33 USC Section 1251 et seq.; and

WHEREAS, the City of Spokane Industrial Pretreatment Program rules and regulations are contained in the Spokane Municipal Code (SMC) 13.03A; and

WHEREAS, SMC 13.03A.0906 provides for administrative fines for violations of the chapter of up to ten thousand dollars per day per offense; and

WHEREAS, SMC 13.03A.1001 provides for civil penalties for violation of any provision of chapter 13.03A SMC, and may also include any available Judicial and Supplemental Remedies under the law, including a penalty of up to ten thousand dollars (\$10,000) plus the costs of prosecution, per violation, per day and/or be subject to imprisonment for up to three hundred sixty-four (364) days, or by both. and

WHEREAS, a fine structure was added to the existing Enforcement Response Plan to ensure all administrative fines relating to the enforcement of Federal, State and City wastewater Pretreatment Standards are implemented in a fair and consistent matter; and

WHEREAS, the fine structure worksheet is attached and available to members of the public as attached Appendix A to the RPWRF Industrial Pretreatment Program – Fine Schedule, which is attached hereto as Attachment “A”.

-- NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPOKANE that the City Council hereby approves and supports the RPWRF Industrial Pretreatment Program – Fine Schedule as contained in Attachment “A”.

ADOPTED by City Council this ____ day of November, 2019.

City Clerk

Approved as to form:

Assistant City Attorney

CITY OF SPOKANE WASTEWATER TREATMENT FACILITY DEPT 4420-19-02 PUBLIC RULE AND POLICY	LGL 2019-_____
TITLE : RPWRF INDUSTRIAL PRETREATMENT PROGRAM – Administrative Fine Schedule EFFECTIVE DATE: , 2019 REVISION EFFECTIVE DATE: N/A	

1.0 GENERAL

- 1.1 The City of Spokane Wastewater Management Department Riverside Park Water Reclamation Facility (RPWRF) established the following public rule, policy, procedures and protocol regarding the Industrial Pretreatment Program.

An administrative fine structure was added to the existing Enforcement Response Plan. The new protocol ensures that all administrative fines relating to enforcement of Federal, State, and City Wastewater Pretreatment Standards are implemented in a fair, consistent manner.

The administrative fine structure worksheet can be found onsite at RPWRF located at 4401 North Aubrey L. White Parkway, Spokane, Washington 99205.

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

This public rule and policy shall apply to the City of Spokane Wastewater Management Department Riverside Park Water Reclamation Facility, and the City of Spokane Accounting Department.

3.0 REFERENCES

Chapter 13.03A SMC

Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977
– 33 USC section 1251 et seq.
General Pretreatment Regulations – 40 CFR Chapter I, Sub Ch. N part 403
Chapter 90.48 RCW
Chapter 173-216 WAC
EPA Region 10 Model ordinance for pretreatment
Enforcement Response Plan located at RPWRF
Industrial Pretreatment Program Policy and Procedure (DEPT 4320-16-01)

4.0 DEFINITIONS

See SMC 13.03A

5.0 POLICY

5.1 The goal of the City's Industrial Pretreatment Program is to achieve continuing compliance with Industrial Pretreatment Program requirements in a fair and equitable manner. The City strives to educate Industrial Users of their requirements, and will make consistent and persistent efforts to obtain compliance. Three of the main tenets that guide implementation are:

- a. All instances of Non-Compliance are subject to formal enforcement action.
- b. Continuing or repeated instances of non-compliance or violations will result in escalation of enforcement responses.
- c. The violator is responsible for developing necessary compliance measures and implementing them.

5.2 Non-compliance and violations of Pretreatment Standards may result in administrative fines as provided in chapter 13.03A SMC, in accordance with the administrative fine structure located in the Enforcement Response Plan, and may also include any available Judicial and Supplemental Remedies under the law, without limitation and including a penalty of up to ten thousand dollars (\$10,000) plus the costs of prosecution, per violation, per day and/or be subject to imprisonment for up to three hundred sixty-four (364) days, or by both.

5.3 Enforcement actions, including fines, may be appealed using procedures provided in SMC 13.03A.0904 Administrative Appeals.

5.4 The City reserves the right to utilize any and all remedies available under state, federal or local law which could include civil and/or criminal penalties.

6.0 PROCEDURES

- 6.1 In compliance with 40 CFR 403.8(f)(5), the City's Industrial Pretreatment Program has developed and implemented an Enforcement Response Plan (ERP). The Plan contains detailed procedures indicating how RPWRF will investigate and respond to instances of Industrial User Non-Compliance.
- 6.2 Wastewater Management has the authority to amend the Enforcement Response Plan at any time in order to more effectively implement the requirements of the Federal Pretreatment regulations or the City of Spokane Industrial Pretreatment Program.
- 6.3 The addition of an administrative fine structure to the Enforcement Response Plan provides a fair, consistent protocol for determining dollar amounts for administrative fines for instances of Industrial User Non-Compliance.
- 6.4 A mathematical method has been developed to calculate administrative fines to be administered for violations and non-compliance of Pretreatment Standards. The method is in the form of an Excel worksheet format for ease of use.
- 6.5 Information from the Industrial User's Non-Compliance is entered into the spreadsheet to calculate a total dollar amount to be assessed. The administrative fine structure reflects the significance of the violation, the Industrial User's compliance history, the economic benefit to the Industrial User resulting from the violation, efforts to return to compliance, costs resulting from the violation (such as sampling, analysis, investigation) and/or any damage to the environment or the City's Publicly Owned Treatment Works, and other relevant factors as outlined in the administrative fine structure worksheet.

7.0 RESPONSIBILITIES

The Wastewater Management Department through its Industrial Pretreatment Program and Accounting Department shall administer this Public Rule and Policy. The Industrial Pretreatment Program will provide the calculated dollar amount to the Accounting Department. The Accounting Department will then invoice the Industrial User the total calculated amount from the fine worksheet. Unpaid charges, fines, and penalties shall, after thirty calendar days, be assessed an additional penalty of one percent (1%) of the unpaid balance per month.

8.0 APPENDICES

8.1 "A" - Fine Structure Worksheet

APPROVED BY:

City Attorney

Date

Utilities Facilities Director

Date

City Administrator

Date

APPENDIX "A"

City of Spokane Industrial Pretreatment Program Administrative Fine Worksheet

Fine Matrix			
	Factor	Value (\$)	Base Fee
1.) Any violations prior to this in the previous 6 months? $Y/N = 1/0$		300	0
2.) Total number of violations in previous 6 months, including this violation		50	0
		Sum:	0

	Factor	Value (\$)	Total (\$)
3.) Penalty factor		0	0
4.) Impact on the POTW		100	0
5.) Impact on human health or environment		1000	0
6.) Economic benefit or savings from the noncompliance		0	0
7.) Significance of violation (SNC)		500	0
8.) Late report fee		50	0
9.) Inspector fee		350	0
10.) Incomplete data: pH or flow logger failure		50	0

Cost Recovery Matrix			
	Factor	Value (\$)	Total (\$)
11.) RPWPF cost recovery attributed to IU discharge			0
12.) RPWPF manpower per hour			0
13.) Total charges			0

Instructions:
Use the worksheet to the right to fill in clear cells in the matrix above.
The sum in step #13 is the total fee to be assessed.
Total fees not to exceed \$10,000 per day per violation.

1.) Number of previous violations: Did prior violations in the previous 6 months occur? Yes = 1, No = 0		Factor
		0 or 1

2.) Compliance history		Factor
Total number of violations in the previous 6 months, including this violation		# violations
		Factor

3.) Penalty factor		Factor
Is a pretreatment system currently being designed or installed?		0
Cooperative effort to return to compliance by assigned deadline		1
Delay in return to compliance due to non-cooperation		3
Refusal to return to compliance at corporate		6

4.) Impact on POTW (based on average gallons per day discharged)		Factor
< 5,000 gpd		1
5,001-10,000 gpd		1.5
10,001 - 25,000 gpd		2
25,001 - 50,000 gpd		3
50,001 - 100,000		4
>100,000		5

5.) Impact on human health or environment		Factor
No obvious impact on human health		0
Indirect impact on or threat to human health (e.g. sewer overflow or backup)		1
Direct impact on human health (e.g. injury, illness, effect on individual(s))		2

6.) Economics or savings benefited from the violation		Factor
No economic benefit derived		0
Economic benefit estimation		monetary value

7.) Significance of violation (SNC)		Factor
Meets SNC criteria as defined in SNC 19-09A.001		0 or 1

8.) Late report fee		Factor
For reports 15-64 days late: Yes = 1, NO = 0		0 or 1

9.) Inspector fee		Factor
Extra inspections required due to violation		# of inspections

10.) Incomplete data: pH or flow logger failure		Factor
Data gaps of 3 consecutive days or more		1

11.) RPWPF costs caused by IU and assessed by Control Authority		Factor
Cost recovery (RPWPF from maintenance fees, biological material cost)		monetary value

12.) RPWPF costs caused by IU and assessed by Control Authority		Factor
RPWPF man hours assessed for investigation and enforcement		# of man hours

13.) Total Fees		Sum
Sum the unit fees from steps #3 through step #11.		

**City of Spokane
Industrial Pretreatment Program
Administrative Fine Worksheet**

Fine Matrix	Factor	Value (\$)	Base Fee
1.) Any violations prior to this in the previous 6 months? Y/N = 1/0		300	0
2.) Total number of violations in previous 6 months, including this violation		50	0
	Sum:		0

	Factor	Value (\$)	Total (\$)
3.) Penalty factor		0	0
4.) Impact on the POTW		100	0
5.) Impact on human health or environment		1000	0
6.) Economic benefit or savings from the noncompliance			0
7.) Significance of violation (SNC)		500	0
8.) Late report fee		50	0
9.) Inspection fee		250	0
10.) Incomplete data: pH or flow logger failure		50	0

Cost Recovery Matrix	Factor	Value (\$)	Total (\$)
11.) RPWRF cost recovery: attributed to IU discharge			0
12.) RPWRF manpower: per hour			0

13.) Total charges			0
--------------------	--	--	---

Instructions:

Use the worksheet to the right to fill in clear cells in the matrix above

The sum in step #13 is the total fee to be assessed

Total fees not to exceed \$10,000 per day per violation

1.) Number of previous violations	Factor
Did prior violations in the previous 6 months occur? Yes = 1, No = 0	0 or 1

2.) Compliance history	Factor
Total number of violations in the previous 6 months, including this violation	# violations

3.) Penalty factor	Factor
Is a pretreatment system currently being designed or installed?	0
Cooperative effort to return to compliance by assigned deadline	1
Delay in return to compliance due to non-cooperation	3
Refusal to return to compliance or cooperate	6

4.) Impact on POTW (based on average gallons per day discharged)	Factor
< 5,000 gpd	1
5,001-10,000 gpd	1.5
10,001 - 25,000 gpd	2
25,001 - 50,000 gpd	3
50,001 - 100,000	4
>100,000	5

5.) Impact on human health or environment	Factor
No obvious impact on human health	0
Indirect impact on or threat to human health (e.g. sewer overflow or backup)	1
Direct impact on human health (e.g. injury, illness effect on individual(s))	2

6.) Economics or savings benefited from the violation	Factor
No economic benefit derived	0
Economic benefit estimation	monetary value

7.) Significance of violation (SNC)	Factor
Meets SNC criteria as defined in SMC 13.03A.0801	0 or 1

8.) Late report Fee	Factor
For reports 15-44 days late: Yes = 1, No = 0	0 or 1

9.) Inspection fee	Factor
Extra inspections required due to violation	# of inspections

10.) Incomplete data: pH or flow logger failure	Factor
Data gaps of 3 consecutive days or more	1

11.) RPWRF costs caused by IU and assessed by Control Authority	Factor
Cost recovery (RPWRF fines, maintenance fees, interdepartmental cost)	monetary value

12.) RPWRF costs caused by IU and assessed by Control Authority	Factor
RPWRF man hours assessed for investigation and enforcement	# of man hours

13.) Total Fees	Sum
Sum the unit fees from steps #3 through step #12.	

**City of Spokane
Industrial Pretreatment Program
Administrative Fine Worksheet**

Fine Matrix	Factor	Value (\$)	Base Fee
1.) Any violations prior to this in the previous 6 months? Y/N = 1/0	0	300	0
2.) Total number of violations in previous 6 months, including this violation	1	50	50
	Sum:		50

	Factor	Value (\$)	Total (\$)
3.) Penalty factor	3	50	150
4.) Impact on the POTW	1	100	100
5.) Impact on human health or environment	2	1000	2,000
6.) Economic benefit or savings from the noncompliance		150	150
7.) Significance of violation (SNC)	1	500	500
8.) Late report fee	1	50	50
9.) Inspection fee	1	250	250
10.) Incomplete data: pH or flow logger failure	1	50	50

Cost Recovery Matrix	Factor	Value (\$)	Total (\$)
11.) RPWRF cost recovery: attributed to IU discharge			0
12.) RPWRF manpower: per hour	10	38	380

13.) Total charges			3,630
--------------------	--	--	-------

Instructions:

Use the worksheet to the right to fill in clear cells in the matrix above

The sum in step #13 is the total fee to be assessed

Total fees not to exceed \$10,000 per day per violation

1.) Number of previous violations	Factor
Did prior violations in the previous 6 months occur? Yes = 1, No = 0	0 or 1

2.) Compliance history	Factor
Total number of violations in the previous 6 months, including this violation	# violations

3.) Penalty factor	Factor
Is a pretreatment system currently being designed or installed?	0
Cooperative effort to return to compliance by assigned deadline	1
Delay in return to compliance due to non-cooperation	3
Refusal to return to compliance or cooperate	6

4.) Impact on POTW (based on average gallons per day discharged)	Factor
< 5,000 gpd	1
5,001-10,000 gpd	1.5
10,001 - 25,000 gpd	2
25,001 - 50,000 gpd	3
50,001 - 100,000	4
>100,000	5

5.) Impact on human health of environment	Factor
No obvious impact on human health	0
Indirect impact on or threat to human health (e.g. sewer overflow or backup)	1
Direct impact on human health (e.g. injury, illness effect on individual(s))	2

6.) Economics or savings benefited from the violation	Factor
No economic benefit derived	0
Economic benefit estimation	monetary value

7.) Significance of violation (SNC)	Factor
Meets SNC criteria as defined in SMC 13.03A.0801	0 or 1

8.) Late report Fee	Factor
For reports 15-44 days late: Yes = 1, No = 0	0 or 1

9.) Inspection fee	Factor
Extra inspections required due to violation	# of inspections

10.) Incomplete data: pH or flow logger failure	Factor
Data gaps of 3 consecutive days or more	1

11.) RPWRF costs caused by IU and assessed by Control Authority	Factor
Cost recovery (RPWRF fines, maintenance fees, interdepartmental cost)	monetary value

12.) RPWRF costs caused by IU and assessed by Control Authority	Factor
RPWRF man hours assessed for investigation and enforcement	# of man hours

13.) Total Fees	Sum
Sum the unit fees from steps #3 through step #12.	

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

12/02/2019

Date Rec'd	11/20/2019
Clerk's File #	RES 2019-0112
Renews #	

Submitting Dept	ASSET MANAGEMENT	Cross Ref #	2019-0629
Contact Name/Phone	DAVE STEELE 625-6064	Project #	
Contact E-Mail	DSTEELE@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Resolutions	Requisition #	
Agenda Item Name	RESOLUTION TO SURPLUS AND PSA OF NORTH FOOTHILLS TRIANGLE		

Agenda Wording

A Resolution declaring certain utility property surplus to the needs of the City and also authorizing the execution of a Purchase and Sale Agreement with Gonzaga Haven. Legal notice has been given.

Summary (Background)

This property lies adjacent to the intersection of North Foothills Drive and Hamilton Street. The Real Estate Review Committee (RERC) recommended to surplus the property, sell at the average of two appraisals, and negotiate final purchase and sale agreement based on the Letter of Intent submitted earlier in 2019. This Resolution also approves the execution of an agreement effecting the transfer of the properties.

<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>	STEELE, DAVID	<u>Study Session</u>
<u>Division Director</u>	STOPHER, SALLY	<u>Other</u> 11/18/19 Finance
<u>Finance</u>	ALBIN-MOORE, ANGELA	Distribution List
<u>Legal</u>	RICHMAN, JAMES	eraea@spokanecity.org
<u>For the Mayor</u>	ORMSBY, MICHAEL	cwolff@spokanecity.org
Additional Approvals		jrichman@spokanecity.org
<u>Purchasing</u>		

RESOLUTION 2019-0112

A RESOLUTION DECLARING SURPLUS PROPERTY ORIGINALLY ACQUIRED FOR PUBLIC UTILITY PURPOSES.

WHEREAS, the City of Spokane is the owner of certain properties located in the City of Spokane, County of Spokane, State of Washington, and more particularly described in Exhibit A hereto (the "Properties"); and

WHEREAS, the Properties were originally acquired for public utility purposes, but are now surplus to the City's needs and are not required for providing continued public utility service; and

WHEREAS, RCW 35.94.040 authorizes the City to determine that any land or property originally acquired for public utility purposes is surplus to the City's needs and no longer required for providing public utility service; and

WHEREAS, following such determination, the City may, after a public hearing, cause such lands or property to be leased, sold, or conveyed, setting forth the fair market value or rent or consideration to be paid and such other terms and conditions for such disposition as the city deems to be in the best public interest; and

NOW, THEREFORE - - it is hereby resolved by the Spokane City Council, that the Properties are hereby declared to be surplus to the City's needs and are not required for providing continued public utility service, and that the Mayor is authorized to sign the Purchase and Sale Agreement attached hereto as Exhibit B and to execute such other documents as are reasonably necessary to consummate the transactions provided for in said agreement.

ADOPTED by the Spokane City Council this _____ day of _____, 20____.

City Clerk

Approved as to form:

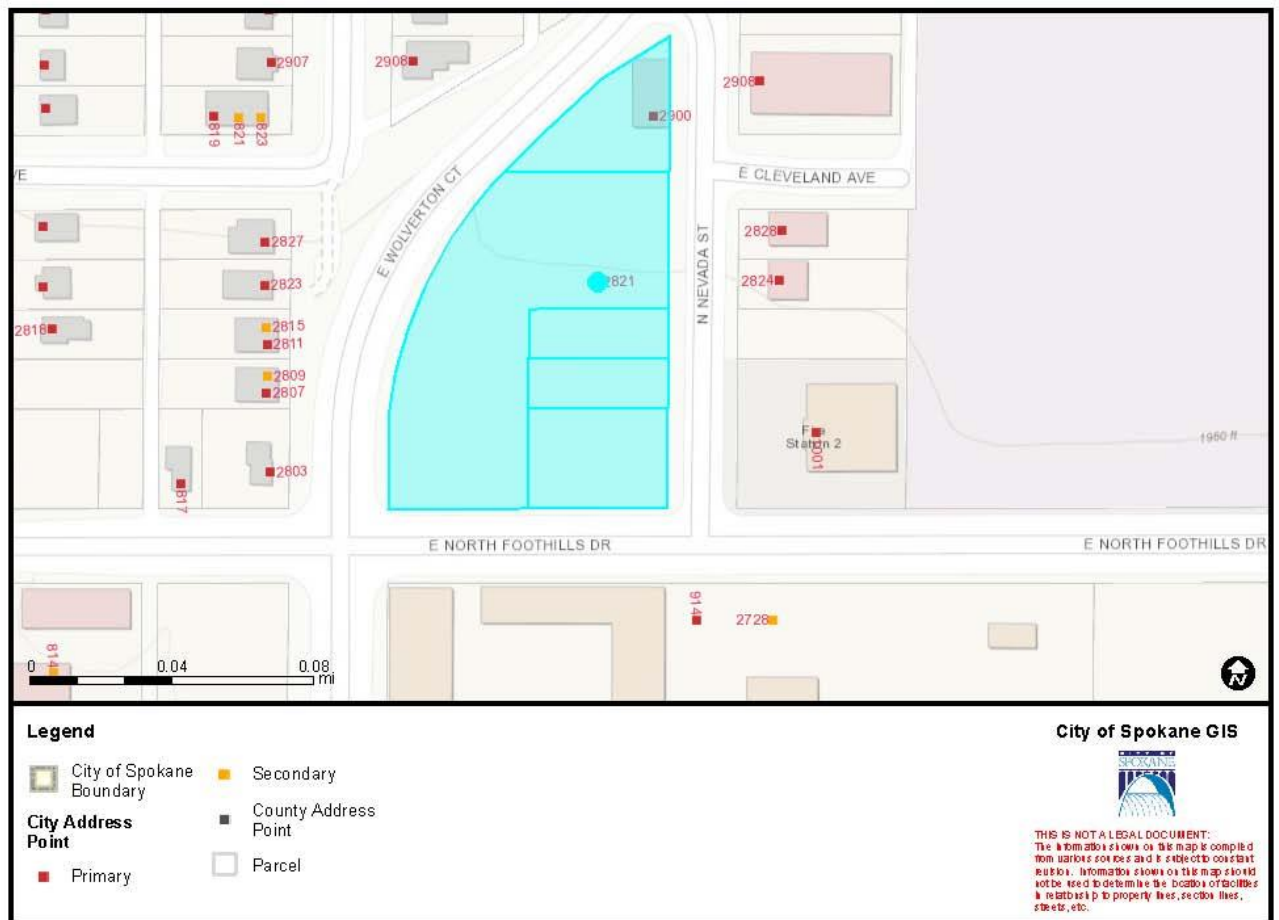
Assistant City Attorney

Exhibit A

FOOTHILLS PROPERTY

Spokane County Assessor Tax Parcels:

35081.1208
35081.2101
35081.2102
35081.2103
35081.2104



10/28/2019

Exhibit B

Real Property Purchase, Sale and Exchange Agreement

Briefing Paper

Finance Committee

Division & Department:	Finance - Asset Management
Subject:	Purchase & Sale Agreement North Foothills Water Department Prop.
Date:	November 18th, 2019
Author (email & phone):	Dave Steele, dsteale@spokanecity.org 625-6064
City Council Sponsor:	
Executive Sponsor:	
Committee(s) Impacted:	Finance
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:	November 4th, 2019
Outcome: (deliverables, delivery duties, milestones to meet)	Approval of Purchase and Sale Agreement
<p><u>Background/History:</u></p> <p>The North Foothills Triangle is a group of 5 tax parcels that lies adjacent to the intersection of North Foothills Drive and Hamilton Street. The majority of this property is vacant and has historically been used by the Water Department as unimproved parking for roughly 100-150 employee vehicles, with the small commercial building on the North end used as overflow office space when needed.</p> <p>The zoning of the property is split, with the South portion of the property being zoned CC1-EC and the Northern commercial parcel being CB-55. This allows for building heights up to 55' on the northern parcel and 150' on the remainder.</p> <p>Underground utilities cross the North portion of the property from East to West in the form of a 36" water line.</p> <p>The total area of the property, based on GIS measurements is just over 97,000 s.f</p> <p>RERC recommended the surplus and sale of the property for appraised value</p>	
<p><u>Executive Summary:</u></p> <ul style="list-style-type: none"> • The RERC recommended the: <ul style="list-style-type: none"> ○ Surplus of the property ○ Sale at appraised value (average of two appraisals) ○ Formalize purchase and sale agreement with Gonzaga Haven per LOI 	
<p><u>Budget Impact:</u></p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If new, specify funding source:</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
<u>Operations Impact:</u>	

Consistent with current operations/policy?

☒

Yes

☐

No

Requires change in current operations/policy?

☐

Yes

☒

No

Specify changes required:

Known challenges/barriers:

November 21, 2019

**Recommendation of Property Dispositions:
North Foothills and Hamilton Property**

Mayor Condon:

Pursuant to Chapter 12.10 of the Spokane Municipal Code, this report represents the Real Estate Review Committee ("RERC") recommendation to surplus city owned property for the purposes of future disposition. The following RERC members convened on October 30th, 2019 and recommended these actions:

- Parks, Garrett Jones
- Assistant City Attorney, James Richman
- Council Members; Candice Mumm, Kate Burke
- Business Development Manager, Charlie Wolff
- Planning Services, Heather Trautman
- Asset Management, Dave Steele

Real Estate Review Committee Meeting

November 4th, 2019

North Foothills & Hamilton Triangle

Property Description

The subject property consist of 5 tax parcels, lying adjacent to Hamilton Street and North Foothills Drive and is approximately 97,000 s.f. in entirety. The property zoning is split, with a single northern parcel zoned CB-55 and the remainder zoned CC1-EC, this allows for respective building heights of 55' to 150' on the two areas.

Acquisition History

The majority of the property was purchased by the water Department in 1956, with the northern small office building being purchased in 2006.

Department Linked to the Property

The Water Department is the recognized owner of this group of parcels.

City Department Announcement

RERC meeting held on October 30th, 2019, and Asset Management communications have made the announcement to City Departments and Council via email.

Efforts made by the RERC to obtain input from and consultation with elected officials, City staff, neighborhood councils, and other groups that may have developed ideas on re-purposing the subject property in alignment with City strategic goals.

With the Utilities Division acknowledging that the future highest and best use of this commercially viable property is not a surface parking lot, this property has been evaluated for a variety of projects over the last several years, with most input focused on housing or mixed use development. Because of the location and arterial street frontage, City of Spokane Parks Department is not interested in adding the property to their inventory of open space.

Estimated Fair Market Value

Recent broker opinion of value puts this property in the \$850,000 - \$1,000,000
(appraisal currently under way)

Recommended covenants, conditions, or restrictions

None proposed at this time.

Recommended disposition method

The RERC recommended negotiating a final purchase and sale agreement with Catholic Charities based on the initial LOI submitted earlier in 2019

Foothills Triangle



Legend

-  City of Spokane Boundary
-  Secondary Address Point
-  Primary Address Point
-  Parcel

City of Spokane GIS



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

City of Spokane GIS



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

- | City of Spokane Boundary | Mixed Use Transition - CC4 | Downtown General | Context Area 3 | Light Industrial | Residential Agricultural | Residential Single-Family | Secondary |
|----------------------------|--|--|--|--|---|--|----------------------|
| City Zoning | Community Business | Downtown South <td>Context Area 4 <td>Neighborhood Retail <td>Residential High Density <td>Residential Two-Family <td>County Address Point</td> </td></td></td></td> | Context Area 4 <td>Neighborhood Retail <td>Residential High Density <td>Residential Two-Family <td>County Address Point</td> </td></td></td> | Neighborhood Retail <td>Residential High Density <td>Residential Two-Family <td>County Address Point</td> </td></td> | Residential High Density <td>Residential Two-Family <td>County Address Point</td> </td> | Residential Two-Family <td>County Address Point</td> | County Address Point |
| Center and Corridor Type 1 | Downtown Core <td>Context Area 1 <td>General Commercial <td>Office <td>Residential Multifamily <td>Qty Address Point</td> <td>Parcel</td> </td></td></td></td> | Context Area 1 <td>General Commercial <td>Office <td>Residential Multifamily <td>Qty Address Point</td> <td>Parcel</td> </td></td></td> | General Commercial <td>Office <td>Residential Multifamily <td>Qty Address Point</td> <td>Parcel</td> </td></td> | Office <td>Residential Multifamily <td>Qty Address Point</td> <td>Parcel</td> </td> | Residential Multifamily <td>Qty Address Point</td> <td>Parcel</td> | Qty Address Point | Parcel |
| Center and Corridor Type 2 | Downtown University <td>Context Area 2 <td>Heavy Industrial <td>Office Retail <td></td> <td>Primary</td> <td></td> </td></td></td> | Context Area 2 <td>Heavy Industrial <td>Office Retail <td></td> <td>Primary</td> <td></td> </td></td> | Heavy Industrial <td>Office Retail <td></td> <td>Primary</td> <td></td> </td> | Office Retail <td></td> <td>Primary</td> <td></td> | | Primary | |

PURCHASE AND SALE AGREEMENT

This Agreement is entered into as of _____ (the "Effective Date"), by and between the CITY OF SPOKANE, a Washington municipal corporation ("Seller"), and GONZAGA HAVEN LLC, a Washington limited liability company ("Buyer").

Whereas, the parties are desirous of entering into an agreement whereby the Buyer will purchase property owned by the Seller, consistent with Buyer's Proposal.

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

1. Sale of Property. Seller agrees to sell and convey to Buyer and Buyer agrees to purchase from Seller, subject to the terms and conditions set forth in this Agreement, certain real property commonly known as the _____, consisting of approximately _____ acres, _____, in the City and County of Spokane, State of Washington, and legally described in Exhibit "A" hereto, together with all of Seller's right, title and interest in and to any rights, licenses, privileges, reversions and easements pertinent to the real property, including, without limitation, all minerals, oils, gas and other hydrocarbon substances on and under the real property as well as all development rights, air rights, water rights, water and water stock relating to the real property and any other easements, rights of way or appurtenances used in connection with the beneficial use and enjoyment of the real property (collectively, the "Property").
2. Earnest Money. Intentionally omitted.
3. Purchase Price. The Seller and the Buyer shall each commission an appraisal to determine the fair market value of the Property. The Purchase Price shall be the average of the results of these appraisals (the "Purchase Price"). Upon completion of the appraisals, Seller and Buyer shall enter into an addendum to this Agreement setting for the Purchase Price. The Purchase Price will be paid to Seller in cash through escrow at closing.
4. Title to the Property.

4.1 Conveyance. At closing Seller shall convey to Buyer fee simple title to the Property by a duly executed and acknowledged statutory warranty deed (the "Deed"), free and clear of all defects and encumbrances and subject only to those exceptions that Buyer approves pursuant to Section 4.2 below (the "Permitted Exceptions").

4.2 Preliminary Commitment. Seller shall order a preliminary commitment for an owner's standard coverage policy of title insurance in the amount of the Purchase Price to be issued by the Title Company and accompanied by copies of all documents referred to in the commitment (the "Preliminary Commitment"). Within fifteen (15) days of Seller's delivery of a copy of the Preliminary Commitment to Buyer, Buyer shall advise Seller by written notice of the exceptions to title, if any, that are disapproved by Buyer ("Disapproved Exceptions"). All monetary encumbrances other than nondelinquent ad valorem property taxes will be deemed to be disapproved. Seller will have ten (10) days after receipt of Buyer's notice to give Buyer notice that (i) Seller will remove Disapproved Exceptions or (ii) Seller elects not to remove Disapproved Exceptions. If Seller fails to give Buyer notice before the expiration of the ten (10) day period, Seller will be deemed to have elected not to remove Disapproved Exceptions. Notwithstanding anything to the contrary in this Agreement, Seller shall remove from title on or before the Closing Date all monetary encumbrances other than those approved by Buyer.

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

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

5. Conditions to Closing.

5.1 Due Diligence Materials. Seller shall provide to Buyer, or make available to Buyer for inspection, as soon as possible (but in any event no later than fifteen (15) days after the Effective Date) all materials relating to the Property specified in this Section 5.1 that exist and that are in Seller's actual possession or that Seller knows exist and to which Seller has access (collectively, the "Due Diligence Materials"). If Seller thereafter discovers any additional items that should have been included among the due diligence materials, Seller shall promptly deliver them to Buyer. Due Diligence Materials will include:

5.1.1 copies of any existing and proposed easements, covenants, restrictions, agreements or other documents that, to Seller's knowledge, affect title to the Property and that are not disclosed by the Preliminary Commitment;

5.1.2 all surveys, plats or plans relating to the Property;

5.1.3 all leases for the Property, or any portion thereof, if any, which remain in effect;

5.1.4 all existing service contracts pertaining to items such as janitorial, trash removal, maintenance, snow removal, laundry service, extermination and similar services, if any;

5.1.5 all labor contracts affecting the Property, if any;

5.1.6 all warranties and guarantees affecting any portion of the Property;

5.1.7 notice of any existing or threatened litigation affecting or relating to the Property and copies of any pleadings with respect to that litigation;

5.1.8 (i) all governmental permits and approvals obtained or held by Seller and relating to (A) the construction, operation, use or occupancy of any part of the Property or (B) zoning, land-use, subdivision, environmental, building and construction laws and regulations restricting, regulating or otherwise affecting the use, occupancy or enjoyment of the Property (collectively, "Permits") and (ii) any notices of violation of any Permits, or of any of the laws and regulations described in this Section 5.1.8; and

5.1.9 (i) all environmental assessment reports with respect to the Property that were performed or that are being performed by or for Seller and remain in the possession of or reasonably available to Seller, (ii) any raw data that relates to the environmental condition of the Property, (iii) any governmental correspondence, orders, requests for information or action and other legal documents that relate to the presence of Hazardous Material (as defined in Section 13 below) on, in or under the Property, and (iv) any other information material to the environmental condition or potential contamination of the Property.

5.2 Feasibility Study.

5.2.1 Feasibility Study Period. During the period ending on June 1, 2020 (the “Feasibility Study Period”), Buyer may conduct a review with respect to the Property and satisfy itself with respect to the condition of and other matters related to the Property and its suitability for Buyer’s intended use (the “Feasibility Study”).

The Feasibility Study may include all inspections and studies Buyer deems necessary or desirable, in its sole discretion. Buyer and Buyer’s agents, representatives, consultants, architects and engineers will have the right, from time to time, during the Feasibility Study Period to enter onto the Property and make borings, drive test piles and conduct any other test and studies that may be necessary or desirable to ascertain the condition and suitability of the Property for Buyer’s intended use. Such tests and inspections are to be performed in a manner not disruptive to tenants or to the operation of the Property. Buyer shall protect, defend and indemnify Seller from and against any construction or other liens or encumbrances arising out of or in connection with its exercise of this right of entry and shall cause any such liens or encumbrances to be promptly released.

5.2.2 Termination of Agreement. Buyer will have the right to terminate this Agreement if, in Buyer’s good faith judgment, the Property is not suitable for Buyer’s intended use or does not meet Buyer’s intended investment objectives. Buyer’s right to terminate must be exercised by delivering written notice of its election to Seller on or before the expiration of the Feasibility Study Period, or the Extension Period if exercised. In the event Buyer does not complete the purchase, Buyer shall return the Property as near as is practicable to its original condition. If Buyer terminates this Agreement pursuant to this Section 5.2.2, this Agreement will terminate, and Seller and Buyer will be released from all further obligation or liability hereunder, except as otherwise specified by this Agreement and except for Buyer’s obligations to indemnify Seller under Sections 5.2.1 and 5.2.4 hereof.

5.2.3 Confidentiality of studies and reports. Prior to closing of the purchase of the Property, Buyer will not distribute or divulge the information or materials it and its agents and consultants may generate in connection with the Feasibility Study to other persons except as may be required by law or as may be necessary or desirable in connection with Buyer's evaluation of the Property and its suitability; provided, that during this time period no information or materials concerning wetlands or environmental matters will be divulged to any governmental entity without Seller's written consent, unless required by law. If Buyer elects not to purchase the Property, Buyer agrees that, except as may be required by law, it will not further divulge or further distribute the information and materials except with Seller's consent.

Notwithstanding the foregoing, if Buyer elects not to purchase the Property, and if Seller requests copies of the written reports and studies prepared for Buyer in connection with its Feasibility Study, then Buyer will deliver to Seller copies of the final reports and studies. Buyer will, in that event, cooperate reasonably with Seller to coordinate Seller's communications with the consultants, provided Buyer will not be obligated to bear any costs or expend more than a reasonable period of time in doing so.

5.2.4 Buyer's indemnification. Buyer agrees to assume all liability for and to defend, indemnify and save Seller harmless from all liability and expense (including reasonable attorneys' fees) in connection with all claims, suits and actions of every name, kind and description brought against Seller or its agents or employees by any person or entity as a result of or on account of injuries or damages to person, entities and/or property received or sustained, arising out of, in connection with or as a result of the acts or omissions of Buyer or its agents or employees in exercising its rights under the right of entry granted in this Section 5, except for claims caused by Seller's negligence.

5.3 Buyer's contingencies. Buyer's obligation to purchase the Property is expressly contingent upon the following:

5.3.1 Feasibility Study. Buyer's approval, prior to expiration of the Feasibility Study Period and the Extension Period (if exercised by Buyer), of the suitability of the Property as a result of the Feasibility Study;

5.3.2 Environmental condition. Buyer's approval, prior to expiration of the Feasibility Study Period, of the environmental condition of the Property pursuant to Section 11 below;

5.3.3 Street vacations. The City shall have completed the vacation of those sections of N. Nevada Street and E Cleveland Avenue depicted in Exhibit "B" hereto;

5.3.4 Title Policy. Buyer's receipt of Title Company's firm commitment to issue, upon closing, the Title Policy as described in Section 4.3;

5.3.5 Seller's compliance. Seller's timely performance of all of its obligations under this Agreement; provided, Seller will be given notice of any failure on its part to perform any such obligations and will have a period of time that is reasonable under the circumstance to cure its nonperformance; and

The foregoing conditions contained in Section 5.3 are collectively referred to in this Agreement as "Buyer's Contingencies." The parties shall diligently attempt to timely satisfy all of the Buyer's Contingencies.

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

5.5 Seller's contingencies. Seller's obligation to sell the Property to Buyer is expressly contingent upon the following:

5.5.1 Buyer demonstrating to Seller's satisfaction that Buyer has funding/financing for [description of affordable housing project], that Buyer has an acceptable plan to construct such project commencing in 2020, and that said housing project is consistent with the character of the Logan neighborhood; and

5.5.2 Buyer demonstrates to Seller's satisfaction that Buyer has secured site control of the property located at 2809, 2811, and 2817 N. Nevada Street.

5.6 Satisfaction/waiver of Seller's Contingencies. Seller's Contingencies are solely for the benefit of Seller. If any of Seller's contingencies are not timely satisfied, Seller shall have the right at its sole election either to waive any of them in writing and proceed with the purchase or to terminate this Agreement. If Seller elects to terminate this Agreement, the escrow will be terminated, all documents and other funds will be returned to the party who deposited them, and neither party will have any further rights or obligations under this Agreement, except as otherwise provided in this Agreement, and

except that each party shall pay one-half (1/2) of the cost of terminating the escrow.

6. Closing Date. This transaction will be closed in escrow by the Title Company acting as escrow agent ("Escrow Agent"). The closing will be held at the offices of the Title Company on or before that date which is thirty (30) days after the end of the Feasibility Study Period, as extended, but in any event no later than 5:00 p.m. Pacific Time, on October 1, 2020 (the "Closing Date"). If closing does not occur on or before October 1, 2020, or any later date mutually agreed to in writing by Seller and Buyer, Escrow Agent will immediately terminate the escrow, and return all documents to the party that deposited them.

7. Closing.

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

7.1.1 the duly executed and acknowledged Deed;

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

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

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

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

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

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

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

7.4 Closing Costs.

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

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

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

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

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

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

9. Covenants.

9.1 Seller's Covenants.

9.1.1 Covenant to Maintain. Prior to the Closing Date, Seller shall maintain, repair, manage and operate the Property in a businesslike manner in accordance with Seller's prior practices and Seller shall not dissipate any portion of the Property.

9.1.2 Contracts Prior to Closing. Seller shall not enter into any leases, contracts of sale or other agreements that are inconsistent with this Agreement without Buyer's prior written consent.

10. Representations and Warranties.

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

10.1.1 Seller has full power and authority to convey the Property to Buyer.

10.1.2 Seller has not received notice of any special assessment or condemnation proceedings affecting the Property.

10.1.3 To the best of Seller's knowledge, there is no litigation pending or threatened against Seller (or any basis for any claim) that arises out of the ownership of the Property and that might materially and detrimentally affect (i) the use or operation of the Property for Buyer's intended use, or (ii) the ability of Seller to perform its obligations under this Agreement.

10.2 Waiver of Seller Disclosure Statement. Purchaser expressly waives Purchaser's right to receive from Seller a signed and dated Real Property Transfer Disclosure Statement as contemplated by Chapter 64.06 RCW.

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

11. Hazardous Materials. Notwithstanding the representations set forth in Section 10 herein above, the City makes no representation regarding any Hazardous Materials Condition, as defined below, affecting the Property. Buyer takes the Property "AS IS" with all physical defects, including those that cannot be observed by casual inspection. Seller will have no obligation to repair or remedy any physical defects of the Property. Buyer may, at its sole cost, expense, and liability, conduct an environmental site assessment of the Property during the Feasibility Period. For the purposes of this paragraph, "Hazardous Materials" shall include, but not be limited to, substances defined as "Hazardous Substances," "Hazardous Materials", "Hazardous Waste," "Toxic Substances", in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended, 42 U.S.C. Section 9601 et seq., the Model Toxic Control Act of the State of Washington and all regulations adopted and publications promulgated pursuant to such laws, collectively "Environmental Laws". A "Hazardous Materials Condition" for purposes of this Agreement is defined as the existence on, under or relevantly adjacent to the Property of Hazardous Materials that would require remediation and/or removal under applicable Federal, State or local law. In the event Buyer notifies Seller prior to the Closing Date that the Property is affected by a Hazardous Materials Condition and such notice is accompanied by a report from an engineering company with experience in evaluating such matters, Buyer may either (a) terminate this contract, or (b) proceed to Closing notwithstanding such contamination. To the extent allowed by law, the environmental due diligence investigation provided for herein and any information or documents produced or collected by the environmental consultant in connection with this investigation shall be considered to be confidential information by the Buyer and City until Closing. Prior to Closing, or in the event Closing does not occur, Buyer shall not disclose such information to any third party or initiate or have any direct contact with any governmental agencies in connection with the environmental investigation without the prior written consent of the City's Director of Asset Management. Buyer may disclose said information to its employees, attorneys, consultants, lenders, and others who have a need to know and use the information in connection with this transaction, and may disclose said information if required to do so by law, or by court order. If the environmental investigation reveals any conditions that applicable laws require to be reported to any governmental agency, the City shall have the responsibility to make such reports or disclosures, but Buyer shall have the right to do so in the event the City fails to do so within any time period required by applicable law.

12. Eminent Domain. If all or any part of the Property is taken by condemnation or eminent domain and the value of the portion of the Property so taken exceeds Fifty Thousand and 00/100 Dollars (\$50,000.00), Buyer may, upon written notice to Seller, elect to terminate this Agreement, and in such event all monies theretofore paid on account must be returned to Buyer, and neither party will have any further liability or obligation under this Agreement. If all or any portion of the Property has been or is hereafter condemned or

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

13. Possession. Seller shall deliver possession of the Property to Buyer on the Closing Date.

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

Seller: City of Spokane
Attn: Charlie Wolff
808 W Spokane Falls Blvd
Spokane, WA 99201

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

Buyer: GONZAGA HAVEN LLC
Attn: _____
12 E 5th Avenue
Spokane, WA 99202

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

15. Brokers and Finders. Neither party has had any contact or dealings regarding the Property, or any communication in connection with the subject matter of this transaction, through any licensed real estate broker or other person who can claim a right to a commission or a finder's fee as procuring cause of the purchase and sale contemplated by this Agreement. If any broker

or finder perfects a claim for a commission or finder's fee based upon any other contract, dealings or communication, the party through whom the broker or finder makes his or her claim will be responsible for that commission or fee and shall indemnify, defend and hold harmless the other party from and against any liability, cost or damages (including attorneys' fees and costs) arising out of that claim.

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

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

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

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

20. Attorney Fees. Each party shall pay its own legal fees relating to negotiation and drafting of this Agreement and the documents to be executed at closing. If either party fails to perform any of its obligations under this Agreement or if a dispute arises concerning the meaning or interpretation of any provision of this Agreement, the defaulting party or the party not substantially prevailing in the dispute, as the case may be, shall pay any and all costs and expenses incurred by the other party in enforcing or establishing its rights under this Agreement, including, without limitation, court costs and reasonable attorney fees incurred in connection with any federal, state or bankruptcy court proceeding.

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

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

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

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

25. Assignment. Buyer may assign its rights under this Agreement at any time prior to Closing to a to be formed limited partnership in which Buyer is a majority owner.

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

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

EXHIBIT A – Legal Description of the Property

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

CITY OF SPOKANE

By: _____
Mayor

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

GONZAGA HAVEN LLC

By: _____
Its: _____

STATE OF WASHINGTON :
:ss.
County of Spokane :

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

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

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

STATE OF WASHINGTON :
:ss.
County of Spokane :

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

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

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

DRAFT

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

DRAFT

EXHIBIT “B”

Map Depicting Street Vacations

DRAFT

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

11/18/2019

Date Rec'd

10/29/2019

Clerk's File #

ORD C35844

Renews #**Submitting Dept**

CITY COUNCIL

Cross Ref #**Contact Name/Phone**

LORI KINNEAR 5096256715

Project #**Contact E-Mail**

GBYRD@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Final Reading Ordinance

Requisition #**Agenda Item Name**

0320 PROTECTING LEAVES AND ADDING NEW TREES (PLANT) ORDINANCE

Agenda Wording

An ordinance updating the construction and maintenance standards for street trees and associated planting areas in the City of Spokane; amending sections 17C.200.040, 17C.200.050, 17C.200.080, 17C.200.090, 17C.200.100, 17C.200.110, and 17G.010.210;

Summary (Background)

This ordinance: • Removes exception for street tree planting requirements when constructing new single family and duplex dwelling units. • Requires the installation of auto-irrigation systems (if not installed already) on properties undergoing new development. • Implements fees in lieu of planting street trees in limited circumstances. • Emphasizes and clarify regulations to protect trees during construction activities from demolition and excavation to new and renovated buildings.

Fiscal Impact

Grant related? NO

Budget Account

Public Works? NO

Select

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

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

MCDANIEL, ADAM

Study Session**Division Director****Other**

P.I.E.S. 10/28/2019

Finance

BUSTOS, KIM

Distribution List**Legal**

PICCOLO, MIKE

mowen@spokanecity.org

For the Mayor

ORMSBY, MICHAEL

Additional Approvals**Purchasing**



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

enacting new sections 17C.200.120, 17C.200.130, 17C.200.140, and 17C.200.150; and enacting a new chapter 13.14 of the Spokane Municipal Code.

Summary (Background)

- Emphasizes and clarifies regulations regarding the City's ability to undertake street tree maintenance work with the goal of making the regulations more apparent to the development community.
- Creates a new incentive-based tree retention City utility bill credit program.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

ORDINANCE NO. C35844

An ordinance updating the construction and maintenance standards for street trees and associated planting areas in the City of Spokane; amending sections 17C.200.040, 17C.200.050, 17C.200.080, 17C.200.090, 17C.200.100, 17C.200.110, and 17G.010.210; enacting new sections 17C.200.120, 17C.200.130, 17C.200.140, and 17C.200.150; and enacting a new chapter 13.14 of the Spokane Municipal Code.

WHEREAS, the City of Spokane recognizes the central part that trees play in our culture, our environment, and our city's distinctive character by adopting the Ponderosa Pine as our official city tree; and

WHEREAS, Spokane's urban forest provides many economic, health and environmental benefits for city residents and businesses; and

WHEREAS, trees produce oxygen and filter airborne particulates which improves Spokane's air quality; and

WHEREAS, trees improve water quality and reduce storm water runoff – reducing pollutants and mitigation costs; and

WHEREAS, trees save energy costs by providing shade, contributing to summer cooling, and moderating the effects of wind – according to the U.S. Forest Service's Center for Urban Forest Research, properly placing just three trees near a home can reduce that home's energy costs by up to 30%; and

WHEREAS, there are over 76,000 street trees which have been inventoried and analyzed for value and benefits in the City of Spokane, and those trees provide tangible financial value, such as:

- Over \$700,000 in reduced heating and cooling costs annually,
- Over \$75,000 in annual reductions of atmospheric CO₂,
- Nearly \$300,000 in annual savings for our storm water mitigation efforts due to rain interception and storage, and
- Lowered crime rates and increased marketability and property values of about \$2,800,000 annually; and

WHEREAS, pavement which is shaded by trees will last 10 years longer than exposed pavement, resulting in less maintenance and savings in paving material and labor costs; and

WHEREAS, people are more likely to shop in business districts with treescaping and are likely to spend more when doing so; and

WHEREAS, patients with even just a view of greenery, such as parks, gardens, and/or trees, heal faster; and

WHEREAS, trees provide a wealth of wildlife habitat and are especially important in urban areas as connections to open space and wild areas; and

WHEREAS, studies have shown that properly-designed plantings of trees and shrubs can reduce the apparent loudness of urban areas by 6-10 decibels; and

WHEREAS, trees make our city more livable and a healthy urban forest plays important roles in our quality of life and the sustainability of Spokane's environment by lowering our energy costs, giving us clean air and clean water, imparting a distinctive character and beauty, enriching the aesthetic experience of the community, softening and screening urban development, providing habitat for wildlife, and adding to our history, civic pride and public life.

WHEREAS, with these facts in mind, the Spokane City Council passed a Title 12 Urban Forestry Ordinance in April of 2019 that committed the City of Spokane to the following new urban forestry aspirational goals:

- Increase the canopy coverage (percentage of land surface area covered under a tree canopy) of all land within the City limits to 30% by the year 2030 (current canopy coverage estimated to be ~23%)
- Create new reforestation programs and maintain existing ones
- Update the Urban Forestry Plan once at least every five years

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 17C.200.040 of the Spokane Municipal Code is amended to read as follows:

Section 17C.200.040 Site Planting Standards

Sites shall be planted in accordance with the following standards:

A. Street Frontages.

1. The type of plantings as specified below shall be provided inside the property lines:

- a. along all commercial, light industrial, and planned industrial zoned properties except where buildings are built with no

- setback from the property line: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in SMC 17C.200.050. Remaining setback areas shall be planted in L3.
- b. along all downtown, CC1, CC2, CC4, and FBC zoned properties except where buildings are built with no setback from the property line, or along a Type 1 Street of the FBC: a five-foot wide planting area of L2 see-through buffer, including street trees as prescribed in SMC 17C.200.050(~~(, Street Tree Requirements)~~). Remaining setback areas shall be planted in L3. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, or raised masonry planters (overall height including any plantings shall not exceed three feet) may be used to screen parking lots from adjacent streets and walkways.
 - c. in the heavy industrial zone, along a parking lot, outdoor sales, or outdoor display area that is across from a residential zone: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in SMC 17C.200.050. Remaining setback areas shall be planted in L3.
 - d. in industrial zones, all uses in the commercial categories (see chapter 17C.190 SMC, Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.
 - e. along all RA, RSF, RTF, RMF, and RHD zones(~~(, except for single-family residences and duplexes)~~): six feet of L3 open area landscaping(~~(, including)~~) and street trees as prescribed in SMC 17C.200.050 are required, except that for single-family residences and duplexes, only street trees are required. For residential development along principal and minor arterials, a six-foot high fence with shrubs and trees may be used for screening along street frontages. The fence and landscaping shall comply with the standards of SMC 17C.120.310 for the clear view triangle and must be placed no closer than twelve feet from the curb line. A minimum of fifty percent of the fence line shall include shrubs and trees. The landscaping is required to be placed on the exterior (street side) of the fence.
2. Within the clear view triangle (defined at SMC 17A.020.030) at street intersections on corner lots and at driveway entries to public streets, ((Plantings))plantings may not exceed thirty-six inches in height or hang lower than ninety-six inches(~~(- within the clear view triangle at street intersections on corner lots and at driveway entries to public streets)~~). ~~((The clear view triangle is defined in SMC 17A.020.030.))~~ The ~~((director of engineering services))~~City Engineer may further limit the height of plantings, landscaping structures, and other site development features within ~~((the))~~a particular clear view triangle or may expand the

size of the clear view triangle as conditions warrant in a particular case.



B. Other Property Perimeters.

A planting strip of five feet in width shall be provided along all other property lines except where buildings are built with no setback from the property line or where a parking lot adjoins another parking lot. In CC zoned ~~((subject))~~ properties, the planting strip shall be eight feet in width to enhance the screening between CC and Residential zoned properties. The type of planting in this strip varies depending upon the zone designation of the properties sharing the property line (with or without an intervening alley) as indicated in the matrix below. Where properties with dissimilar zones share a common boundary, the property with the more intense zone shall determine the required type of planting and the planting width. The owners of adjacent properties may agree to consolidate their perimeter plantings along shared boundaries. ~~((Therefore))~~For example, instead of each property providing a five-foot wide planting strip, ~~((they together))~~adjacent property owners could provide ~~((one))~~a single, shared five-foot wide planting strip, so long as the required planting type, as indicated in the matrix below, is provided. Types of landscaping to be provided in planting strips alongside and rear property lines:

	ADJACENT PROPERTY ZONE (horizontal)												
SUBJECT PROPERTY ZONE (vertical)	RA	RSF	RTF	RMF	RHD	O, OR	NR, NMU	CB	GC	CC, FBC	LI, PI	HI	DT
RA	--	--	--	--	--	--	--	--	--	--	--	--	--
RSF	--	--	--	--	--	--	--	--	--	--	--	--	--
RTF	--	--	--	--	--	--	--	--	--	--	--	--	--
RMF	L2	L2	L2	L3	L2	L2	L2	L1	L1	L1	--	--	L1
RHD	L2	L2	L2	L2	L3	L2	L2	L2	L2	L2	--	--	L2
O, OR	L2	L2	L2	L2	L2	L3	L2	L2	L2	--	--	--	L2
NR, NMU	L2	L1	L2	L2	L2	L2	L3	L3	L2	--	--	--	L3
CB	L1	L1	L1	L1	L2	L2	L3	L3	L3	--	--	--	L3
GC	L1	L1	L1	L1	L2	L2	L2	L3	L3	--	--	--	L3
CC, FBC	L1	L1	L1	L1	L2	--	--	--	--	--	--	--	--
LI, PI [3]	L1	L1	L1	L1	L1	L1	L2	--	--	--	--	--	--
HI [3]	L1	L1	L1	L1	L1	L1	L1	--	--	--	--	--	--
DT	L1	L1	L1	L1	L1	L2	L2	L3	L3	--	--	--	--
Notes:													
[1] In the industrial zones, all uses in the commercial categories (see chapter 17C.190													

SMC, Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.

C. Planning Director Discretion.

The planning director shall have the discretion to waive or reduce the requirements of subsections (A)(1) and (B) of this section based on the following factors:

1. No useable space for landscaping exists between the proposed new structure and existing structures on adjoining lots or alleys because of inadequate sunlight or inadequate width.
2. The building setback provided in front of the new structure is less than six feet or is developed as a plaza with decorative paving/pavers, trees, planters, or other amenities.
3. Xeriscape landscaping is utilized in designated stormwater control areas.
4. When existing trees and other vegetation serves the same or similar function as the required landscaping, they may be substituted for the required landscaping if they are healthy and appropriate for the site at mature size. When existing trees are eight inches or more in diameter, they shall be equivalent to three required landscape trees. If necessary, supplemental landscaping shall be provided in areas where existing vegetation is utilized to accomplish the intent of this chapter.

D. Other Areas.

All other portions of a site not covered by structures, hard surfaces, or other prescribed landscaping shall be planted in L3 open area landscaping until the maximum landscape requirement threshold is reached (see SMC 17C.200.080).

E. Parking Lot Landscaping Design.

1. Purpose.

To reduce the visual impact of parking lots through landscaped areas, trellises, and/or other architectural features that complement the overall design and character of developments.

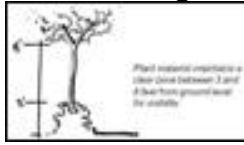


2. Parking Lot Landscaping Design Implementation.

This section is subject to the provisions of SMC 17C.120.015, Design Standards Administration.

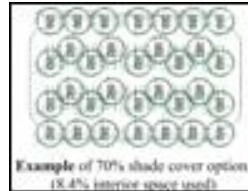
3. The parking lot landscape shall reinforce pedestrian and vehicle circulation, especially parking lot entrances, ends of driving aisles, and pedestrian walkways leading through parking lots. (P)
4. Planted areas next to a pedestrian walkways and sidewalks shall be maintained or plant material chosen to maintain a clear zone between

three and eight feet from ground level. (R)

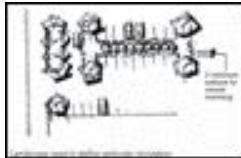


5. Low walls and raised planters (a maximum height of three feet), trellises with vines, architectural features, or special interest landscape features shall be used to define entrances to parking areas. Where signs are placed on walls, they shall be integrated into the design and complement the architecture or character of other site features. (P)
 6. Landscape plant material size, variety, color, and texture within parking lots should be integrated with the overall site landscape design. (C)
- F. Parking, Outdoor Sales, and Outdoor Display Areas.
1. In residential, commercial, center and corridor, and FBC zones, a six-foot wide planting area of L2 see-through buffer landscaping shall be provided between any parking lot, outdoor sales, outdoor display area, and a street right-of-way. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, raised masonry planters, or L1 visual screen landscaping shall be used to screen parking lots from adjacent streets and walkways (overall height including any plantings or structures shall not exceed three feet). Trees required as a part of the L2 landscape strip shall be located according to the standards for street trees in SMC 17C.200.050, Street Tree Requirements.
 2. In residential, commercial, center and corridor, and FBC zones all parking stalls shall be within sixty feet of a planted area with L3 open area landscaping. All individual planting areas within parking lots shall be at least one hundred fifty square feet in size.
 3. In residential, commercial, center and corridor, and FBC zones all paved parking areas on a site with more than fifty cumulative parking spaces shall have plantings that satisfies one of the following options:
 - a. Option 1.
Interior landscaping consisting of L3 open area landscaping, including trees amounting to at least ten percent of the total area of the paved parking area, excluding required perimeter and street frontage strips. A minimum of one interior tree shall be planted for every six parking spaces.
 - b. Option 2.
Tree plantings shall be spaced in order that tree canopies cover a minimum of seventy percent of the entire paved area of the parking lot within fifteen years of project completion. Canopy coverage shall be measured in plan view, and be based on projected mature size of the selected tree species. All individual planting areas within parking lots shall be a minimum of eight feet in width, be at least one hundred fifty square feet in size,

and in addition to the required trees, shall be planted with a living groundcover. See the "Landscape Plants for the Inland Northwest" issued by the Washington State University cooperative extension and the U.S. department of agriculture, available from the City planning services department, for acceptable mature tree size to be used when calculating canopy size.



4. Where parking lots are located between the building and a street, the amount of required interior landscaped area shall be increased by fifty percent and the minimum amount of tree shade cover shall increase to eighty percent. Where parking lots are behind buildings, the amount of interior landscaping may be decreased by fifty percent of what the code requires and the minimum amount of tree shade cover shall decrease to fifty percent.
5. A planting strip of five feet in depth with L1 visual screen landscaping or site-obscuring decorative wood, iron, etc. fences or masonry walls at least six feet in height shall be installed along property lines where any adjacent single-family residential zone would have views of parking or service areas.
6. A minimum of two-foot setback shall be provided for all trees and shrubs where vehicles overhang into planted areas.



7. In industrial zones, parking lots, outdoor sales, and outdoor display areas that are abutting or across the street from residential zones are subject to all of the requirements of subsections (E) and (F) of this section.
8. In industrial zones, all uses in the commercial categories (see chapter 17C.190 SMC, Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zones.
9. In downtown zones an applicant must demonstrate to the director that the following required elements meet the intent of the Downtown Design Guidelines. Key design elements for these features include integrating storm water facilities, improving the pedestrian environment, and adding public amenities next to surface parking; outdoor sales and outdoor display areas so that they help to define space and contribute to a more active street environment.

- a. Surface Parking Lot Liner Walls in the Downtown Zones. Surface parking lots must have a solid, decorative concrete or masonry wall adjacent to a complete street and behind a sidewalk. The wall must have a minimum height above the surface of the parking lot of two and one-half feet and a maximum height of three feet. The wall shall screen automobile headlights from surrounding properties. A wrought iron fence may be constructed on top of the wall for a combined wall and fence height of six feet. An area with a minimum width of two feet, measured from the property line, must be provided, landscaped and maintained on the exterior of the required wall. Such walls, fences, and landscaping shall not interfere with the clear view triangle. Pedestrian access through the perimeter wall shall be spaced to provide convenient access between the parking lot and the sidewalk. There shall be a pedestrian access break in the perimeter wall at least every one hundred fifty feet and a minimum of one for every street frontage. Any paving or repaving of a parking lot over one thousand square feet triggers these requirements.



Parking liner walls with plantings contribute to an interesting pedestrian environment. The parking liner wall and screen pictured above is enhanced by larger wall sections near automobile crossing points and a change in sidewalk scoring pattern. Both give cues to pedestrians and drivers.

- b. Surface parking lots in the Downtown zones are subject to the interior parking lot landscaping standard sections (F)(2) through (F)(6).
- c. The exterior boundary of all surface parking lots adjacent to any public right-of-way must include trees spaced no more than twenty-five feet apart. The leaves of the trees or any other landscaping features at maturity shall not obscure vision into the parking lot from a height of between three and eight feet from the ground. The species of trees shall be selected from the city's street tree list. If street trees exist or are provided consistent with SMC 17C.200.050 then this landscaping strip may be omitted.
- d. Outdoor sales and display areas shall contribute to an interesting streetscape by providing the following:

- i. Monument Features or Artistic Elements along the Street Edge between the Outdoor Display Area and the Sidewalk.

These shall be integrated with display area lighting and pedestrian amenities.

- ii. Additional Streetscape Features in the Sidewalk Environment.

Items may include elements that improve the health of street trees and plantings, improve storm water management, or artistic features that improve the pedestrian environment. This may include items such as permeable pavers in the pedestrian buffer strip, increased soil volumes for street trees, suspended sidewalks around the street tree to increase the amount of un-compacted soils, and engineered soils to support larger and healthier trees.

Section 2. That section 17C.200.050 of the Spokane Municipal Code is amended to read as follows:

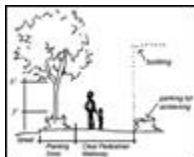
Section 17C.200.050 Street Tree Requirements

A. Purpose.

To provide consistent street frontage character within the street right-of-way. The street tree standards also maintain and add to Spokane's tree canopy and enhance the overall appearance of commercial and neighborhood development. Trees are an integral aspect of the Spokane landscape and add to the livability of Spokane. They provide aesthetic and economic value to property owners and the community at large.

B. Street Tree Implementation.

1. Street trees are required along all city streets in downtown, commercial, center and corridor, industrial ((zones)), residential ((zones)), and ((in)) FBC zones.
2. Street trees shall be planted between the curb and the walking path of the sidewalk.



3. Street trees and other landscaping shall be maintained and irrigated by the adjacent property owner. If the adjacent property owner fails to maintain the adjacent street trees and other landscaping, the City may perform the required tree and other landscaping work at the abutting property owner's expense as referenced in SMC 12.02.0210(B)(2).

4. If a street has a uniform planting of street trees or a distinctive species within the right-of-way, then new street trees should be of a similar form, character and planting pattern.
5. For a full list of approved trees in the city of Spokane, see the urban forestry program's approved street tree list. Species selection should be guided by individual site conditions including hydrology, soil, solar orientation, and physical constraints.

C. Planting Zones.

1. Provide continuous planting strips or individual planting areas per Table 17C.200.050-1, Tree Planting Dimensional Standards.

TABLE 17C.200.050-1		
Tree Planting Dimensional Standards [1]		
ZONE	CONTINUOUS PLANTING STRIP (minimum width as measured from back of curb)	INDIVIDUAL PLANTING AREA (width as measured from back of curb)
Downtown	Individual Planting Areas (tree vaults) required [1]	4 ft. minimum 6 ft. maximum [2]
CC	5 ft.	4 ft. minimum 6 ft. maximum [2]
FBC	Individual Planting Areas (tree vaults) required [1]	5 ft [2]
Commercial	5 ft.	4 ft. minimum 6 ft. maximum [2]
Industrial	6 ft.	Continuous Planting Strip required [3]
RA, RSF, RTF	6 ft.	Continuous Planting Strip required [3]
RMF, RHD	6 ft.	Continuous Planting Strip required [3]
School/Church Loading Zone	Not Applicable	4 ft. minimum 6 ft. maximum [2, 4]

Notes:

[1] Individual Planting Areas (tree vaults) are the standard for the Downtown and FBC Zones. Proposals for Continuous Planting Strips may be evaluated on a case by case basis.

[2] Un-compacted soils are necessary for street trees. Individual planting areas (or tree vaults) must be of a size to accommodate a minimum of 100 cubic feet of un-compacted soils per tree at a maximum depth of three feet. Refer to the Engineering Design Standards for examples of potential options in individual planting areas.

[3] Continuous Planting Strips are the standard for Industrial and Residential Zones. However, individual planting areas meeting the CC standard may be proposed and evaluated on a case by case basis in Industrial, RMF and RHD Zones.

[4] In all zones, within a school/church loading zone, street tree location may vary from

the standard as long as street trees are located within the right-of-way.
[5] In all zones, when a continuous planting strip will double as a stormwater swale, the minimum width shall be 6.5 feet.

2. Continuous Planting Strips.

- a. Continuous planting strips may be planted with living ground cover or low plantings that are maintained at a height less than three (3) feet from ground level.
- b. When auto traffic is immediately adjacent to the curb, new street trees must be planted at least three (3) feet from the edge of the automobile travel way.



3. Individual Planting Areas.

- a. When an individual planting area is not symmetrical, the longer dimension shall run along the curb.
- b. Tree grates or plantings are acceptable. However, when there is on-street parking, a tree grate or a paved walk eighteen (18) inches wide behind the curb are encouraged to help avoid conflicts with car doors and foot traffic. The minimum clear pedestrian walking path as required for the zone shall be maintained.

Tree Grates



Street Trees with plantings up to 3 ft.



- c. Where tree grates are used, they shall be ADA accessible and have a similar size and material as tree grates found in adjacent developments. Where tree grates are used, tree guards are encouraged for tree protection.

Tree Grate with Tree Guard



- d. Un-compacted soils are necessary for street trees. A minimum of one hundred (100) cubic feet per tree at a maximum depth of three feet is required. See Engineering Design Standards for examples of potential options in individual planting areas and for retrofitting sidewalks.



E. Size Requirements for New Street Trees.

1. Street trees shall meet the most recent ANSI standards for a two-inch caliper tree at the time of planting
2. Larger shade trees with spreading canopies or branches are desirable where possible. Species of street trees within the public rights-of-way shall be approved by the City urban forester and reviewed by the director of engineering services.
3. If overhead power lines are present, street trees shall be limited to a mature height of twenty-five (25) feet to avoid conflict with utility lines and maintenance crews.

F. Spacing Requirements for Street Tree Spacing.

The objective, when planting and maintaining street trees, is to create and maintain in a healthy condition a continuous tree canopy over the sidewalk.

1. Continuous planting strips.
Average spacing shall be ~~((twenty five))~~ twenty-five (25) feet for small and columnar trees and thirty (30) feet for canopy trees. The planning director may allow increased spacing for exceptionally large trees or upon the recommendation of the urban forester.
2. Individual planting areas.
Average spacing for all tree sizes and types shall be twenty-five (25) feet. Trees planted adjacent to parallel parking stalls with meters may be spaced twenty (20) feet apart.
3. Street tree plantings shall consider the location of existing utilities, lighting, driveways, business entrances and existing and proposed signs. See the Engineering Design Standards for required dimensions.

G. Clear View Zone.

Landscaped areas between the curb and sidewalk, as well as landscaped areas within the clear view triangle as defined in SMC 17A.020.030 shall be maintained or plant material chosen to maintain a vertical clear view zone between three and eight feet from ground level.



Section 3. That section 17C.200.080 of the Spokane Municipal Code is amended to read as follows:

Section 17C.200.080 Maximum Landscaping Requirements

In no case shall these provisions require more than fifteen percent (15%) of the total site area to be landscaped.

Section 4. That section 17C.200.090 of the Spokane Municipal Code is amended to read as follows:

Section 17C.200.090 Completion and Bonding

- A. All required landscaping, shall be in place before certificates of occupancy are issued. If a landscape plan was required per 17C.200.020, the applicant shall provide a form signed by the project's landscape architect verifying that required landscaping has been installed in substantial conformance with the landscaping plans approved by the City. The City shall provide the form for documenting the assessment. If, due to weather conditions, it is not feasible to install required landscape improvements, a temporary certificate of occupancy may be issued after a performance bond or other device acceptable to the City has been posted in the amount of one hundred twenty-five percent (125%) of the value of the required improvements, including labor and materials. Upon completion of the landscape improvements, the bond or device is released and a permanent certificate of occupancy issued; except a bond or device representing twenty-five percent (25%) of the value of the landscaping covering a period of two (2) years shall be provided to assure the full establishment of the landscaped area as prescribed in subsection (B) of this section.
- B. A certificate of occupancy may be issued only after a performance bond or other device acceptable to the city has been posted in the amount of twenty-five percent (25%) of the value of the required landscaping. This bond or device shall be held for a period of two (2) years to assure the full establishment of all plantings. After two (2) years, if the plantings are fully established, the bond or device is released. If the plantings have not been fully established, the bond or

device shall be held for one additional year, then released or used to re-establish the plantings, whichever is appropriate.

Section 5. That section 17C.200.100 of the Spokane Municipal Code is amended to read as follows:

Section 17C.200.100 Irrigation Requirement

The ((Property)) owners of the adjacent property shall keep and maintain all required planting areas and street trees in a healthy condition((, including the installation and maintenance of an automatic irrigation system)). For new construction, the installation and maintenance of automatic irrigation systems shall be required.

Section 6. That section 17C.200.110 of the Spokane Municipal Code is amended to read as follows:

Section 17C.200.110 Water Conservation Measures

- A. Landscape areas that are irrigated should be designed so that plants are grouped according to distinct hydrozones for irrigation of plants with similar water needs at good efficiency.
- B. Newly landscaped areas should have soils be amended with either four (4) inches of appropriate organic material with the first two-inch layer tilled into existing soils, or as called for in a soil amendment plan for the landscape prepared by a state registered landscape architect or a professional agronomist.
- C. Newly landscaped areas, except turf, should be covered and maintained with at least two (2) inches of organic mulch to minimize evaporation.
- D. Irrigated turf strips that are less than five (5) feet in width are discouraged.
- E. Irrigated turf on slopes with finished grades in excess of thirty-three percent (33%) is discouraged.
- F. Retention of existing trees and associated understory vegetation is encouraged to reduce impacts to the stormwater system and to reduce water use. To provide an incentive for new development to retain existing trees and associated plantings, property owners proposing new development may apply for a credit against their future utility charges as provided in Chapter 13.14, SMC.

Section 7. That there is enacted a new section 17C.200.120 of the Spokane Municipal Code to read as follows:

Section 17C.200.120 Fees in Lieu of Planting Street Trees

The Planning Director, based upon a recommendation of the Urban Forester, may allow the payment of fees in lieu of street tree planting when site features and infrastructure prohibit adequate space for installation. When allowed, the owner of property which is adjacent to an area for which street trees are required may pay a fee of \$650 per tree in lieu of undertaking the planting of street trees.

Section 8. That there is enacted a new section 17C.200.130 of the Spokane Municipal Code to read as follows:

Section 17C.200.130 Guarding against Damage From Construction Work

Any person, firm or corporation engaged in or responsible for the excavation, demolition, or construction of any building, structure, street, or engaging in any utility work, and prior to the commencement of such work, shall sufficiently guard and protect street trees, public trees, and shrubs located within the limits of streets or alleys and near the location where such work is conducted so as to minimize potential injury to said trees and to maximize their chance for survival. When street and public trees are near the project, any construction permits issued by the City must be approved by the director, who may require protective measures as specified in the Arboricultural Manual.

Section 9. That there is enacted a new section 17C.200.140 of the Spokane Municipal Code to read as follows:

Section 17C.200.140 Unauthorized Removal; Damage or Destruction; Penalty

- A. No street tree shall be removed without the adjacent owner first obtaining a street tree permit obtained pursuant to SMC 12.02.960.
- B. No person shall intentionally cause or suffer to be caused to any street tree any act or effort to destroy, kill, injure, mutilate, or deface a street tree by any means.
- C. Any person responsible for a violation of SMC 17C.200.140(B) must pay the cost of repairing or replacing any tree or shrub damaged by the violation and may be subject to treble the amount of damages assessed in any enforcement action brought by the City, pursuant to RCW 64.12.030. The value of trees and shrubs is to be determined in accordance with the latest revision of the Guide for Plant Appraisals as published by the International Society of Arboriculture.
- D. In addition to the other remedies required by this section, violation of this section is a class 1 civil infraction. The director has the discretion to issue a warning for a first-time violation.

Section 10. That there is enacted a new section 17C.200.150 of the Spokane Municipal Code to read as follows:

Section 17C.200.150 Incentives

- A. Property owners who retain existing trees during new construction activities on their property may be eligible for additional reductions in their water service (for residential customers) or water meter (for commercial customers) charges based on the number of points accumulated according to Table 17C.200.150, under which each point is equal to a 1% reduction, up to a maximum point accumulation of 50 points.

Table 17C.200.150 – Tree Retention Incentives (new construction only)

For lots < 0.5 acre, if tree is:	Then points received are:	For lot > 0.5 acre, if tree is:	Then points received are:
<u>8-15" diameter measured at 4 ½' above the ground</u>	<u>10</u>	<u>8-15" diameter measured at 4 ½' above the ground</u>	<u>5</u>
<u>16" + diameter measured at 4 ½' above the ground</u>	<u>20</u>	<u>16" + diameter measured at 4 ½' above the ground</u>	<u>10</u>
<u>Ponderosa Pine bonus</u>	<u>5 per additional tree</u>	<u>Ponderosa Pine bonus</u>	<u>5 per additional tree</u>
<u>To determine additional discount available on water service or water meter charges, add the number of points received from this table. Each point equals a one percent (1%) reduction to the water service or water meter charge. For example, if a property owner retains one 16" diameter tree and two Ponderosa Pines that are both 8" in diameter on a lot > 0.5 acre during new construction, that property has accumulated 30 points and therefore receives a thirty percent (30%) discount on either the water service or water meter charge for that lot.</u>			

B. Additional Eligibility Criteria:

1. Applicant must show and describe tree protection zones ("TPZ") in development plans.
2. Applicant must maintain TPZs during the entire period of construction.
3. Species maintained must be non-invasive species in order to qualify for the incentive created by this section.
4. Retained tree(s) must be in fair condition or better.

5. All eligibility determinations may be subject to site inspections, upon reasonable notice to the property owner, and may be conducted before, during, and after construction activities.
6. Tree retention incentives as described in this section shall have a duration of one year for commercial customers and three years for residential customers.

Section 11. That section 17G.010.210 of the Spokane Municipal Code is amended to read as follows:

Section 17G.010.210 Application for Permits for Special Activities

A. Blasting Permit.

An applicant for a permit to conduct blasting operations on a particular job shall make written application to the engineering services department, on prescribed form, showing:

1. if there is a structure at the blasting site, its occupancy, whether its power source is electricity or something else, and the combustibility of its contents;
2. the name of the person to have immediate charge of the blasting operations;
3. that the named blaster has currently in force a license, bond, and insurance;
4. such other information as may be required.

B. Building Moving Permit.

1. An applicant for a permit required to move any building, structure, or part of a structure along, over, or across a public way in the City must pay the prescribed fee and submit a written application on prescribed forms to the department of building services which application:
 - a. gives the applicant's current state contractor registration number;
 - b. is accompanied by the required street obstruction permit;
 - c. states the address and legal description of the land onto which the structure is to be moved and, if such land is within the City, is accompanied by a building relocation permit, as provided in SMC 10.26.010.
 - d. is accompanied by a certificate issued by an insurance company qualified to do business in Washington covering the moving activity with a general liability policy with minimum limits of five hundred thousand dollars combined single limit or an approved alternate indemnity arrangement;
 - e. describes the structure to be moved;
 - f. states the address from which the structure is to be moved;
 - g. details the proposed route;

h. details the measures to be undertaken to sufficiently guard and protect street trees, public trees, and shrubs located within the

limits of streets or alleys and along the proposed route so as to minimize potential injury to said trees and to maximize their chance for survival; and

~~((h-))~~i. states the date and time of the proposed move and estimates the time required to complete the move.

2. A building moving permit is a class IIIB license as provided in chapter 4.04 SMC.
3. No fee shall be charged for applications to move historic landmarks or buildings located within an historic district.

C. Sewer Permits.

1. A contractor or resident homeowner proposing to construct, reconstruct, extend, or repair a side sewer, private sewer, special side sewer, or private storm sewer, as defined in chapter 13.03 SMC, shall pay the prescribed fee and make application to the engineering services department for a permit, which application:
 - a. gives the applicant's state contractor registration number, or contains a certificate that the applicant proposes to do work in connection with the residence owned by the applicant;
 - b. indicates the legal and street address description of the premises to be served and the type of occupancy;
 - c. subject to waiver by the city engineer, includes duplicate detailed plans of the work showing the entire course of the sewer from its terminus at the building(s) to the connection with the public sewer and, as may be required, detailing the structures and means for measuring, sampling, or otherwise determining the nature, quality, and quantity of sewage;
 - d. gives such further information as maybe required.
2. If the work to be done under the sewer permit requires the excavation or obstruction of a public way, the applicant must obtain a street obstruction permit.
3. A separate tap permit, as provided in SMC 13.03.0606, is required for connection to the public sewer.

D. Street Obstruction Permit.

1. A person proposing to dig up, excavate, work in, occupy by person, equipment, structure, or material, or in any fashion obstruct, render less safe, or interfere with the free use of any public way must first make application to the engineering services department for a permit, which may be individual location under SMC 12.02.0706 or a master annual permit under SMC 12.02.0707.

2. Exemptions.

The following activities do not require a street obstruction permit:

- a. A commercial tree licensed~~((, bonded, and insured tree trimming))~~
firm with a street tree permit may ((trim)) plant, prune, or remove

~~trees in the public right-of-way(, provided the work is not on an arterial or within the central business district. Additionally, for all other areas, this exemption does not apply, and a permit is still required if the work:~~

- ~~i. involves more than thirty minutes operations in the right-of-way (example: simply trimming branches and loading them in a truck), or~~
- ~~ii. if the work involves tree removal, stump grinding or chipping)) if such firm has received an annual tree service obstruction permit issued by the Development Services Center in coordination with the Urban Forester or his or her designee, as provided in SMC 12.02.0707.~~
- b. A licensed, bonded, and insured sign company performing routine maintenance to existing signs, provided a traffic lane is not obstructed or the work is not within the central business district.
- c. A licensed, bonded, and insured surveyor performing surveying work in the public way, provided the work is not on an arterial or within the central business district.
- d. All persons, whether or not required to obtain a permit, shall notify the department of their activities.
- 3. The applicant shall:
 - a. by plat or map show the exact location of the work, structure, material, or activity when required by city engineer;
 - b. describe in detail the activity, the extent, and duration of the obstruction, and the precautions to be taken to protect the traveling public from the hazards occasioned, including, at least, lighting, barricading, and signing;
 - c. pay the permit fee;
 - d. if the activity is contracting work, demonstrate that the applicant has the appropriate license or registration certificate;
 - e. post a bond as provided in SMC 7.02.070.

Section 12. That there is enacted a new chapter 13.14 of the Spokane Municipal Code to read as follows:

Chapter 13.14 Credit for Private Tree Retention
Section 13.14.010 Findings, purpose, and applicability

- A. The City of Spokane finds that it is important for the City to help ensure that the City meets its goal of 30% of the land area of the City covered with tree canopy by 2030.
- B. In order to do so, the City intends to provide an incentive to owners of private property to retain trees on newly-developed property through intentional

construction, design, protection and preservation, by providing a credit against the property owner's City ((utility bill))water service charge (for residential customers) or water meter charge (for commercial customers).

Section 13.14.020 Qualifications

- A. In order to qualify for the utility fee credit established by this chapter, an applicant must provide documentary evidence (in the form of photos or a site visit by the Urban Forester or his or her designee) of the existence, type, location, and number of trees located on the applicant's undeveloped property which is to be developed. The fee credit established by this chapter is available only for undeveloped property which is to be developed.
- B. Qualifying property owners may request that each qualifying property receive the credit established by this chapter by submitting a written request to the City of Spokane, using the form prescribed and supplied by the City. A property owner must make this request through a duly authorized agent.
- C. If approved, the effective date for the credit shall be the month following the City's acceptance of an accurate, complete, and signed request. Any charges, along with any associated late penalties and interest that may have accrued for the property prior to the effective date of the credit will still be due, as previously billed, and subject to collection under to this chapter.
- D. If a property owner qualifying under this section become the owner of additional property(ies), the owner must submit a new request for a credit for each property pursuant to subsection B of this section.
- E. The property owner is responsible for reporting any change in the number of trees existing on the property that may affect qualification for the credit. If the property owner fails to report any such change, the City shall have the right to pursue the billing and collection of any additional fees (i.e., the credit provided, multiplied by the applicable number of months) that may be due to the City.
- F. Any property owner qualifying for the credit shall, as a condition of receiving the credit, agree to permit the Urban Forester, or his or her designee, to access the property upon seventy-two (72) hours' notice, to verify the existence, number, and type of trees located on the property.

Section 13.14.030 Periodic Review

The program created by this chapter shall expire on December 31, 2022. No later than June 30, 2022, administration staff shall provide a report on the program created by this chapter to the City Council and make a recommendation as to whether to extend this program beyond the expiration date provided for in this section.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Briefing Paper

Public Infrastructure, Environment, & Sustainability Committee

Division & Department:	City Council
Subject:	Protecting Leaves and Adding New Trees (PLANT) Ordinance
Date:	10/28/2019
Contact (email & phone):	Giacobbe Byrd (gbyrd@spokanecity.org)
City Council Sponsor:	Council Member Lori Kinnear
Executive Sponsor:	
Committee(s) Impacted:	P.I.E.S.
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)	Strategic Plan
Strategic Initiative:	Sustainable Resources: Smart use of Water Resources for Economic Growth; Cleaner River Faster
Deadline:	N/A
Outcome: (deliverables, delivery duties, milestones to meet)	PLANT seeks to help the City of Spokane achieve its goal of reaching 30% canopy coverage by 2030.
<p><u>Background/History:</u></p> <p><i>Spokane's urban forest is a unique environmental asset to the City. Trees within the City limits produce oxygen and filter airborne pollutants, save energy costs, and reduce storm water runoff, among other benefits.</i></p> <p><i>With this in mind, the Spokane City Council passed a Title 12 Urban Forestry Ordinance in April of 2019 that committed the City of Spokane to three new urban forestry aspirational goals:</i></p> <ol style="list-style-type: none"> <i>1. Increase the canopy coverage (percentage of land surface area covered under a tree canopy) of all land within the City limits to 30% by the year 2030 (current canopy coverage estimated to be ~23%)</i> <i>2. Create new reforestation programs and maintain existing ones</i> <i>3. Update the Urban Forestry Plan once at least every five years</i> 	
<p><u>Executive Summary:</u></p> <p><i>The PLANT Ordinance, sponsored by Council Member Lori Kinnear, seeks to help the City achieve its goal of reaching 30% canopy coverage by 2030 by amending Title 17 of the Spokane Municipal Code to:</i></p> <ul style="list-style-type: none"> <i>• Remove exception for street tree planting requirements when constructing new single family and duplex dwelling units.</i> <i>• Require the installation of auto-irrigation systems (if not installed already) on properties undergoing new development.</i> <i>• Implement fees in lieu of planting street trees in limited circumstances.</i> <i>• Emphasize and clarify regulations to protect trees during construction activities from demolition and excavation to new and renovated buildings.</i> <i>• Emphasize and clarify regulations regarding the City's ability to undertake street tree maintenance work with the goal of making the regulations more apparent to the development community.</i> <i>• Create a new incentive-based tree retention City utility bill credit program.</i> 	
<p><u>Budget Impact:</u></p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Annual/Reoccurring expenditure? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	

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:**

11/11/2019

Date Rec'd

10/28/2019

Clerk's File #

ORD C35838

Renews #**Submitting Dept**

PLANNING

Contact Name/Phone

KEVIN 625-6184

Contact E-Mail

KFREIBOTT@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Agenda Item Name

0650 - LAND USE PLAN MAP AMENDMENT – WALTON AVENUE

Cross Ref #**Project #****Bid #****Requisition #****Agenda Wording**

An Ordinance relating to application Z18-882COMP by HA Tombari, LLC, amending the Comprehensive Plan Land Use Plan Map from Residential 15-30 to General Commercial for 0.12 acres & a change to the Zoning Map from RMF to GC-70.

Summary (Background)

The subject property is legally described as Lot 15, Block 57 of the Lidgerwood Addition. This Application is being considered concurrently through the annual Comprehensive Plan Amendment cycle as required by the Growth Management Act. The application has fulfilled public participation and notification requirements. The Plan Commission held a Public Hearing on September 11, 2019 to consider this amendment and has recommended approval of the amendment.

Fiscal Impact

Grant related? NO

Public Works? NO

Budget Account

Neutral

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

Approvals**Dept Head**

TRAUTMAN, HEATHER

Division Director

DUVALL, MEGAN

Finance

ORLOB, KIMBERLY

Legal

RICHTMAN, JAMES

For the Mayor

ORMSBY, MICHAEL

Council Notifications**Study Session**

10/10/19

Other**Distribution List**

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ngwinn@spokanecity.org

dhume@spokane-landuse.com

Additional Approvals**Purchasing**

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ORDINANCE NO. C35838

AN ORDINANCE RELATING TO APPLICATION PLANNING FILE Z18-882COMP AMENDING MAP LU 1, LAND USE PLAN MAP, OF THE CITY'S COMPREHENSIVE PLAN FROM "RESIDENTIAL 15-30" TO "GENERAL COMMERCIAL" FOR APPROXIMATELY 0.12 ACRES DESCRIBED AS LOT 15, BLOCK 57 OF THE LIDGERWOOD ADDITION AND AMENDING THE ZONING MAP FROM "RESIDENTIAL MULTIFAMILY" (RMF) TO "GENERAL COMMERCIAL" (GC-70).

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A); and

WHEREAS, the City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act; and

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

WHEREAS, land use amendment application Z18-882COMP was timely submitted to the City for consideration during the City's 2018/2019 Comprehensive Plan amendment cycle; and

WHEREAS, Application Z18-882COMP seeks to amend the Land Use Plan Map of the City's Comprehensive Plan for a change from "Residential 15-30" to "General Commercial" for 0.12 acres. If approved, the implementing zoning designation requested is "General Commercial (GC-70)"; and

WHEREAS, staff requested comments from agencies and departments on April 5, 2019, and a public comment period ran from May 28, 2019 to July 29, 2019; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on August 29, 2019; and

WHEREAS, the Spokane Plan Commission held a substantive workshop regarding the proposed Comprehensive Plan amendment on June 12, 2019; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance was issued on August 27, 2019 for the Comprehensive Land Use Plan Map and Zoning Map changes ("DNS"). The public comment period for the SEPA determination ended on September 10, 2019; and

WHEREAS, notice of the SEPA Checklist and Determination, the Land Use Plan Map changes, and the Zoning Map changes, and announcement of the September 11, 2019 Plan Commission Public Hearing was published on August 28, 2019 and September 4, 2019; and

WHEREAS, Notice of Plan Commission Public Hearing and SEPA Determination was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on August 28, 2019; and

WHEREAS, the staff report for Application Z18-882COMP reviewed all the criteria relevant to consideration of the application; and

WHEREAS, the Spokane Plan Commission conducted a public hearing and deliberated on September 11, 2019 for Application Z18-882COMP and other proposed amendments; and

WHEREAS, the Spokane Plan Commission found that Application Z18-882COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Plan Commission voted 7 to 0 to recommend approval of Application Z18-882COMP; and

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

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of the Application. Application Z18-882COMP is approved.
2. Amendment of the Land Use Map. The Spokane Comprehensive Plan Map LU 1, Land Use Plan Map, is amended from "Residential 15-30" to "General Commercial" for 0.12 acres, as shown in Exhibit A.
3. Amendment of the Zoning Map. The City of Spokane Zoning Map is amended from "Residential Multifamily (RMF)" to "General Commercial (GC-70)," as shown in Exhibit B.

PASSED BY THE CITY COUNCIL ON _____, 2019.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**STAFF REPORT ON COMPREHENSIVE PLAN
LAND USE AMENDMENT APPLICATION
0.12 acre at 15 East Walton Avenue; File Z18-882COMP**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL:

Change parcel 35052.2920 from “Residential 15-30 Land Use” and RMF zoning to “General Commercial Land Use” and GC-70 zoning (same as adjacent parcel to the west and north). The subject parcel is approximately 5,100 square feet (0.12 acre). No specific development proposal is being approved at this time.

II. GENERAL INFORMATION

Agent:	Dwight Hume, Land Use Solutions and Entitlement
Applicant/Property Owner(s):	H A Tombari LLC
Location of Proposal:	The subject site is one parcel located on the north side of East Walton Avenue, approximately 150 feet east of Division Street (15 E Walton Ave / parcel 35052.2920). The concerned property totals approximately 5,100 square feet (0.12 acre).
Legal Description:	Lot 15, Block 57 Lidgerwood Park
Existing Land Use Plan Designation:	“Residential 15-30”
Proposed Land Use Plan Designation:	“General Commercial”
Existing Zoning:	RMF (Residential Multifamily)
Proposed Zoning:	GC-70 (General Commercial with 70-foot height limit)
SEPA Status:	A SEPA threshold Determination of Non-Significance (DNS) was made on August 27, 2019. The appeal deadline is 5 p.m. on September 10, 2019.
Enabling Code Section:	SMC 17G.020, Comprehensive Plan Amendment Procedure.
Plan Commission Hearing Date:	September 11, 2019
Staff Contact:	Nathan Gwinn, Assistant Planner; ngwinn@spokanecity.org
Recommendation:	Approve

III. BACKGROUND INFORMATION



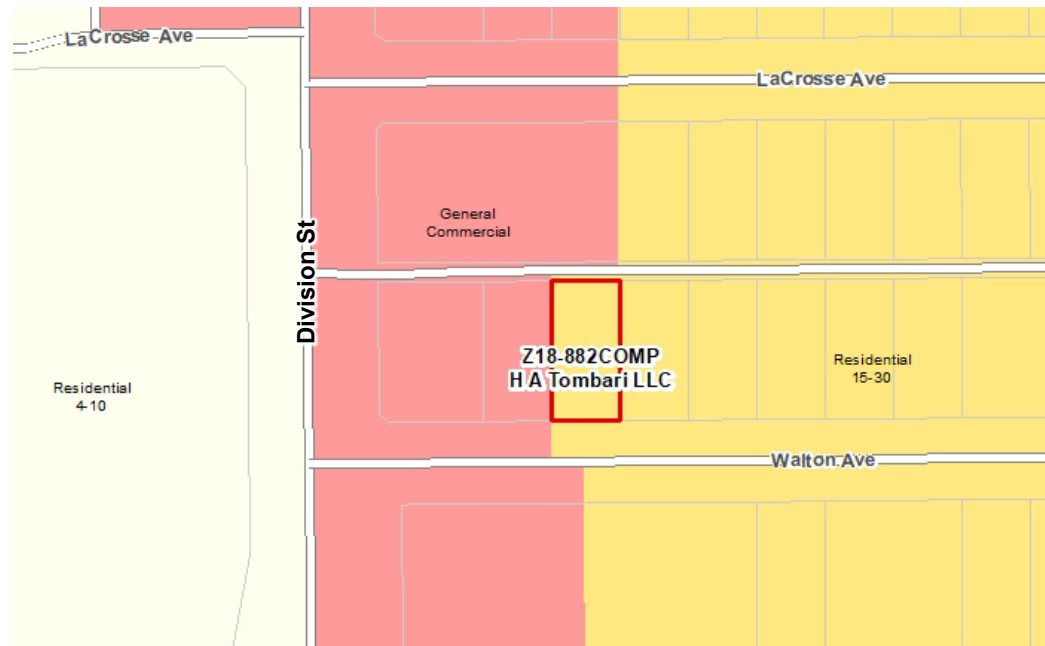
- A. Site Description:** The subject parcel (Tax Parcel 35052.2920) for the proposal contains approximately 5,100 square feet (0.12 acre), situated at 15 E Walton Ave. The site is presently vacant, but was formerly the site of a house built in 1942 and demolished in 2018. The property fronts the north side of East Walton Avenue, a local access street, and is also served at the rear by an unimproved alley. The applicant owns two adjacent parcels to the west.

The property is 125 feet east of the intersection of Walton Avenue and Division Street. The subject parcel shares a block with two retail buildings that face Division Street. Several single-family homes comprise the remainder of the block.

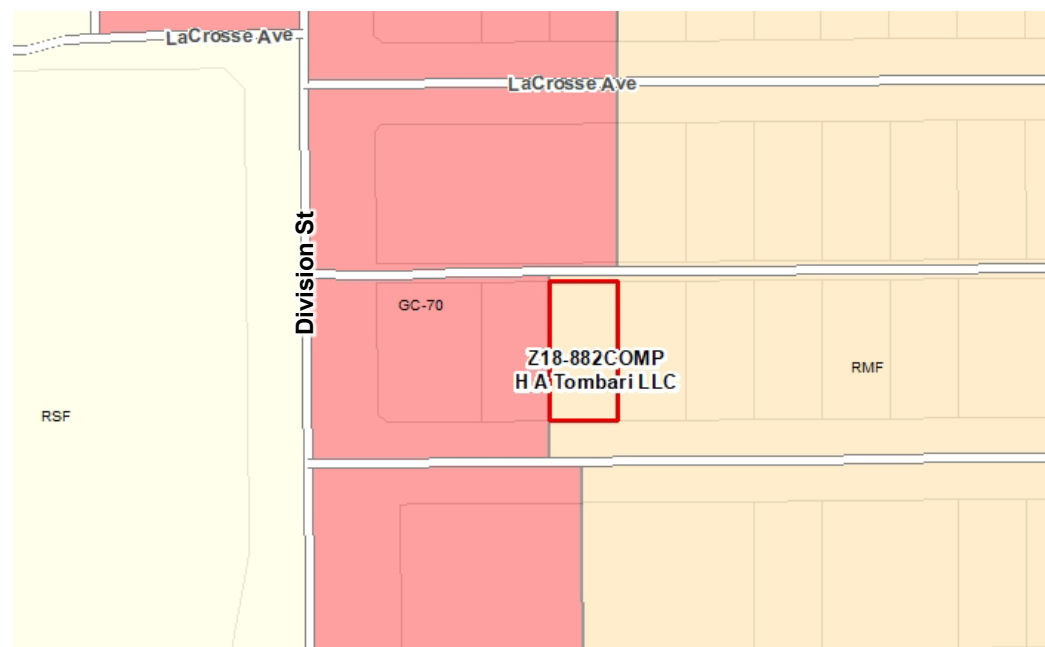
- B. Proposal Description:** Pursuant to the procedures provided in [chapter 17G.060](#) Spokane Municipal Code, “Comprehensive Plan Amendment Procedure,” the applicant is requesting a Comprehensive Plan Land Use Plan Map designation change from “Residential 15-30” to “General Commercial.” If approved, the zoning would be changed from RMF (Residential Multifamily – 35 feet) to GC-70 (General Commercial – 70 feet). The proposed designation and zoning would match the applicant’s property on the two adjacent parcels to the west. Although the applicant’s project description indicates that the change in designation would better accommodate development standards for retail purposes on this parcel combined with that adjacent property, the applicant’s proposal does not include any specific plans for development or improvement to the property. Development and improvement of the site would be subject to all relevant provisions of the

City's Unified Development Code, including without limitation, [chapter 17D.010](#) SMC relating to concurrency.

C. Existing Land Use Plan Map Designations with Subject Property in Bold Red Outline



D. Existing Zoning Map with Subject Property in Bold Red Outline



E. Land Use History: The subject property was platted as Lot 15, Block 57 of the Lidgerwood Park Addition in 1889. While people built houses on the subject and neighboring lots, the former single-family dwelling on the subject site built in 1942

was sometimes also occupied for retail use, according to City permit records and County Assessor records. A previous property owner, Frank Duval, built an addition to the home for a portrait studio, following an associated zone change with an effective date of September 24, 1953.

By 1975, the subject property was zoned Multifamily Residence (R3), similar to the current designation adopted in 2006. Adjacent property to the west was zoned Community Business (B2) by 1975. On adjacent property to the north, the zoning changed from R3 to B2 in 1985, at the time of a restaurant expansion there. When the City adopted its Comprehensive Plan in 2001 under newly adopted requirements of the Growth Management Act, the site and properties on the block to the east were designated “Residential 15-30,” consistent with the longstanding multifamily residential zoning of the property. Adjacent commercially zoned property north and west of the site was designated “General Commercial.”

The applicant submitted an application for Comprehensive Plan amendment on this property in 2007, then withdrew the application in 2009 (File Z07-077-LU). As noted above, the house on this site was demolished in 2018.

F. Adjacent Land Uses and Improvements:

North: across alley	Split-designated General Commercial and Residential 15-30; restaurant parking lot (KFC/Long John Silver's)
South: across E Walton Ave	Split-designated General Commercial and Residential 15-30; Auto and RV sales and parking lot
East	Residential 15-30; Single-family residence
West	General Commercial; now vacant, adjacent to retail structure fronting on Division, formerly a service station, in same ownership with subject property

G. Street Designations: The subject property, 50 feet in width, lies 125 feet east of North Division Street, a State highway (US Routes 2 and 395). The Proposed Arterial Network Map TR 12, in Chapter 4 of the Comprehensive Plan, classifies Division Street as an **Urban Principal Arterial**. The property fronts on E Walton Ave, a local access street.

H. Application Process:

- Application was submitted on October 29, 2018.
- City Council established the Annual Comprehensive Plan Amendment Work Program for 2019 by resolution ([RES 2019-0011](#)) on February 25, 2019;
- Applicant was provided Notice of Application on May 15, 2019;
- Notice of Application was posted, published, and mailed on May 28, 2019, which began a 60-day public comment period, ending on July 29, 2019;
- A SEPA Determination of Non Significance was issued on August 27, 2019;
- Notice of Public Hearing was posted and mailed by August 28, 2019;
- Notice of Public Hearing was published on August 28 and September 4, 2019;
- Hearing date is scheduled with the Plan Commission for September 11, 2019.

IV. AGENCY, INTERESTED DEPARTMENT, & PUBLIC COMMENT

Notice of this proposal was sent to City departments and outside agencies for their review. Department and outside agency comments are included in this report as Exhibit 5. One agency/city department comments was received regarding this application:

- City of Spokane, Development Services

Notice of this proposal was also sent to the Nevada Heights Neighborhood Council and all property owners within the notification area. Notice was posted on the subject property and in the local library branch, and published in the Spokesman Review. No comments were received from property owners in the vicinity, or members of the public at large prior to the comment deadline.

V. COMPREHENSIVE PLAN AMENDMENT PROCESS GUIDING PRINCIPLES

SMC [17G.020.010](#) provides the following guiding principles for the annual comprehensive plan amendment process:

1. Keep the comprehensive plan alive and responsive to the community.
2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
6. Amendments to the comprehensive plan must result in a net benefit to the general public.

VI. REVIEW CRITERIA

SMC Section [17G.020.030](#) establishes the approval criteria for Comprehensive Plan amendments, including Land Use Plan Map amendments. In order to approve a Comprehensive Plan Land Use Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all the applicable criteria. The applicable criteria are shown below in ***bold italic*** print. Following each criterion is staff analysis relative to the amendment requested.

A. Regulatory Changes.

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

Staff Analysis: Staff reviewed and processed the proposed amendment under the most current regulations contained in the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent federal, state, or legislative actions with which the proposal would be in conflict, and no comments were received to this effect from any applicable agencies receiving notice of the proposal. The proposal meets this criterion.

B. GMA.

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

Staff Analysis: The Growth Management Act (GMA) details 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW 36.70A.020, “Planning Goals”), and these goals guided the City’s development of its comprehensive plan and development regulations. No comments received or other evidence in the record indicates inconsistency between the proposed plan map amendment and the goals and purposes of the GMA. The proposal meets this criterion.

C. Financing.

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

Staff Analysis: The City did not require, nor did any Agency comment request or require a traffic impact analysis for the proposal. The subject property is already served by water, sewer, and nearby transit service and lies immediately adjacent to E Walton Ave, a local access street. Under State and local laws, any subsequent development of the site will be subject to a concurrency determination pursuant to SMC [17D.010.020](#). Staff finds that the proposal meets this criterion.

D. Funding Shortfall.

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

Staff Analysis: The subject property is centrally located within the city in an area well-served by urban facilities and services, and the proposal itself does not involve a specific development project. Implementation of the concurrency requirement, as well as applicable development regulations and transportation impact fees, will ensure that development is consistent with adopted comprehensive plan and capital facilities standards, or that sufficient funding is available to mitigate any impacts to existing infrastructure networks. The proposal meets this criterion.

E. Internal Consistency.

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

Staff Analysis: The proposal is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

Development Regulations. As a non-project proposal, there are no specific plans for development of this site. Additionally, any future development on this site will be required to be consistent with the current development regulations at the time an application is submitted. The proposal does not result in any non-conforming uses or development and staff finds no reason to indicate that the proposed Comprehensive Plan Land Use Plan Map and zone change would result in a property that cannot be reasonably developed in compliance with applicable regulations.

Capital Facilities Program. As described in the staff analysis of Criterion C above, no additional infrastructure or capital expenditures by the City are anticipated for this non-project action, and it is not anticipated that the City's integrated Capital Facilities Program would be affected by the proposal.

Neighborhood Planning Documents Adopted after 2001. The area surrounding the subject site was part of the Nevada Lidgerwood Neighborhood Council before September 2016, when the Spokane City Council divided the northern and southern portions along Francis Ave. into two neighborhood councils—Shiloh Hills and Nevada Heights, respectively—under RES 2016-0074. Nevada Lidgerwood previously began a planning process in 2009, utilizing funding allocated by the City Council in 2007. In January, 2012, the City Council adopted [RES 2012-0009](#), recognizing the [Nevada Lidgerwood Neighborhood Planning Phase 2 Needs Assessment and Action Plans](#) as a vision for future neighborhood-based improvement planning activities for the neighborhood. The

Action Plans focused on strategies to address four identified issue areas, including neighborhood communication; neighborhood identity; non-motorized travel safety; and traffic patterns, volume and speed. The plans did not identify any strategies relating to the future use or development of the subject parcel, nor were any priority projects identified within or adjacent to the subject parcel. Therefore, the proposal to change the land use designation and zoning for the subject property is internally consistent with applicable neighborhood planning documents.

Miscellaneous Comprehensive Plan Goals and Policies. Staff have compiled a group of Comprehensive Plan Goals and Policies excerpted from the Comprehensive Plan and contained in Exhibit 1 of this report. Further discussion of Comprehensive Plan Policy LU 1.8 General Commercial Uses is included under the staff analysis of Criterion K.2 below.

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

Staff Analysis: The proposal is generally consistent with current Comprehensive Plan policies, as described in further detail in the staff analysis of Criterion K.2 below and other criteria in this report. Therefore, no amendment to policy wording is necessary and this criterion does not apply to the subject proposal.

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.

Staff Analysis: The proposed change in land use designations affects a relatively small (approximately 0.12-acre) area near the center of the urbanized area, with no foreseeable implications to regional or interjurisdictional policy issues. No comments have been received from any agency, City department, or neighboring jurisdiction which would indicate that this proposal is not regionally consistent. The proposal meets this criterion.

G. Cumulative Effect.

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

1. Land Use Impacts.

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

2. Grouping.

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

Staff Analysis: The City is concurrently reviewing this application and four other applications for Comprehensive Plan amendments, as part of an annual plan amendment cycle.

The three map amendment proposals, including the subject proposal, are spread throughout the city and concern properties distant from and unconnected to any of the others under consideration. Each of the three map amendment proposals is separated from the others by large swaths of pre-existing urban development. The conditions and exact modification(s) of land use and zoning are not likely to affect each other in any cumulative amount.

Both proposed text amendments are citywide in nature and significantly larger in the amount of property potentially impacted than the subject application. A proposed new policy (LU 4.6, Transit Supported Development, File [Z18-958COMP](#)) would encourage mixed-use development and high density residential development in areas such as this in close proximity to Division Street, where high-performance transit facilities are planned. The other text amendment is a proposed amendment to existing Policy LU 1.8, General Commercial Uses (File [Z19-002COMP](#)). Policy LU 1.8 has been subject to previous interpretation in evaluation of Land Use Plan Map amendments in the 2017/2018 cycle under [ORD C35690](#) and [ORD C35689](#). However, any changes to land-use designations resulting from the pending policy change would be required in a future annual application cycle, with no Land Use Plan Map changes occurring concurrently with this application. As such, it appears that no cumulative effects are possible, nor do the potential for such effects need to be analyzed. The proposal meets this criterion.

H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter 17E.050.

1. Grouping.

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

process results in a single threshold determination for those related proposals.

2. DS.

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

Staff Analysis: The application is under review in accordance with the State Environmental Policy Act (SEPA), which requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of the information contained in the environmental checklist, written comments from local and State departments and agencies concerned with land development within the City, and a review of other information available to the Director of Planning Services, a Determination of Non-Significance was issued on August 27, 2019. The proposal meets this criterion.

I. Adequate Public Facilities

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

Staff Analysis: The proposal would change the land-use designation of an area totaling 0.12 acre, within a built-up area of the city served by the public facilities and services described in CFU 2.1. The proposed change in land-use designations affects a relatively small area, does not include a development proposal, and does not measurably alter demand for public facilities and services in the vicinity of the site or on a citywide basis. Any subsequent development of the site will be subject to a concurrency determination pursuant to SMC [17D.010.020](#), thereby implementing the policy set forth in CFU 2.2. Staff finds that the proposal meets this criterion.

J. UGA.

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

Staff Analysis: The application does not propose an amendment to the urban growth area boundary. This criterion does not apply.

K. Demonstration of Need.

1. Policy Adjustments.

Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. [...]

Staff Analysis: The proposal is for a map change only and does not include any proposed policy adjustments. Therefore, this subsection does not apply.

2. Map Changes.

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

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);***

Staff Analysis: Comprehensive Plan Policy LU 1.8, General Commercial Uses, sets forth the locational criteria for the General Commercial land-use designation. It provides, "Contain General Commercial areas within the boundaries occupied by existing business designations and within the boundaries of designated Centers and Corridors." With respect to appropriate location criteria, the discussion section of Policy LU 1.8 provides that "...site development standards should be adopted to minimize a detrimental impacts on the residential area." The text also describes locations near principal arterial streets and discourages further extension of existing commercial strips along arterials.

The proposal would expand the General Commercial designation eastward 50 feet from the existing General Commercial district along Division Street, to a total depth of about 175 feet from the edge of the nearby property directly adjacent Division Street, an urban principal arterial. This distance would match the existing depth from Division of the General Commercial district on the north half of this block, which was established prior to the 2001 adoption of the Comprehensive Plan, on the property across the alley from the subject site. As such, the proposal would conform to the depth already established on the adjacent property to the north.

With respect to size, the adjacent General Commercial district extends at varying depths more than two miles along Division both north and south of E Walton Ave. The proposed Land Use Plan Map change of 0.12 acre (5,100 square feet) represents an insignificant increase in the size of the existing General Commercial area.

The application refers several times to the proposed alignment with the current General Commercial boundary both north and south of the subject site, effectively containing the General Commercial area within the boundaries

occupied by existing business designations. In this explanation provided in the application and matching the existing General Commercial designation to the north, parallel with Division Street at a distance of 175 feet, the proponent has demonstrated the designation is in conformance with the appropriate location criteria identified in the Comprehensive Plan, and the application meets subsection (a).

b. The map amendment or site is suitable for the proposed designation;

Staff Analysis: As described in the staff analysis under subsection (a) above, the neighboring General Commercial designation meets the locational characteristics adjacent to an arterial street, as set forth in Comprehensive Plan Policy LU 1.8. Application materials point out that the applicant owns the General Commercial designated properties to the west, forming a combined development area comprised of two parcels that fronts directly on Division Street. The materials maintain that the proposal would result in a small extension of the existing General Commercial properties, supporting redevelopment for a range of allowed uses because of the additional room for parking, circulation, and stormwater treatment. The proposal meets subsection (b).

c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.

Staff Analysis: The current Residential 15-30 Land Use Plan Map designation recognizes multifamily zoning that predates the City's 2001 Comprehensive Plan. Under the discussion of Policy LU 1.4 Higher Density Residential Uses, in locations outside Centers, the Comprehensive Plan applies this designation "where the existing use of land is predominately higher density residential." As described above in this report in III.E Land Use History, the site was developed as a single-family lot and portrait studio before its demolition in 2018. Adjacent properties on three sides of the subject parcel—to the north, west, and south—have been either partially or totally designated General Commercial for many years, while other nearby properties on the block remain developed as single-family homes, despite several decades of multifamily zoning. The proposal would align the eastern boundary of the General Commercial district with these existing business designations, consistent with the area surrounding the subject site. Regarding subarea plan implementation, as noted above in the staff analysis for Criterion E.1 Internal Consistency, above, no improvements to nearby facilities or use of the subject parcel are identified specifically in any subarea plan.

The application materials state that the extension of General Commercial designation to this site would enhance the usability of both the subject site and adjacent property designated General Commercial because it would bring the common ownership into one Land Use Plan Map designation. Assessor's records and the applicant's SEPA checklist show that the two adjacent GC-designated lots in common ownership are a combined 13,360 square feet (0.31 acre) in size. By making the subject site the same land-use designation, the proposal would increase the amount of this commonly owned and contiguous GC-designated area to a total of 18,460 square feet (0.42 acre). The application

materials maintain that rather than being developed independently as a Residential 15-30 site, the subject site "...is better served as a common development with the remaining GC designated ownership." The proposal meets subsection (c).

3. Rezones, Land Use Plan Map Amendment.

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

Staff Analysis: If the Land Use Plan Map amendment is approved as proposed, the zoning designation of the subject property will change from RMF (Residential Multifamily) to GC-70 (General Commercial with 70-foot height limit). The GC-70 zone implements the "General Commercial" land use designation proposed by the applicant. No policy language changes have been identified as necessary to support the proposed Land Use Plan Map amendment. The proposal meets this criterion.

VII. CONCLUSION:

Based on the facts and findings presented herein, staff concludes that the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan satisfies the applicable criteria for approval as set forth in SMC Section [17G.020.030](#).

VIII. STAFF RECOMMENDATION:

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC Chapter 17G.020, Plan Commission will need to make a recommendation to City Council for approval or denial of the requested amendment to the Land Use Plan map of the City's Comprehensive Plan.

Staff recommends that the Plan Commission adopt the facts and findings of the staff report and recommends approval of the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan for the subject property approximately 0.12 acre in size and located at 15 E Walton Ave (parcel 35052.2920).

IX. LIST OF EXHIBITS

- 1 Relevant Comprehensive Plan policies
- 2 Application Materials
- 3 SEPA CHECKLIST
- 4 SEPA Determination of Non-Significance
- 5 Department Comment – Development Services

EXHIBIT 1 – RELEVANT COMPREHENSIVE PLAN POLICIES

City of Spokane [Comprehensive Plan](#)

Land Use Element

LU 1.8 General Commercial Uses

Contain General Commercial areas within the boundaries occupied by existing business designations and within the boundaries of designated Centers and Corridors.

Discussion: General Commercial areas provide locations for a wide range of commercial uses. Typical development in these areas includes freestanding business sites and larger grouped businesses (shopping centers). Commercial uses that are auto-oriented and include outdoor sales and warehousing are also allowed in this designation. Land designated for General Commercial use is usually located at the intersection of or in strips along principal arterial streets. In many areas such as along Northwest Boulevard, this designation is located near residential neighborhoods.

To address conflicts that may occur in these areas, zoning categories should be implemented that limit the range of uses, and site development standards should be adopted to minimize detrimental impacts on the residential area. Existing commercial strips should be contained within their current boundaries with no further extension along arterial streets allowed.

Recognizing existing investments by both the City of Spokane and private parties, and given deference to existing land use patterns, an exception to the containment policy may be allowed by means of a comprehensive plan amendment to expand an existing commercial designation, (Neighborhood Retail, Neighborhood Mini-Center, or General Commercial) at the intersection of two principal arterial streets or onto properties which are not designated for residential use at a signalized intersection of at least one principal arterial street which as of September 2, 2003, has traffic at volumes greater than 20,000 vehicular trips a day. Expansion of the commercial designation under this exception shall be limited to property immediately adjacent to the arterial street and the subject intersection and may not extend more than 250 feet from the center of the intersection unless a single lot, immediately adjacent to the subject intersection and in existence at the time this comprehensive plan was initially adopted, extends beyond 250 feet from the center of the intersection. In this case the commercial designation may extend the length of that lot but in no event should it extend farther than 500 feet or have an area greater than three acres. City of Spokane Comprehensive Plan 3-12

If a commercial designation (Neighborhood Retail, Neighborhood Mini-Center, or General Commercial) exists at the intersection of two principal arterials, a zone change to allow the commercial use to be extended to the next street that runs parallel to the principal arterial street may be allowed. If there is not a street that runs parallel to the principal arterial, the maximum depth of commercial development extending from the arterial street shall not exceed 250 feet.

Areas designated General Commercial within Centers and Corridors are encouraged to be developed in accordance with the policies for Centers and Corridors. Through a neighborhood planning process for the Center, these General Commercial areas will be designated in a land use category that is appropriate in the context of a Center and to meet the needs of the neighborhood.

Residential uses are permitted in these areas. Residences may be in the form of single-family homes on individual lots, upper-floor apartments above business establishments, or other higher density residential uses.

CFU 2.1 Available Public Facilities

Consider that the requirement for concurrent availability of public facilities and utility services is met when adequate services and facilities are in existence at the time the development is ready for occupancy and use, in the case of water, wastewater and solid waste, and at least a financial commitment is in place at the time of development approval to provide all other public services within six years.

Discussion: Public facilities are those public lands, improvements, and equipment necessary to provide public services and allow for the delivery of services. They include, but are not limited to, streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, solid waste disposal and recycling, fire and police facilities, parks and recreational facilities, schools and libraries. It must be shown that adequate facilities and services are available before new development can be approved. While occupancy and use imply an immediate need for water, wastewater and solid waste services, other public services may make more sense to provide as the demand arises. For example, a certain threshold of critical mass is often needed before construction of a new fire station, school, library, or park is justified. If these facilities and services do not currently exist, commitments for services may be made from either the public or the private sector.

CFU 2.2 Concurrency Management System

Maintain a concurrency management system for all capital facilities.

Discussion: A concurrency management system is defined as an adopted procedure or method designed to ensure that adequate public facilities and services needed to support development and protect the environment are available when the service demands of development occur. The following facilities must meet adopted level of service standards and be consistent with the concurrency management system: fire protection, police protection, parks and recreation, libraries, public wastewater (sewer and stormwater), public water, solid waste, transportation, and schools. The procedure for concurrency management includes annual evaluation of adopted service levels and land use trends in order to anticipate demand for service and determine needed improvements. Findings from this review will then be addressed in the Six-Year Capital Improvement Plans, Annual Capital Budget, and all associated capital facilities documents to ensure that financial planning remains sufficiently ahead of the present for concurrency to be evaluated. The City of Spokane must ensure that adequate facilities are available to support development or prohibit development approval when such development would cause service levels to decline below standards currently established in the Capital Facilities Program. In the event that reduced funding threatens to halt development, it is much more appropriate to scale back land use objectives than to merely reduce level of service standards as a way of allowing development to continue. This approach is necessary in order to perpetuate a high quality of life. All adjustments to land use objectives and service level standards will fall within the public review process for annual amendment of the Comprehensive Plan and Capital Facilities Program.

218-882LOMP

Land Use Solutions & Entitlement

Land Use Planning Services

9101 N. MT. VIEW LANE Spokane, WA 99218
509-435-3108 (V)

10-28-18

Tirrell Black, AICP
City of Spokane Planning Services
W 801 Spokane Falls Blvd, 3rd Floor
Spokane WA 99201

Ref: Jim Tombari Annual Map Amendment

Tirrell:

On behalf of Jim Tombari, please find its application for a Comprehensive Plan Amendment and rezone from R-15-30 to GC and RMF to GC-70. Specifically, enclosed are:

- 1) General Application
- 2) Early Threshold Review Supplement
- 3) Comprehensive Plan Annual Amendment Pre-Application
- 4) SEPA Checklist
- 5) Project Narrative
- 6) Site Plan
- 7) Summary of Neighborhood Council Outreach, and
- 8) \$500.00 application fee.

Respectfully Submitted



Dwight J Hume, agent
Land Use Solutions and Entitlement

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DESCRIPTION OF PROPOSAL:

A map amendment from Residential 15-30 to General Commercial and a corresponding zone change from RMF to GC-70.

ADDRESS OF SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)

15 E Walton

APPLICANT:

Name: H A Tombari LLC
Address: 2510 E 37th Avenue Spokane WA 99223
Phone (home): **Phone (work):** 838-5637
Email address:

PROPERTY OWNER:

Name: H A Tombari LLC
Address: 2510 E 37th Avenue Spokane WA 99223
Phone (home): **Phone (work):** same
Email address:

AGENT:

Name: Dwight Hume dba Land Use Solutions & Entitlement
Address: 9101 N Mt. View Lane Spokane WA 99218
Phone (home): **Phone (work):** 509-435-3108
Email address: dhume@spokane-landuse.com

ASSESSOR'S PARCEL NUMBERS:

35052.2920

LEGAL DESCRIPTION OF SITE:

Lot 15, Block 57 Lidgerwood Park

SIZE OF PROPERTY:

5100 sf. (.12 acres)

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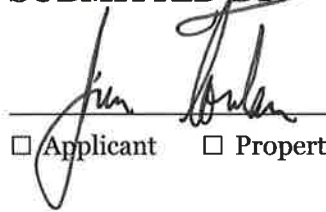
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LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

Land Use Map Amendment and corresponding zone change

SUBMITTED BY:



☒ Applicant ☐ Property Owner ☐ Property Purchaser ☐ Agent

In the case of discretionary permits (administrative, hearing examiner, landmarks commission or plan commission), if the applicant is not the property owner, the owner must provide the following acknowledgement:

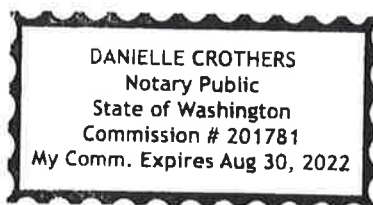
I, Jim Tombari, owner of the above-described property do hereby authorize Dwight Hume to represent me and my interests in all matters regarding this application.

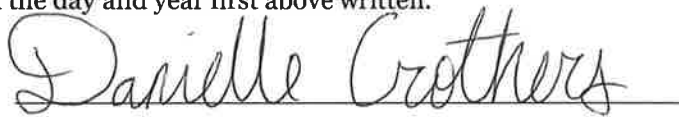
ACKNOWLEDGMENT:

STATE OF WASHINGTON)
) ss.
COUNTY OF SPOKANE)

On this 24 day of October, 2018, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Jim Tombari, to me known to be the individual that executed the foregoing instrument and acknowledged the said instrument to be free and his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed the day and year first above written.




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

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Early Threshold Review

H A Tombari Map Amendment

Description of Proposed Amendment: Land Use Map change from Res 15-30 to General Commercial and a zone change from RMF to GC-70 on .12 acres (5100sf) to be included in the common ownership of the adjacent westerly .31 acres of GC-70. The subject site is located at 15 E Walton Avenue.

SMC 17G.025.010

1. **Describe how the proposed amendment is appropriately addressed as a Unified Development Code Amendment.**

The UDC allows for private sector request on individual ownerships, in-lieu-of a city-wide update to the comprehensive plan or a sub-area plan. Neither of these options are available, leaving the private sector request as the only reasonable option.

2. **The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City council or by a neighborhood or subarea planning process.**

As stated above, neither a Citywide update nor a sub-area plan are available to this area and request.

3. **The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program.**

The request is for one platted lot of 5100 sf to be added to the applicant's current GC ownership. No significant workload is created by this request.

4. **Describe how the proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must be consistent with policy implementation in the Countywide Planning policies, the GMA, or other state or federal law, and the WAC.**

The annual process for amending the Comprehensive Plan is to keep the Comprehensive Plan alive and responsive to the community. The subject

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property is part of a common ownership split between the GC-70 and RMF zones. Moreover, the commercial uses both north and south of the subject extend easterly of the proposed change. The requested amendment is therefore, consistent with the adjacent land use classification and zones and will implement many applicable Comprehensive Plan policies. The site has a full range of public services available and can accommodate any potential commercial use of the common site.

The request is consistent with the CWPP. The CWPP encourages growth in urban areas where services and utilities already exist. When the site is further developed, the applicant or developer will be required to demonstrate that levels of service are maintained, as required by the CWPP. The CWPP also encourages the use of public transit and development where public transit is available. It is important to note that the city has adopted development regulations and policies to implement the CWPP at the City level. Thus, consistency with the CWPP is achieved.

The application is consistent with the goals and policies of the Growth Management Act. The GMA encourages densification, in-fill and urban development and redevelopment in areas designated for urban growth and within existing city limits. The property is within the UGA and the city limits of Spokane. It also adjoins a significant designation of Residential 15-30 that extends to Mayfair and runs North to Wellesley and South to a point 3 blocks south of Bridgeport.

The proposed change is consistent with the following goals of the Comprehensive Plan:

Land Use 1.8

The intent of LU 1.8 is to contain existing commercial designations within existing boundaries and yet in this case, the intent fails to recognize common ownerships which existed at the time of adopting the plan and left a portion of the ownership in another zone. Moreover, it fails to create a uniform depth along the same arterial of Division Street and allows adjacent retail uses and zones to extend farther than what is asked for in this amendment. Even LU 1.5 prescribes a uniform depth to create some consistency for adjacent uses. This request would even up the line or depth to approximate the depth of zoning immediately south of the subject site and not extend beyond that depth. In recent decisions, the Planning Commission ignored the literal requirements of the policy language of LU 1.8 but adhered to the intent of containing the designation, thus allowing uniformity of zoning and better compatibility.

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Land Use 1.12

The proposed map change is consistent with LU 1.12. Existing public facilities and services are adequately available to the subject property.

Land Use 3.1

The proposed map change is consistent with LU 3.1, which encourages the efficient use of land. Under Policy LU 3.1 future growth should be directed to locations where adequate services and facilities are available.

Land Use 5.3

The Off -Site impacts are mitigated by the development standards of the city and the subject property is adjacent to future medium density apartment uses not single-family. This further ensures compatibility and includes on-site parking within the same commercial zone rather than a special permit within a residential zone as is the case adjacent on the KFC property.

Transportation 3.1

Transportation and development patterns are important to support desired land uses. In this instance, all of the block from existing GC designated and zoned property, easterly to the end of the block at Mayfair, is now zoned for medium density residential use. Therefore, the availability of retail services within walking distance supports that future use. As stated before, this adjustment ensures a future retail use with adequate space for on site parking etc.

Economic Development Goal 3

The proposed map change is consistent with this goal because it allows a reasonably sized GC site for retail services adjacent to a future medium density residential area, thus fostering a range of business and employment opportunities.

Economic Development Goal 6

The proposed map change is consistent with Goal ED 6, which recommends that development be located where infrastructure capacity already exist before extending infrastructure into new areas. In this case, all services are readily available.

5. **The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated.** N/A, the proposal has not been submitted in the past.

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6. If this change is directed by state law or a decision of a court or administrative agency, please describe. N/A

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Comprehensive Plan or Land Use Code Amendment

Pre-Application



DESCRIPTION OF THE PROPOSED AMENDMENT:

(Please check the appropriate box(es))

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-Wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions *(for all proposals):*

- a. Summarize the general nature of the proposed amendment.
A map amendment from Residential 15-30 to General Commercial and a corresponding zone change from RMF to GC-70
- b. Why do you feel this change is needed?
The remainder of the applicant's property is GC and the subject parcel is needed to provide sufficient parking for the aforementioned GC portion and commercial use.
- c. In what way(s) is your proposal similar to or different from the fundamental concepts contained in the comprehensive plan?
The subject lot is flanked by GC zoning and use. KFC is located to the north of the subject and has parking by special permit directly north and northeast of the subject parcel. A GC zoned parcel exist south of the subject and is currently leased for RV sales. This would make the applicant's parcel the same depth as the parcel to the south for GC zoning and would not significantly sacrifice RMF zoning remaining to the east. (5100 sf).
- d. For text amendments: What goals, policies, regulations or other documents might be changed by your proposal? *N/A*
- e. For map amendments:
 1. What is the current Land Use designation and zoning for each affected parcel? *Res 15-30*
 2. What is the requested Land Use designation and zoning for each affected parcel? *GC-70*
 3. Describe the land uses surrounding the proposed amendment site(s); e.g. land use type, vacant/occupied, etc.
North: KFC Fast Food; South: RV Sales Lot; West: Vacant Commercial; East: Residential SF
- f. Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal? *Unknown*
- g. Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Development Services department's work program (e.g. neighborhood planning, public input on new regulations, etc.)?

There are no pending sub-area plans for this property. A private sector annual map amendment is the most efficient option that enables the subject property to become part of a normal sized commercial site in

this vicinity.

- h. Has there been a previous attempt to address this concern through a comprehensive plan amendment?

☐ Yes ☒ No

- i. If yes, please answer the following questions:

1. When was the amendment proposal submitted?
2. Was it submitted as a consistent amendment or an inconsistent amendment?
3. What were the Plan Commission recommendation and City Council decision at that time?
4. Describe any ways that this amendment proposal varies from the previously considered version.

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Project Narrative Summary

Jim Tombari Map Amendment

Jim Tombari request a map amendment from R 15-30 to GC and a corresponding zone change from RMH to GC-70 to match the remaining property located adjacent and west of the subject property. The subject property is located at 15 E Walton Avenue and is 5100 sf or .12 acre in size. If approved, it would be combined with the westerly common ownership and consist of a total of 18460 sf or .42 acres.

The subject property was recently cleared of a dwelling unit because the rental market of this location was not cost effective to sustain the use. Now it is cleared and leveled for future expansion of the GC-70 zone that Mr. Tombari has on the remainder.

It is also important to note that the inclusion of this lot into the GC-70 zone does not extend as far as the adjoining northerly improvement for KFC, which includes a previous special permit for associated parking for the KFC. In other words, this extension easterly of the GC designation is insignificant and approximates what has been granted for commercial use both north and south of the subject property.

Finally, it is worth mentioning that the removal of 5200 sf of RMF zoning is insignificant to the amount of RMF zoning remaining after the change. In fact, a close inspection of the common zoning boundary between GC and RMF shows the subject property as a westerly extension of 5200 sf and virtually unusable to the remaining RMF.

The revision cleans up a zoning border and enhances the GC zone for a better accommodation of retail use next to RMF.



From: dhume@spokane-landuse.com
Sent: Monday, October 29, 2018 10:38 AM
To: 'nevadaheightsnc@gmail.com'
Subject: Proposed Annual Amendments attached
Attachments: Francis Nevada Partnership General Application.doc; Jim Tombari General Application 15 E Walton.doc

Mindy Muglia, Chair: I am sending you this email to advise you of two proposed map amendments being filed with the City of Spokane. I represent two separate clients located within your neighborhood boundaries, one located at the NE corner of Walton and Division across from Clarke Park and the other located at the NE corner of Decatur and Nevada. I have attached the General Application for further information. The City requires that we meet to discuss the details of the proposals and I would be available for your December 12th meeting. Unfortunately I have a conflict for the November 14 meeting. Please advise if the December date is available, or if we in fact have to schedule it for your January meeting due to the holiday schedules.

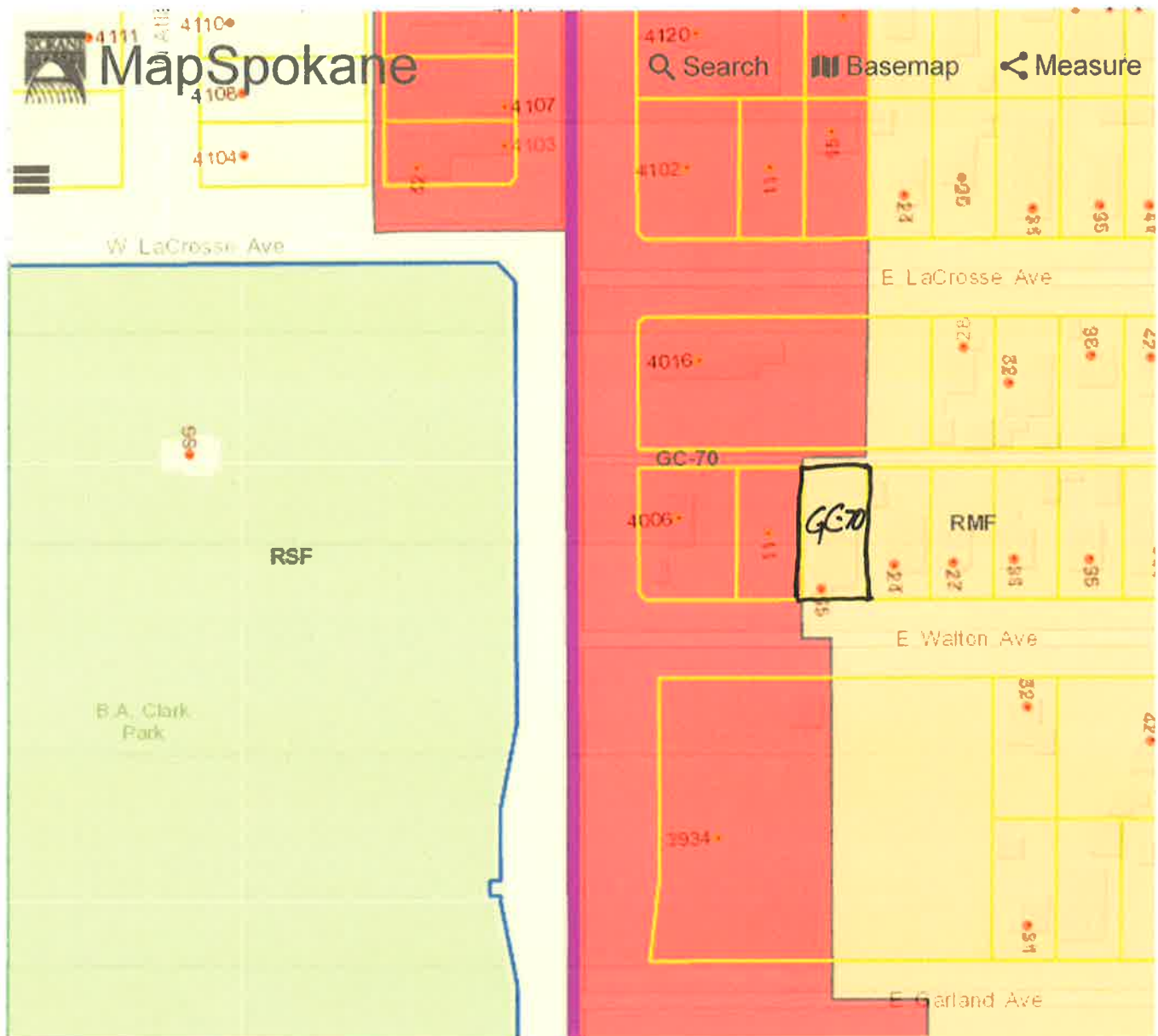
I am available by phone or email.

Regards

Dwight J Hume

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9101 N Mt. View Lane
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509-435-3108

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PROPOSED ZONE GC-70

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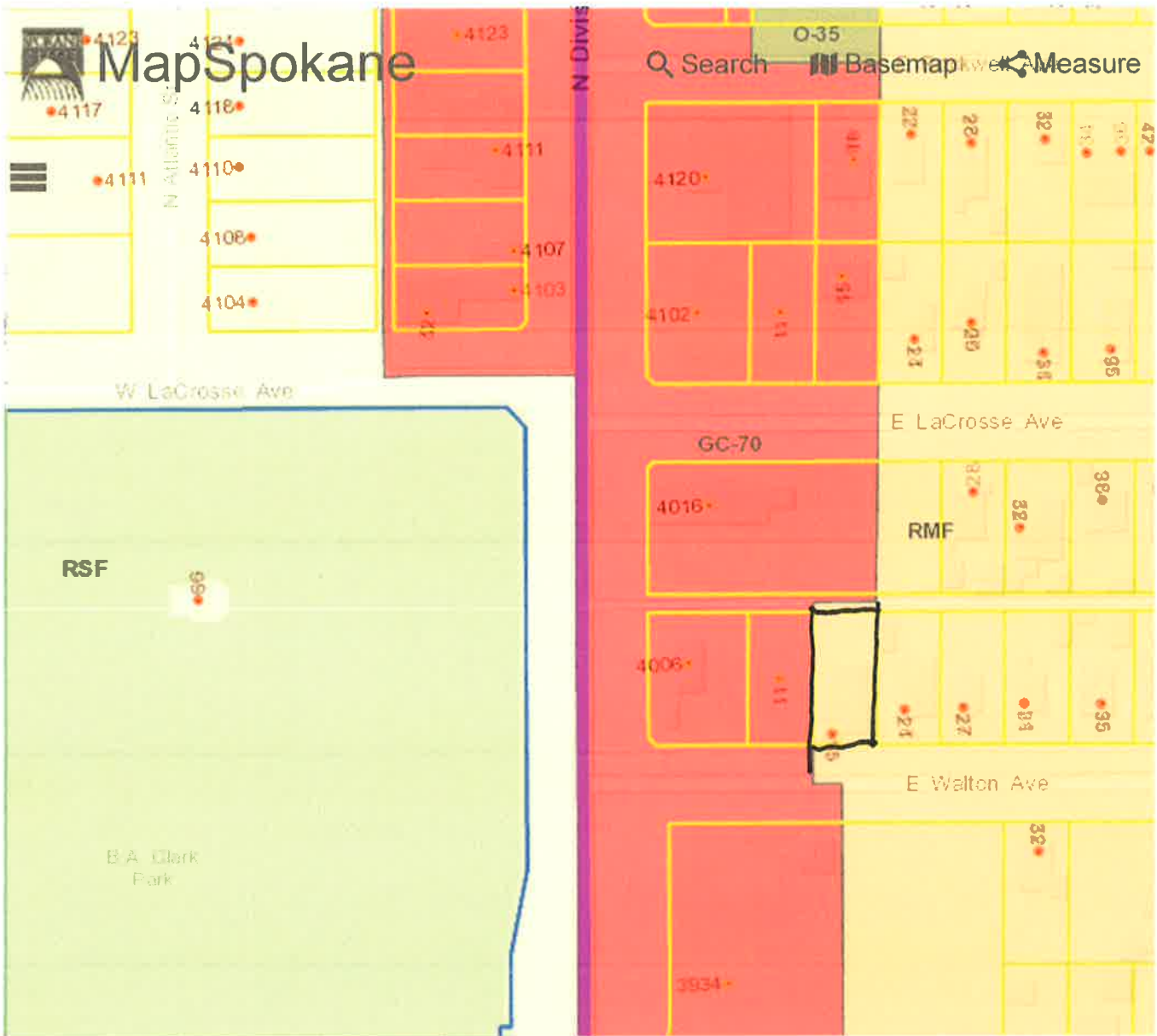
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C

0 50 100ft

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EXISTING ZONE

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[Map Use Disclaimer](#)



Comprehensive Plan Amendments

Full Review

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Z18-882COMP (Tombari)

Full Review & Fees for Applications approved for Annual Amendment Work Program:

MAR 11 2019

This "Full Review" application and full payment of fees is required to be completed and filed with City of Spokane within 15 days of council action by all applicants when proposals have been added to the "Annual Comprehensive Plan Amendment Work Program" by City Council Resolution.

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Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your applications chances of being reviewed during this amendment cycle. Answers to these questions will assist in review of the criteria in SMC 17G.020.030.

1. Describe the nature of the proposed amendment and explain if there is any change from the early threshold review application. *A map change of category from Residential 15-30 to General Commercial. This brings the remaining 5100 sf of the applicant's ownership into the adjoining General Commercial category, thus making the site more spacious and attractive to use while not encroaching any further than the adjacent GC designation.*
2. How will the proposed change provide a substantial benefit to the public? *The property is only 5100 sf in size. It's current zone of RMF would accommodate 3.5 units of density if included in other adjacent RMF property. As a stand-alone parcel, it cannot be used due to size, shape and development requirements for that zone. In contrast, the same square footage can improve the usability of existing GC-70 zoning owned by the applicant and become a better tax revenue for the city.*
3. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies. *The proposal is consistent with the intent of the adopted land use plan in so far as the current GC designation extends to the same boundary as the proposed request. Clearly, there was no intent to carve this lot out of the GC designation and render it useless as stated above.*
4. Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies. *The proposal is consistent with GMA and other applicable state and federal guidelines.*

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(Rev Feb 2018)

5. Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies. *The proposal is consistent with CWPP and existing adopted land use policies.*
6. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan? Are there other infrastructure implications that may be relevant given the review criteria in SMC 17G.020.030(C)? *No*
7. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation. *No*

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Project Description

Z18-882COMP Tombari

This is a map amendment request to incorporate the remainder of the applicant's ownership into the General Commercial category and a zone change from RMF to GC-70 identical to the rest of the ownership.

The subject property is located at E 15 Walton and was formerly a single-family rental house. Due to the condition of the house and the neighborhood, it was no longer cost effective to continue that use. Consequently, the applicant/owner removed the structure and is now seeking to include the property with his adjacent GC-70 property.

This would enhance the usability of the current GC-70 property by adding an additional 5100 sf and better accommodate all development standards for retail purposes.

As stated throughout the application, the inclusion of this parcel is consistent with the current commercial designations adjacent and does not expand beyond the current intended depth from Division of other GC property.

End of Description

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Section 17G.020.030
Final Review Criteria

MAR 11 2019

Z18-882COMP (HA Tombari LLC)

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A. Regulatory Changes.

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

No changes to GMA or environmental regulations are known to affect the proposed amendment. Accordingly, the proposed amendment is consistent with applicable GMA and environmental regulations.

B. GMA.

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

The proposal is consistent with the adopted goals and policies of the Comprehensive Plan. That document has the same internal compliance requirement. Therefore, this meets the GMA requirements.

C. Financing.

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

No new infrastructure improvements will be triggered by this proposal. All expenses associated with this proposal are on site and privately funded.

D. Funding Shortfall.

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

No impacts will occur to require a shortfall to service levels from this proposed amendment.

E. Internal Consistency.

1).The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa. For

example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

The proposed expansion of the existing General Commercial designation is inconsequential to the internal and applicable plans and programs of the City of Spokane.

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

Not Applicable

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts

The expansion of the existing GC designation is not consequential to Regional Consistency.

G. Cumulative Effect.

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

1) Land Use Impacts.

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

The proposed amendment has no accumulative impacts

2) Grouping.

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

This proposal has no effects on land use type or geographic area.

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H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter [17E.050](#)

1. Grouping.

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

The applicant is unaware of other pending applications. Notwithstanding, this expansion of an existing GC designation has insignificant cumulative impacts

2. DS.

If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS) *Not Applicable*

I. Adequate Public Facilities

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies

The proposal has no impacts upon citywide services.

J. UGA.

Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County: *Not Applicable*

K. Demonstration of Need.

1) Map Changes.

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

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);

The subject site extends the land use category 50' easterly in alignment with the current GC border located both north and south of the proposal, rendering it consistent.

- b. The map amendment or site is suitable for the proposed designation;

The applicant owns the westerly GC designated property out to Division Street. The current designation of the subject is Residential 15-30 and is only 5100 sf in size. As an RMF zoned site, it only generates 3.5 units of multi-family if combined with other adjacent RMF property. As an independent site, it is unusable for apartments due to other parking and development requirements. Accordingly, it is better served as a common development with the remaining GC designated ownership.

- c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.

As stated above, the site is more usable for commercial purposes since it can be combined with the applicants adjacent GC-70 property, thereby expanding that site into a more usable size.

2) Rezones Land Use Plan Map Amendments

The extension of the existing GC-70 zone does not impact other areas or zones citywide.

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Environmental Checklist

File No. Z18-882COMP

Purpose of Checklist:

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

Instructions for Applicants:

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

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

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

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

Use of checklist for nonproject proposals:

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

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

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

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A. BACKGROUND

1. Name of proposed project, if applicable: Non-project action
2. Name of applicant: H A Tombari LLC
3. Address and phone number of applicant or contact person: Dwight Hume, agent; 9101 N Mt. View Lane Spokane WA 99218 509-435-3108
4. Date checklist prepared: October, 2018
5. Agency requesting checklist: Planning Services
6. Proposed timing or schedule (including phasing, if applicable): N/A
7. a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Yes, if approved, it will become part of the adjacent westerly GC-70 zone.
b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. As stated above, the applicant owns the adjacent 13360 sf.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to his proposal. Unknown
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. Map and zone change; building permit, landscape plan approval; storm drainage plan approval.

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. **Non-project action. To be determined at time of building permit.**

12. Location of the proposal. Give sufficient information to a person to understand the precise location of your proposed project, including a street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist. **Approximately 150' east of Division on the north side of Walton Avenue in the vicinity of Clark Park.**

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.) **City of Spokane**

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).

Non-project action. To be determined at time of building permit.

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- (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?

Non-project action. To be determined at time of building permit. _____

- (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.

Non-project action. To be determined at time of building permit. _____

- (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?

Non-project action. To be determined at time of building permit. _____

b. Stormwater

- (1) What are the depths on the site to groundwater and to bedrock (if known)?

Unknown _____

- (2) Will stormwater be discharged into the ground? If so, describe any potential impacts?

Non-project action. To be determined at time of building permit. _____

TO BE COMPLETED BY APPLICANT

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): *flat, rolling, hilly, steep slopes, mountains, other.* _____

- b. What is the steepest slope on the site (approximate percent slope)? **N/A**

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- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. **Non-project action. To be determined at time of building permit.** _____

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **No** _____

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill:
Non-project action. To be determined at time of building permit. _____

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
Unlikely _____
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **Non-project action. To be determined at time of building permit.** _____

- h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: **Non-project action. To be determined at time of building permit.** _____

2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. _____
Non-project action. To be determined at time of building permit. _____

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **No** _____

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- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Non-project action. To be determined at time of building permit. _____

3. Water

- a. SURFACE:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No _____

- (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. _____

No _____

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A _____

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No _____

- (5) Does the proposal lie within a 100-year floodplain? _____ If so, note location on the site plan.

No _____

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- (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.

Non-project action. To be determined at time of building permit. _____

b. GROUND:

- (1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Non-project action. To be determined at time of building permit. _____

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sanitary waste treatment facility. Describe the general size of the system, the number of houses to be served (if applicable) or the number of persons the system(s) are expected to serve.

Non-project action. To be determined at time of building permit. _____

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.

Non-project action. To be determined at time of building permit. _____

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

Non-project action. To be determined at time of building permit. _____

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- d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water impacts, if any.
Non-project action. To be determined at time of building permit. _____

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4. Plants

- a. Check or circle 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
_____ Wet soil plants, *cattail, buttercup, bullrush, skunk cabbage, other.*
_____ Water plants: *water lily, eelgrass, milfoil, other.*
_____ Other types of vegetation.
- b. What kind and amount of vegetation will be removed or altered? **Non-project action. To be determined at time of building permit.** _____

- c. List threatened or endangered species known to be on or near the site. **Unknown** _____

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **Non-project action. To be determined at time of building permit.** _____

5. Animals

- a. Circle any birds and animals which have been observed on or near the site are known to be on or near the site:
birds: *hawk, heron, eagle, **songbirds**, other.* _____
mammals: *deer, bear, elk, beaver, other.* _____
fish: *bass, salmon, trout, herring, shellfish, other.* _____
other: _____

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- b. List any threatened or endangered species known to be on or near the site.

None _____

- c. Is the site part of a migration route? If so, explain. **No** _____

- d. Proposed measures to preserve or enhance wildlife, if any:

None _____

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. **Non-project action. To be determined at time of building permit.** _____

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **No** _____

- 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:

Non-project action. To be determined at time of building permit. _____

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. **Non-project action. To be determined at time of building permit.** _____

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- (1) Describe special emergency services that might be required.
Non-project action. To be determined at time of building permit.

- (2) Proposed measures to reduce or control environmental health hazards, if any:
Non-project action. To be determined at time of building permit.

b. NOISE:

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
Division St Traffic

- (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.

Short Term: Construction

Long Term: Customer traffic and delivery

- (3) Proposed measure to reduce or control noise impacts, if any:
None anticipated

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?
Site: Vacant; West Retail; North: Retail; South: Retail; East Residential

- b. Has the site been used for agriculture? If so, describe. **No**

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- _____
- _____
- c. Describe any structures on the site. None _____
- _____
- _____
- d. Will any structures be demolished? If so, which? The house has been removed _____
- _____
- _____
- e. What is the current zoning classification of the site? RMH _____
- _____
- f. What is the current comprehensive plan designation of the site? Res 15-30 _____
- _____
- g. If applicable, what is the current shoreline master program designation of the site?
N/A _____
- _____
- h. Has any part of the site been classified as a critical area? If so, specify. No _____
- _____
- _____
- i. Approximately how many people would reside or work in the completed project?
Non-project action. To be determined at time of building permit. _____
- j. Approximately how many people would the completed project displace? None _____
- k. Proposed measures to avoid or reduce displacement impacts, if any: None _____
- _____
- _____
- _____
- _____

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- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: _____
Compliance with applicable development regulations _____

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9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high-, middle- or low-income housing. **N/A** _____

- b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. **None** _____

- c. Proposed measures to reduce or control housing impacts, if any: **None** _____

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? **Non-project action. To be determined at time of building permit.** _____

- b. What views in the immediate vicinity would be altered or obstructed? **None** _____

- c. Proposed measures to reduce or control aesthetic impacts, if any: **Non-project action. To be determined at time of building permit.** _____

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11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Outdoor lighting
- b. Could light or glare from the finished project be a safety hazard or interfere with views? No
- c. What existing off-site sources of light or glare may affect your proposal? None
- d. Proposed measures to reduce or control light and glare impacts, if any: Downcast of outdoor lights

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Only

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? Clarke Park across Division from the subject ownership and Byrnes Park one block east.
- b. Would the proposed project displace any existing recreational uses? If so, describe. No
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: None

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13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. No
- b. Generally describe any landmarks or evidence of historic archaeological, scientific or cultural importance known to be on or next to the site.
N/A
- c. Proposed measures to reduce or control impacts, if any:
None

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Agency Use
Only

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. Division St and Walton
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? Yes
- c. How many parking spaces would the completed project have? How many would the project eliminate? Non-project action. To be determined at time of building permit.
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets not including driveways? If so, generally describe (indicate whether public or private). No
- e. Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. No

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- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak would occur. **Non-project action. To be determined at time of building permit.** _____

(Note: to assist in review and if known indicate vehicle trips during PM peak,
AM Peak and Weekday (24 hours).)

- g. Proposed measures to reduce or control transportation impacts, if any: **Non-project action. To be determined at time of building permit.** _____

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15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. **Non-project action. To be determined at time of building permit.** _____

- b. Proposed measures to reduce or control direct impacts on public services, if any: **Non-project action. To be determined at time of building permit.** _____

16. Utilities

- a. Circle utilities currently available at the site: ***electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.*** _____
- b. Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in the immediate vicinity which might be needed. **Non-project action. To be determined at time of building permit.** _____

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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: 10/29/18

Signature: 

Please Print or Type:

Proponent: Dwight Hume agent

Address: 9101 N Mt. View Lane

Phone: 509-435-3108

Spokane WA 99218

Person completing
form (if different
from proponent): Same as above

Address: _____

Phone: _____

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Staff member(s) reviewing checklist: _____

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

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

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

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

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

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage or release of toxic or hazardous substances; or production of noise?

Non-project action. To be determined at time of building permit. _____

Proposed measures to avoid or reduce such increases are:

Non-project action. To be determined at time of building permit. _____

2. How would the proposal be likely to affect plants, animals, fish or marine life?

Non-project action. To be determined at time of building permit. _____

Proposed measures to protect or conserve plants, animals, fish or marine life are:

Non-project action. To be determined at time of building permit. _____

3. How would the proposal be likely to deplete energy or natural resources?

Non-project action. To be determined at time of building permit. _____

Proposed measures to protect or conserve energy and natural resources are:

Non-project action. To be determined at time of building permit. _____



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?

None, no impacts _____

Proposed measures to protect such resources or to avoid or reduce impacts are:

None _____

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?

It should enable a retail site to be better used next to RMH zoned property

Proposed measures to avoid or reduce shoreline and land use impacts are:

Compliance with applicable development standards. _____

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Non-project action. To be determined at time of building permit. _____

Proposed measures to reduce or respond to such demand(s) are:

Non-project action. To be determined at time of building permit. _____

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.

N/A _____

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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: 10/29/18 Signature: *D. Hume*

Please Print or Type:

Proponent: Dwight Hume Address: 9101 N Mt. View Lane

Phone: 509-435-3108 Spokane WA 99218

Person completing form (if different from proponent): SAME AS ABOVE

Address: _____

Phone: _____

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: _____

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

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

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NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(S): Z18-882COMP

PROPOSER: H A Tombari, LLC (Agent: Dwight Hume, Land Use Solutions and Entitlement)

DESCRIPTION OF PROPOSAL: This proposal is to change parcel 35052.2920 from "Residential 15-30 Land Use" and RMF zoning to "General Commercial Land Use" and GC-70 zoning (same as adjacent parcel to the west and north). The subject parcel is approximately 5,100 square feet (0.12 acre). No specific development proposal is being approved at this time.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:

The subject site is one parcel located on the north side of East Walton Avenue, approximately 150 feet east of Division Street (15 E Walton Ave / parcel 35052.2920). The concerned property totals approximately 5,100 square feet (0.12 acre).

Legal Description: Lot 15, Block 57, Lidgerwood Park Addition in the City of Spokane, County of Spokane, Washington State.

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 regarding this DNS must be submitted no later than 5 p.m. on September 10, 2019 if they are intended to alter the DNS.

Responsible Official: Heather Trautman

Position/Title: Director, Planning Services **Phone:** (509) 625-6300

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: August 27, 2019

Signature: 

APPEAL OF THIS DETERMINATION, after it has become final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane WA 99201. The appeal deadline is Noon on September 18, 2019 (21 days from the date of the signing of this 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.

From: [Johnson, Erik D.](#)
To: [Gwinn, Nathan](#)
Subject: RE: Z18-884COMP 4502-4508 N Madison St
Date: Wednesday, May 1, 2019 8:03:18 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

No issues for Engineering on these.

From: Eliason, Joelle <jeliason@spokanecity.org>
Sent: Tuesday, April 30, 2019 7:48 AM
To: Gwinn, Nathan <ngwinn@spokanecity.org>
Cc: Johnson, Erik D. <edjohnson@spokanecity.org>
Subject: RE: Z18-884COMP 4502-4508 N Madison St

Thank you, Nathan.
Erik is reviewing those two.



Joelle Eliason | City of Spokane | Engineering Technician IV Development Services Center
509.625-6385 | fax 509.625.6822 | jeliason@spokanecity.org | spokanecity.org



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From: Gwinn, Nathan <ngwinn@spokanecity.org>
Sent: Monday, April 29, 2019 2:13 PM
To: Eliason, Joelle <jeliason@spokanecity.org>
Subject: RE: Z18-884COMP 4502-4508 N Madison St

Hi Joelle,

Thank you for sending the comments. In order to provide similar documentation, would your department want to provide any comments on the other two proposed map amendments this year, Z18-882COMP and Z18-883COMP?

For reference, I attached the agency requests for comments for those applications.

Thank you,

Nathan Gwinn | Assistant Planner | Planning & Development

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Eliason, Joelle <jeliason@spokanecity.org>

Sent: Wednesday, April 24, 2019 8:38 AM

To: Gwinn, Nathan <ngwinn@spokanecity.org>

Cc: Becker, Kris <kbecker@spokanecity.org>; Nilsson, Mike <mnilsson@spokanecity.org>; Brown, Eldon <ebrown@spokanecity.org>; Kells, Patty <pkells@spokanecity.org>

Subject: Z18-884COMP 4502-4508 N Madison St

Nathan,

Please see the attached comments regarding Z18-884COMP.

Thank you,

Joelle Eliason



Joelle Eliason | City of Spokane | Engineering Technician IV Development Services Center

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Exhibit A: Proposed Land Use Designation

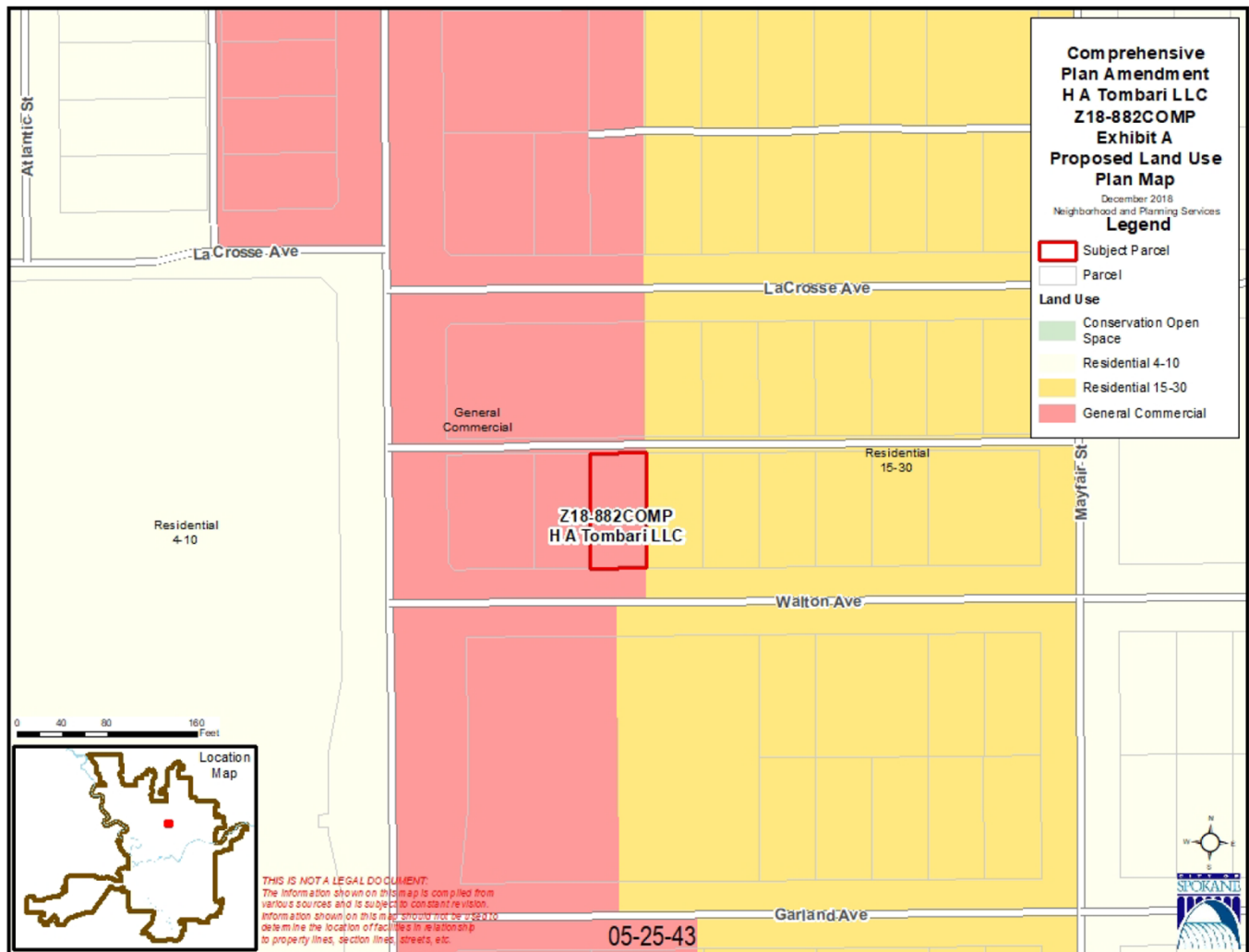
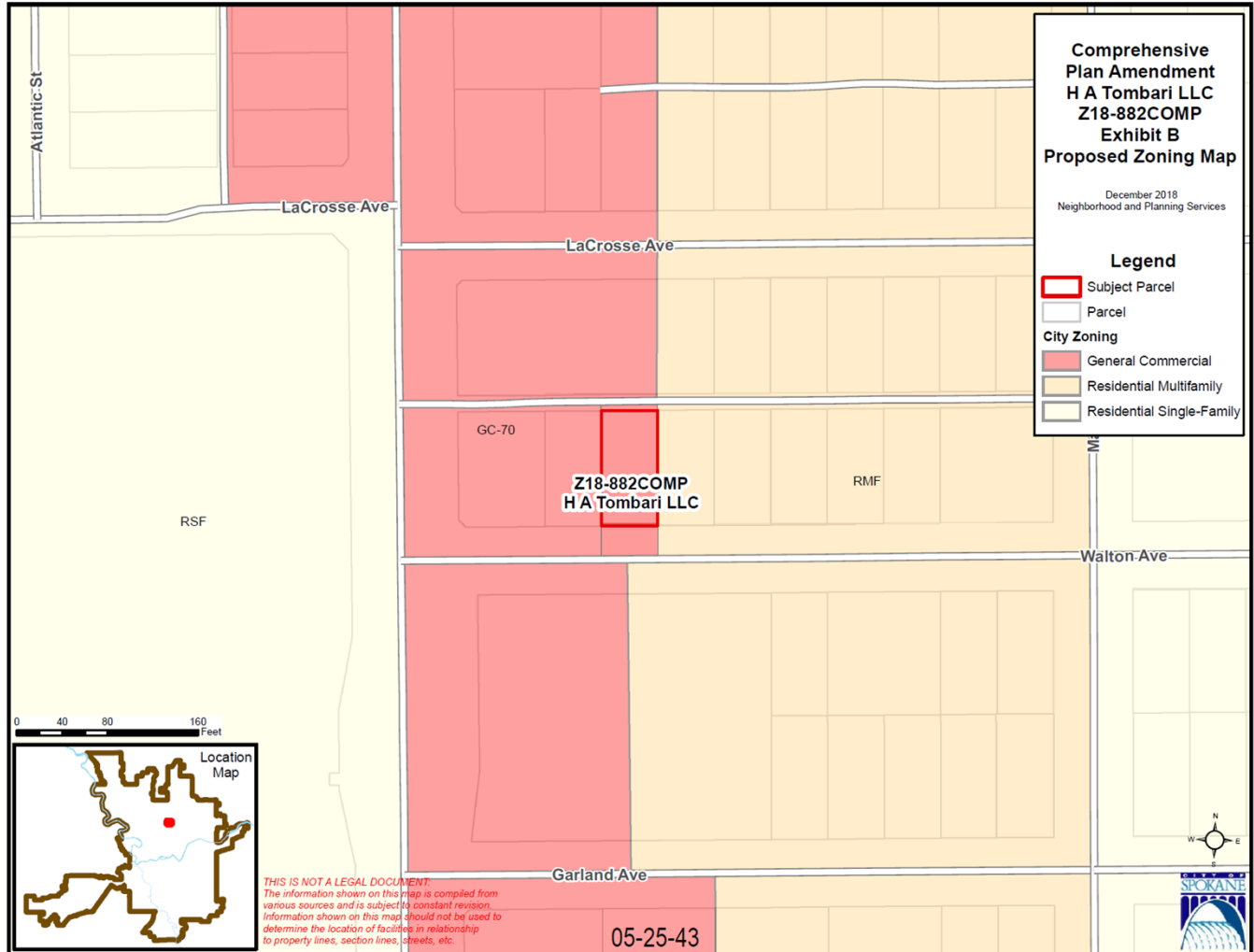


Exhibit B: Proposed Zoning Designation



**Spokane Plan Commission Findings of Fact, Conclusions,
and Recommendations on the Comprehensive Plan Land Use
Plan Map Amendment File No. Z18-882COMP
(HA TOMBARI LLC)**

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Comprehensive Plan Amendment application seeking to amend the land use plan map designation from “Residential 15-30” to “General Commercial” for a 0.12 acre area located at 15 East Walton Avenue. The implementing zoning designation requested is to change to General Commercial with 70-foot height limit (GC-70).

FINDINGS OF FACT:

- A. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act (GMA).
- B. Under GMA, comprehensive plans generally may be amended no more frequently than once a year, and all amendment proposals must be considered concurrently in order to evaluate for their cumulative effect.
- C. Amendment application Z18-882COMP (the “Application”) was submitted in a timely manner for review during the City’s 2018/2019 amendment cycle.
- D. The Application seeks to amend the land use designation for a 0.12-acre area located near Division Street at 15 East Walton Avenue from “Residential 15-30” to “General Commercial” with a corresponding change in zoning from Residential Multifamily (RMF) to General Commercial with a 70-foot height limit (GC-70). The owner of the Property also owns the two parcels immediately to the west of the Property resulting in common ownership holding that spans the area between the Property and Division Street.
- E. Annual amendment applications are subject to a threshold review process to determine whether the applications will be included in the City’s Annual Comprehensive Plan Amendment Work Program.
- F. On January 15, 2019, an Ad Hoc City Council Committee reviewed the applications that had been timely submitted, and forwarded its recommendation to City Council regarding the applications.
- G. On February 25, 2019, the City Council adopted Resolution RES 2019-0011 establishing the 2019 Comprehensive Plan Amendment Work Program, and including the Application in the Work Program.
- H. Thereafter, on April 5, 2019, staff requested comments from agencies and departments. No adverse comments were received from agencies or departments regarding the Application.

- I. A public comment period ran from May 28, 2019 to July 29, 2019 which provided a 60-day public comment period. The City did not receive any negative comments regarding the Application.
- J. On June 6, 2019, the Community Assembly received a presentation regarding the 2019 Comprehensive Plan Amendment Work Program and the Application, and has been provided with information regarding the dates of Plan Commission workshops and hearings.
- K. On June 12, 2019, the Spokane City Plan Commission held a workshop to study the Application.
- L. On August 27, 2019, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were issued for the Comprehensive Land Use Plan Map and Zoning Map changes, including the Application. The deadline to appeal the SEPA determination was September 10, 2019. No comments on the SEPA determination were received.
- M. On August 29, 2019, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- N. On August 28 and September 4, 2019, the City caused notice to be published in the Spokesman Review providing notice of the SEPA Checklist and Determination of Non-Significance, the Comprehensive Plan Land Use Map amendment, and announcing the September 11, 2019 Plan Commission Public Hearing.
- O. On August 28, 2019, Notice of Public Hearing and SEPA Determination was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four-hundred-foot radius of any portion of the boundary of the subject property.
- P. Prior to the Plan Commission hearing, staff prepared a report addressing SEPA and providing staff's analysis of the merits of the Application, copies of which were circulated as prescribed by SMC 17G.020.060B.8. Staff's analysis of the Application recommended approval of the application.
- Q. On September 11, 2019, the Plan Commission held a public hearing on the Application, and concluded its deliberations.
- R. Nobody testified in opposition to the Application and the City did not receive any adverse comments from the public or otherwise regarding the Application.
- S. As a result of the City's efforts, pursuant to the requirements of SMC 17G.020.070, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to comment.

T. Except as otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Application (the “Staff Report”).

U. Comprehensive Plan Chapter 2, Implementation, Section 2.3 provides:

This section establishes a process to ensure the Plan functions as a living document, advancing the long range vision for the community, while also being responsive to changing conditions. The intended outcomes of these matrices are:

. . . .

Ensure the Plan is a living document, capable of responding to changing conditions and expanding information.

V. The Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan, most specifically policy Land Use LU 1.8 concerning the establishment of General Commercial land uses in the City and that the subject property is within the 250-foot extension limit described in that policy.

W. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, technical studies, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), SEPA review, agency and public comments received, and public testimony presented regarding the Application File No. Z18-882COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

1. The Application was submitted in a timely manner and added to the 2019 Annual Comprehensive Plan Amendment Work Program, and the final review application was submitted as provided in SMC 17G.020.050(D).
2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
3. The Application is consistent with the goals and purposes of GMA.
4. Any potential infrastructure implications associated with the Application will either be mitigated through projects reflected in the City’s relevant

six-year capital improvement plans or through enforcement of the City's development regulations at time of development.

5. As outlined in above in the Findings of Fact, the Application is internally consistent within the meaning of SMC 17G.020.030E.
6. The Application is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
7. The Application has been considered simultaneously with the other proposals included in the 2019 Annual Comprehensive Plan Amendment Work Program in order to evaluate the cumulative effect of all the proposals.
8. SEPA review was completed for the Application, and pursuant to SEPA, any adverse environmental impacts associated with the Application will be mitigated by enforcement of the City's development regulations.
9. The Application will not adversely affect the City's ability to provide the full range of urban public facilities and services citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.
10. The Application proposes a land use designation that is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
11. The proposed map amendment and site is suitable for the proposed designation.
12. The map amendment would implement applicable comprehensive plan policies better than the current map designation.

RECOMMENDATIONS:

In the matter of Z18-882COMP, a request by Dwight Hume, Land Use Solutions and Entitlement on behalf of HA Tombari LLC to change the land use plan designation on 0.12 acre of land from "Residential 15-30" to "General Commercial" with a corresponding change of the implementing zoning to GC (General Commercial), as based upon the above listed findings and conclusions, by a vote of 7 to 0, the Plan Commissions recommends to City Council the APPROVAL of the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan with corresponding amendment to the City's Zoning Map, and authorized the President to prepare and sign on the Commission's behalf a written decision

setting forth the Commission's findings, conclusions, and recommendation on the Application.

DocuSigned by:

Gregory F Francis

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**Greg Francis, Vice President in lieu of
Todd Beyreuther, President
Spokane Plan Commission**

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

11/11/2019

Date Rec'd

10/28/2019

Clerk's File #

ORD C35839

Renews #**Submitting Dept**

PLANNING

Contact Name/Phone

KEVIN 625-6184

Contact E-Mail

KFREIBOTT@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Agenda Item Name

0650 – LAND USE PLAN MAP AMENDMENT – SHERMAN ST

Cross Ref #**Project #****Bid #****Requisition #****Agenda Wording**

An Ordinance relating to application Z18-883COMP by Acceleration Physical Therapy amending the Comprehensive Plan Land Use Plan Map from Residential 15-30 to Office for 0.29 acres and a change to the Zoning Map from RMF to O-35.

Summary (Background)

The subject properties are legally described as Lots 1 and 2 of the Subdivision of Lot 5 of GH Morgan's Addition. This Application is being considered concurrently through the annual Comprehensive Plan Amendment cycle as required by the Growth Management Act. The application has fulfilled public participation and notification requirements. The Plan Commission held a Public Hearing on September 11, 2019 to consider this amendment and has recommended approval of the amendment.

Fiscal Impact

Grant related? NO

Public Works? NO

Budget Account

Neutral

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

Approvals**Dept Head**

TRAUTMAN, HEATHER

Division Director

DUVALL, MEGAN

Finance

ORLOB, KIMBERLY

Legal

RICHMAN, JAMES

For the Mayor

ORMSBY, MICHAEL

Council Notifications**Study Session**

10/10/19

Other**Distribution List**

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Additional Approvals**Purchasing**

ORDINANCE NO. C35839

AN ORDINANCE RELATING TO APPLICATION PLANNING FILE Z18-883COMP AND AMENDING MAP LU 1, LAND USE PLAN MAP, OF THE CITY'S COMPREHENSIVE PLAN FROM "RESIDENTIAL 15-30" TO "OFFICE" FOR APPROXIMATELY 0.29 ACRES DESCRIBED AS LOTS 1 AND 2 OF THE SUBDIVISION OF LOT 5 OF GH MORGAN'S ADDITION AND AMENDING THE ZONING MAP FROM "RESIDENTIAL MULTIFAMILY (RMF)" TO "OFFICE (O-35)".

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A); and

WHEREAS, the City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act; and

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

WHEREAS, land use amendment application Z18-883COMP was timely submitted to the City for consideration during the City's 2018/2019 Comprehensive Plan amendment cycle; and

WHEREAS, Application Z18-883COMP seeks to amend the Land Use Plan Map of the City's Comprehensive Plan for a change from "Residential 15-30" to "Office" for 0.29 acres. If approved, the implementing zoning designation requested is "Office (O-35)"; and

WHEREAS, staff requested comments from agencies and departments on April 5, 2019, and a public comment period ran from May 28, 2019 to July 29, 2019; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on August 29, 2019; and

WHEREAS, the Spokane Plan Commission held a substantive workshop regarding the proposed Comprehensive Plan amendment on July 10, 2019; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance was issued on August 27, 2019 for the Comprehensive Land Use Plan Map and Zoning Map changes ("DNS"). The public comment period for the SEPA determination ended on September 10, 2019; and

WHEREAS, notice of the SEPA Checklist and Determination, the Land Use Plan Map changes, and the Zoning Map changes, and announcement of the September 11, 2019 Plan Commission Public Hearing was published on August 28, 2019 and September 4, 2019; and

WHEREAS, Notice of Plan Commission Public Hearing and SEPA Determination was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on August 28, 2019; and

WHEREAS, the staff report for Application Z18-883COMP reviewed all the criteria relevant to consideration of the application; and

WHEREAS, the Spokane Plan Commission conducted a public hearing and deliberated on September 11, 2019 for Application Z18-883COMP and other proposed amendments; and

WHEREAS, the Spokane Plan Commission found that Application Z18-883COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Plan Commission voted 6 to 1 to recommend approval of Application Z18-883COMP; and

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

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of the Application. Application Z18-883COMP is approved.
2. Amendment of the Land Use Map. The Spokane Comprehensive Plan Map LU 1, Land Use Plan Map, is amended from "Residential 15-30" to "Office" for 0.29 acres, as shown in Exhibit A.
3. Amendment of the Zoning Map. The City of Spokane Zoning Map is amended from "Residential Multifamily (RMF)" to "Office (O-35)" as shown in Exhibit B.

PASSED BY THE CITY COUNCIL ON _____, 2019.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**STAFF REPORT ON COMPREHENSIVE PLAN
LAND USE AMENDMENT APPLICATION
0.29 acre at 701 and 707 South Sherman Street; File Z18-883COMP**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

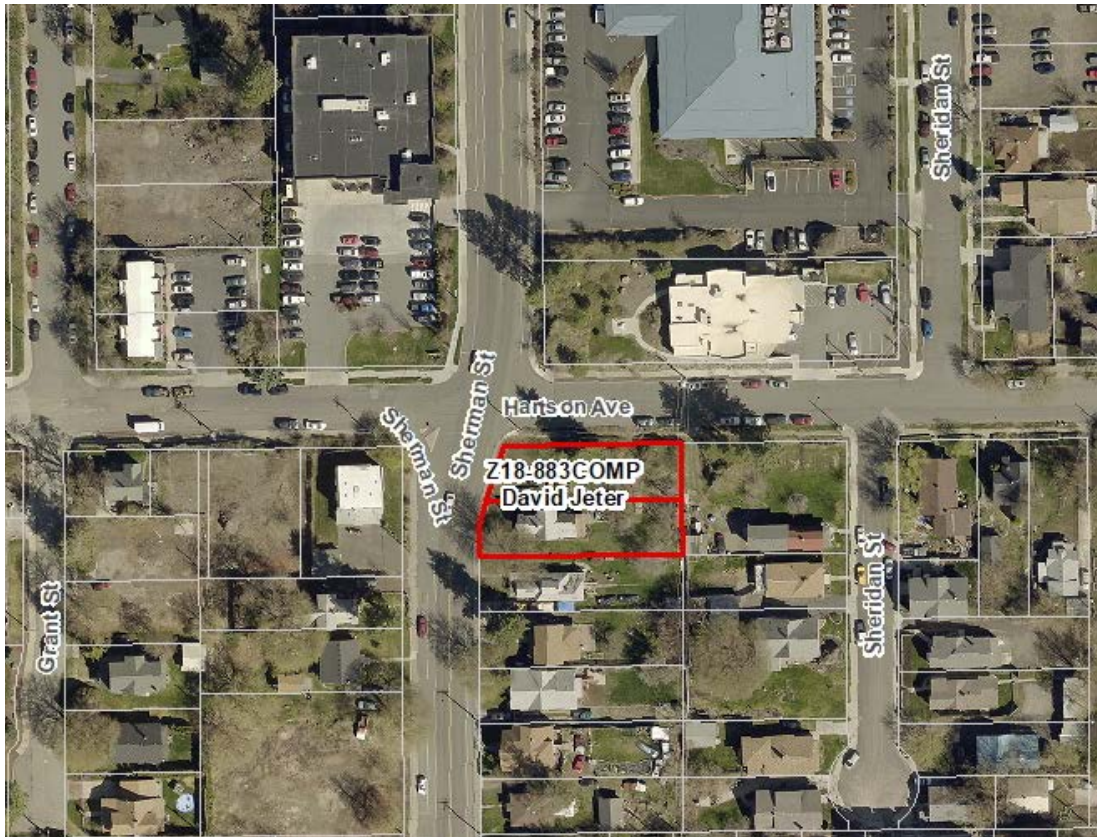
DESCRIPTION OF PROPOSAL:

Change parcels 35203.0101 and 35203.0102 from “Residential 15-30 Land Use” and RMF zoning to “Office Land Use” and O-35 zoning (same as adjacent parcel to the north). The subject parcels are approximately 13,000 square feet (0.29 acre) total. No specific development proposal is being approved at this time.

II. GENERAL INFORMATION

Agent:	Dwight Hume, Land Use Solutions and Entitlement
Applicant/Property Owner(s):	David Jeter, MPT, COMT, Acceleration Physical Therapy/Carl Upton and Patricia Upton aka Patricia Reilly
Location of Proposal:	The subject site is two parcels located on the southeast corner of South Sherman Street and East Hartson Avenue, (701 and 707 S Sherman St / parcels 35203.0101 and 35203.0102). The concerned property totals approx. 13,000 square feet (0.29 acre).
Legal Description:	Lots 1 and 2 of Subdivision of Lot 5, GH Morgan’s Addition
Existing Land Use Plan Designation:	“Residential 15-30”
Proposed Land Use Plan Designation:	“Office”
Existing Zoning:	RMF (Residential Multifamily)
Proposed Zoning:	O-35 (Office with 35-foot height limit)
SEPA Status:	A SEPA threshold Determination of Non-Significance (DNS) was made on August 27, 2019. The appeal deadline is 5 p.m. on September 10, 2019.
Enabling Code Section:	SMC 17G.020, Comprehensive Plan Amendment Procedure.
Plan Commission Hearing Date:	September 11, 2019
Staff Contact:	Nathan Gwinn, Assistant Planner; ngwinn@spokanecity.org
Recommendation:	Approve, if the Plan Commission finds the application conforms with appropriate location criteria

III. BACKGROUND INFORMATION

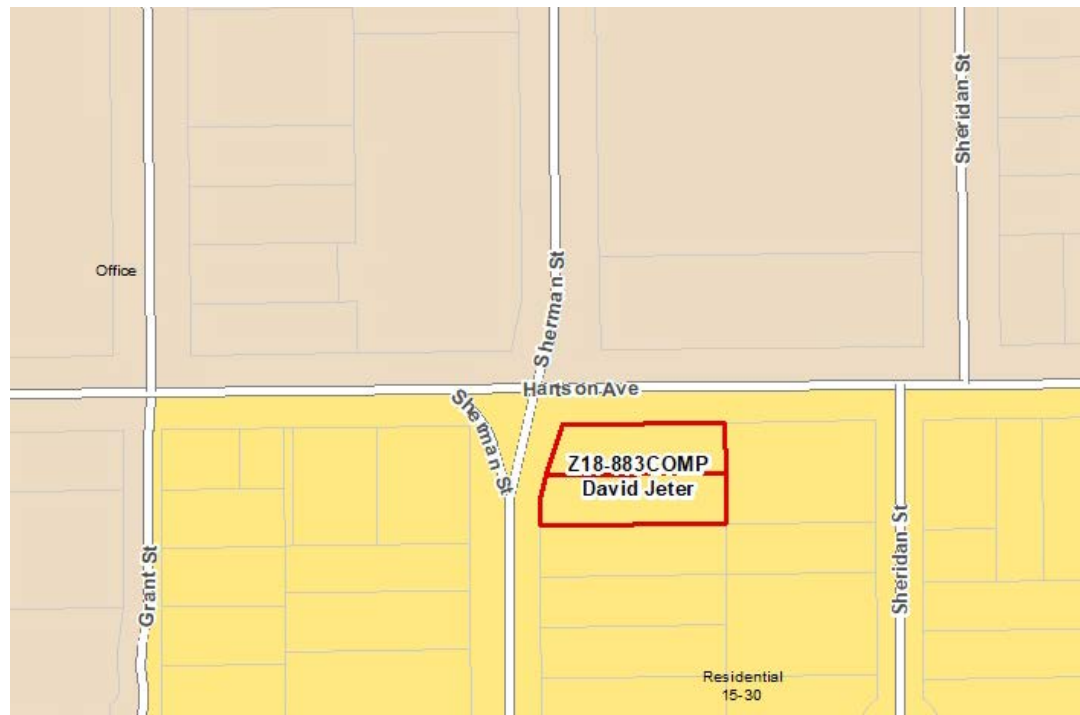


- A. Site Description:** The subject parcels (tax parcels 35203.0101 and 35203.0102) for the proposal contain approximately 13,000 square feet (0.29 acre), situated at 701 & 707 S Sherman St. The site is improved with a single-family dwelling built in 1895 on the southern lot. Situated at the southeast corner of S Sherman St and E Hartson Ave, the property fronts the east side of Sherman, a minor arterial, and the south side of Hartson, a local access street.

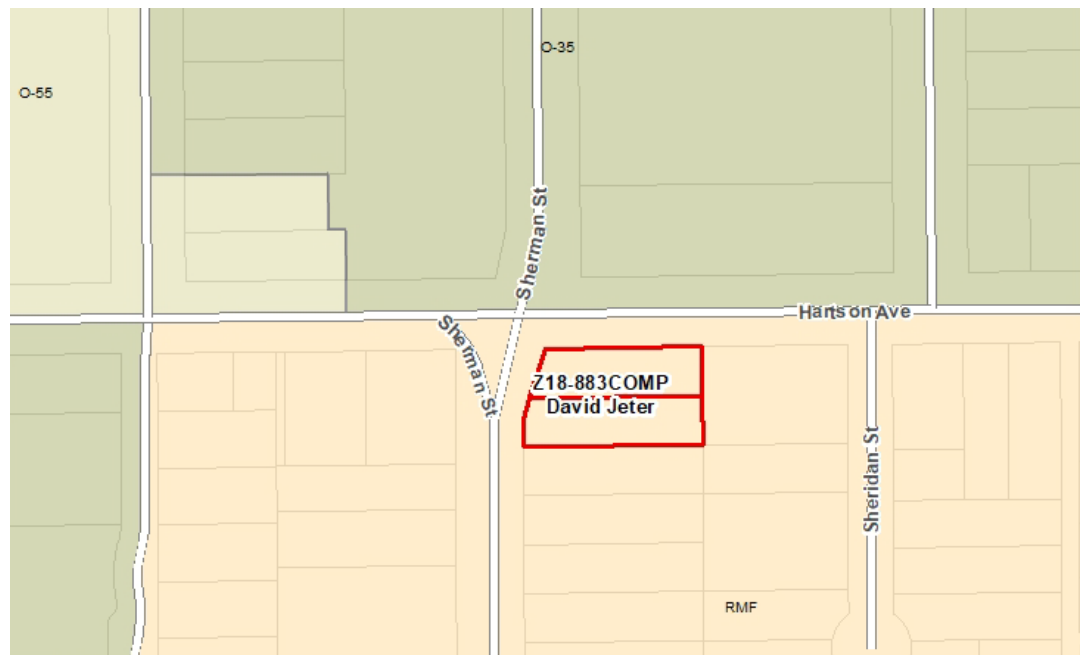
The subject parcels share a block with several other single-family dwellings and some duplexes.

- B. Proposal Description:** Pursuant to the procedures provided in [chapter 17G.060](#) Spokane Municipal Code, “Comprehensive Plan Amendment Procedure,” the applicant is requesting a Comprehensive Plan Land Use Plan Map designation change from “Residential 15-30” to “Office.” If approved, the zoning would be changed from RMF (Residential Multifamily – 35 feet) to O-35 (Office – 35 feet). Although the project description submitted by the applicant indicates that the site would be improved for an office and off-street parking, the applicant’s proposal does not include any specific plans for development or improvement to the property. Development and improvement of the site would be subject to all relevant provisions of the City’s Unified Development Code, including without limitation, [chapter 17D.010](#) SMC relating to concurrency.

C. Existing Land Use Plan Map Designations with Subject Property in Bold Red Outline



D. Existing Zoning Map with Subject Property in Bold Red Outline



E. Land Use History: The subject property was annexed to the City in 1883 and later platted as Lots 1 and 2 of Subdivision of Lot 5, GH Morgan's Addition in 1889. The home at 707 S Sherman St was built in 1895. Permit records indicate

at least one dwelling was also built on the northern lot at 701 S Sherman St by 1917, but that lot is now vacant.

By 1975, the subject property was zoned Multifamily Residence (R3), similar to the current designation adopted in 2007. However, two citywide plans in the intervening time designated the site differently. In 1983, the City's Land Use Plan designated the site Low Density Residential. Afterward, when the City adopted its Comprehensive Plan in 2001 under newly adopted requirements of the Growth Management Act, the site and block were designated Residential 4-10. Commensurate with the designation, the site was rezoned Residential Single-Family (RSF) in 2006 under ORD C33841. However, in January 2007, the Land Use Plan Map designation was changed to Residential 15-30 after adoption of the East Central Area Land Use Plan Changes under ORD C33945, changing the implementing zoning from RSF to RMF and returning to multifamily residential zoning of the property.

F. Adjacent Land Uses and Improvements:

North: across E Hartson Ave	Office designation; medical office and parking lot, built in 2013
South	Residential 15-30; Single-family residence
East	Residential 15-30; Single-family residence
West: across S Sherman St	Residential 15-30; Multi-family residential building and parking lot

G. Street Designations: The subject property lies at the southeast corner of East Hartson Avenue and South Sherman Street. The Proposed Arterial Network Map TR 12, in Chapter 4 of the Comprehensive Plan, classifies Sherman Street as an **Urban Minor Arterial**. East Hartson Avenue is a local access street.

H. Application Process:

- Application was submitted on October 29, 2018.
- City Council established the Annual Comprehensive Plan Amendment Work Program for 2019 by resolution ([RES 2019-0011](#)) on February 25, 2019;
- Applicant was provided Notice of Application on May 15, 2019;
- Notice of Application was posted, published, and mailed on May 28, 2019, which began a 60-day public comment period, ending on July 29, 2019;
- A SEPA Determination of Non Significance was issued on August 27, 2019;
- Notice of Public Hearing was posted and mailed by August 28, 2019;
- Notice of Public Hearing was published on August 28 and September 4, 2019;
- Hearing date is scheduled with the Plan Commission for September 11, 2019.

IV. AGENCY, INTERESTED DEPARTMENT, & PUBLIC COMMENT

Notice of this proposal was sent to City departments and outside agencies for their review. Department and outside agency comments are included in this report as Exhibits 5 and 6. Two agency/city department comments were received regarding this application:

- Avista
- City of Spokane, Development Services

Notice of this proposal was also sent to the East Central Neighborhood Council and all property owners within the notification area. Notice was posted on the subject property and in the local library branch, and published in the Spokesman Review.

- One comment letter in opposition to the proposal was received from a property owner in the vicinity, at 715 S Sherman St, while no comments were received from other members of the public prior to the comment deadline. The letter is included in this report as Exhibit 7. Note: The comment letter author's property does not directly abut the subject site as his letter suggests, but it does adjoin another neighboring single-family dwelling at 711 S Sherman St, which lies between the 715 S Sherman St and the subject site.

V. COMPREHENSIVE PLAN AMENDMENT PROCESS GUIDING PRINCIPLES

SMC [17G.020.010](#) provides the following guiding principles for the annual comprehensive plan amendment process:

1. Keep the comprehensive plan alive and responsive to the community.
2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
6. Amendments to the comprehensive plan must result in a net benefit to the general public.

VI. REVIEW CRITERIA

SMC Section [17G.020.030](#) establishes the approval criteria for Comprehensive Plan amendments, including Land Use Plan Map amendments. In order to approve a Comprehensive Plan Land Use Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all the applicable criteria. The applicable criteria are shown below in ***bold italic*** print. Following each criterion is staff analysis relative to the amendment requested.

A. Regulatory Changes.

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

Staff Analysis: Staff reviewed and processed the proposed amendment under the most current regulations contained in the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent federal, state, or legislative actions with which the proposal would be in conflict, and no comments were received to this effect from any applicable agencies receiving notice of the proposal. The proposal meets this criterion.

B. GMA.

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

Staff Analysis: The Growth Management Act (GMA) details 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW [36.70A.020](#), “Planning Goals”), and these goals guided the City’s development of its comprehensive plan and development regulations. No comments received or other evidence in the record indicates inconsistency between the proposed plan map amendment and the goals and purposes of the GMA. The proposal meets this criterion.

C. Financing.

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

Staff Analysis: The City did not require, nor did any Agency comment request or require a traffic impact analysis for the proposal. The subject property is already served by water, sewer, and nearby transit service and lies immediately adjacent to S Sherman St, a minor arterial, and E Hartson Avenue, a local access street. Under State and local laws, any subsequent development of the site will be subject to a concurrency determination pursuant to SMC [17D.010.020](#). Staff finds that the proposal meets this criterion.

D. Funding Shortfall.

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

Staff Analysis: The subject property is centrally located within the city in an area well-served by urban facilities and services, and the proposal itself does not involve a specific development project. Implementation of the concurrency

requirement, as well as applicable development regulations and transportation impact fees, will ensure that development is consistent with adopted comprehensive plan and capital facilities standards, or that sufficient funding is available to mitigate any impacts to existing infrastructure networks. The proposal meets this criterion.

E. Internal Consistency.

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

Staff Analysis: The proposal is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

Development Regulations. As a non-project proposal, there are no specific plans for development of this site. Additionally, any future development on this site will be required to be consistent with the current development regulations at the time an application is submitted. The proposal does not result in any non-conforming uses or development and staff finds no reason to indicate that the proposed Comprehensive Plan Land Use Plan Map and zone change would result in a property that cannot be reasonably developed in compliance with applicable regulations.

Capital Facilities Program. As described in the staff analysis of Criterion C above, no additional infrastructure or capital expenditures by the City are anticipated for this non-project action, and it is not anticipated that the City's integrated Capital Facilities Program would be affected by the proposal.

Neighborhood Planning Documents Adopted after 2001. A planning process began in 2004 and 2005 to develop a Neighborhood Plan, adopted by the City under RES 2006-0032, following the City's neighborhood planning and centers and corridors planning guidelines. The plan encompassed all of the area within the East Central neighborhood council boundary, and it recommended studying the expansion of a medical district employment center in the vicinity of the subject site (pp. 23-24).

Following this, the City adopted the separate East Central Area Land Use Plan Changes effective January 10, 2007, under ORD C33945, as discussed above in section III.E of this report. The Ordinance recognized that some East Central residential areas including the subject property "...should now have the zoning map designation in place prior to June 14, 2006 reinstated" (p. 2). Later, East

Central became the first neighborhood to utilize funding allocated by the City Council in 2007 to complete a specific project, improvements to the Ben Burr Trail, through the neighborhood council's Action Plan for 2009. That trail is located more than a half-mile east of the applicant's property.

In summary, the neighborhood planning process identified a medical district for study in the vicinity of the subject proposal, additionally changing the Land Use Plan Map designation from Residential 4-10 to Residential 15-30 to reinstate the longstanding multifamily residential zoning here. Although the City adopted these measures, none of the neighborhood plans identified any other strategies relating to the future use or development of the subject parcels, nor were any specific improvements or projects identified within or adjacent to the subject parcels. Therefore, the proposal to change the land-use designation and zoning for the subject property is internally consistent with applicable neighborhood planning documents.

Miscellaneous Comprehensive Plan Goals and Policies. Staff have compiled a group of Comprehensive Plan Goals and Policies excerpted from the Comprehensive Plan and contained in Exhibit 1 of this report. Further discussion of Comprehensive Plan Policy LU 1.5 Office Uses is included under the staff analysis of Criterion K.2 below.

- 2. *If a proposed amendment is significantly inconsistent with current policy within the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.***

Staff Analysis: The proposal is generally consistent with current Comprehensive Plan policies, as described in further detail in the staff analysis of Criterion K.2 below and other criteria in this report. Therefore, no amendment to policy wording is necessary and this criterion does not apply to the subject proposal.

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.

Staff Analysis: The proposed change in land use designations affects a relatively small (approximately 0.29-acre) area near the center of the urbanized area, with no foreseeable implications to regional or interjurisdictional policy issues. No comments have been received from any agency, City department, or neighboring jurisdiction which would indicate that this proposal is not regionally consistent. The proposal meets this criterion.

G. Cumulative Effect.

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

1. Land Use Impacts.

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

2. Grouping.

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

Staff Analysis: The City is concurrently reviewing this application and four other applications for Comprehensive Plan amendments, as part of an annual plan amendment cycle. Three applications are for map amendments, while two are proposed text amendments to the Comprehensive Plan.

The three map amendment proposals, including the subject proposal, are spread throughout the city and concern properties distant from and unconnected to any of the others under consideration. Each of the three map amendment proposals is separated from the others by large swaths of pre-existing urban development. The conditions and exact modification(s) of land use and zoning are not likely to affect each other in any cumulative amount.

Both proposed text amendments are citywide in nature and significantly larger in the amount of property potentially impacted than the subject application. A proposed new policy (LU 4.6, Transit Supported Development, File [Z18-958COMP](#)) would encourage mixed-use development and high density residential development in areas adjacent to planned high-performance transit facilities, such as along E 5th Ave approximately 650 feet north of the subject site. The other text amendment is a proposed amendment to existing Policy LU 1.8, General Commercial Uses (File [Z19-002COMP](#)). However, any changes to land-use designations resulting from these pending policy changes would be required in a future annual application cycle, with no Land Use Plan Map changes occurring concurrently with this application. As such, it appears that no cumulative effects are possible, nor do the potential for such effects need to be analyzed. The proposal meets this criterion.

H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter 17E.050.

1. Grouping.

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

2. DS.

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

Staff Analysis: The application is under review in accordance with the State Environmental Policy Act (SEPA), which requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of the information contained in the environmental checklist, written comments from local and State departments and agencies concerned with land development within the City, and a review of other information available to the Director of Planning Services, a Determination of Non-Significance was issued on August 27, 2019. The proposal meets this criterion.

I. Adequate Public Facilities.

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

Staff Analysis: The proposal would change the land-use designation of an area totaling 0.29 acre, within a built-up area of the city served by the public facilities and services described in CFU 2.1. The proposed change in land-use designations affects a relatively small area, does not include a development proposal, and does not measurably alter demand for public facilities and services in the vicinity of the site or on a citywide basis. Any subsequent development of the site will be subject to a concurrency determination pursuant to SMC [17D.010.020](#), thereby implementing the policy set forth in CFU 2.2. Staff finds that the proposal meets this criterion.

J. UGA.

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

Staff Analysis: The application does not propose an amendment to the urban growth area boundary. This criterion does not apply.

K. Demonstration of Need.

1. Policy Adjustments.

Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. [...]

Staff Analysis: The proposal is for a map change only and does not include any proposed policy adjustments. Therefore, this subsection does not apply.

2. Map Changes.

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

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);***

Staff Analysis: Comprehensive Plan Chapter 3, Section 3.4 Description of Land Use Designations, provides that:

“Office: The Office designation usually indicates freestanding small office sites and larger sites with two or more buildings located along arterial streets or intersections or as a buffer adjacent to residential areas. Higher intensity office areas should be located around downtown Spokane.” (Comprehensive Plan Ch. 3, p. 3-39).

The subject site is located at the intersection of S Sherman St, a minor arterial, and E Hartson Ave, a local access street, and is located in a residential area adjacent to an Office designation across Hartson.

Policy LU 1.5, Office Uses, sets forth additional locational criteria for the Office land-use designation. It provides: “Direct new office uses to Centers and Corridors designated on the Land Use Plan Map.” The discussion section of Policy LU 1.5 provides further:

“To ensure that the market for office use is directed to Centers, future office use is generally limited in other areas. The Office designations located outside Centers are generally confined to the boundaries of existing Office designations. Office use within these boundaries is allowed outside of a Center.

“The Office designation is also located where it continues an existing office development trend and serves as a transitional land use between higher intensity commercial uses on one side of a principal arterial street and a lower density residential area on the opposite side of the street. Arterial frontages that are predominantly developed with single-family

residences should not be disrupted with office use. For example, office use is encouraged in areas designated Office along the south side of Francis Avenue between Cannon Street and Market Street to a depth of not more than approximately 140 feet from Francis Avenue.”

The proposal would expand the Office designation south across E Hartson Ave from the existing Office designation north of the subject site. The arterial block frontage on the east side of S Sherman St is currently improved with eight single-family residences and one duplex, and therefore predominately developed with single-family residences, however it is designated Residential 15-30 on the Land Use Plan Map and is zoned for multifamily use.

The block to the northeast, located between Sheridan and Hatch Streets and 5th Avenue and Hartson Avenue, was part of a 3.25-acre Comprehensive Plan Land Use Plan Map amendment, from Residential 15-30 to Office in 2013 (ORD C35026). In its review of that amendment, the City found that the proposal provided a transitional land use between the designated General Commercial district north of Interstate 90, considered a principal arterial – controlled access high capacity, and residential neighborhood to the south of the amendment site. The subject proposal is similarly located near Interstate 90, now classified on Map TR 12 Arterial Network Map as an Urban Interstate, and provides a transitional land use between the designated higher intensity commercial districts to the north (in this case, General Commercial and Office), and the residential neighborhood to the south of the amendment site.

The application materials offer indicators of an existing office development trend. The applicant cites expected growth along S Sherman St supported by the improvements to connect the East Central neighborhood with the University District at the new pedestrian bridge and plaza at E Sprague Ave and S Sherman St. The materials, including Paragraph 2 of the Early Threshold Review narrative, also mention six vacant parcels on the adjacent Residential 15-30 designated block to the west owned by MultiCare Health System, “presumably for future office expansion, even though it too, is within an RMF zone.” While those parcels are part of property in other nearby blocks to the northwest designated Office and also owned by MultiCare, including the Rockwood Clinic at 400 E 5th Ave, MultiCare has not as of the present time indicated interest in a change of land use on the Residential 15-30 block immediately adjacent and west of the subject site, nor has it applied for permits to improve those properties.

The application addresses compatibility with neighboring land uses, as it notes the immediately adjacent Office designated property to the north across Hartson Avenue, and suitability of extending the transitional Office designation to the subject site due to typically alternating hours of activity between homes and office uses. Staff recommend the Plan Commission consider whether this information is in conformance with LU 1.5 Office Uses and the other appropriate location criteria.

b. The map amendment or site is suitable for the proposed designation;

Staff Analysis: As described in the staff analysis under subsection (a) above, the proposed Office designation meets the locational characteristics provided in Comprehensive Plan Policy LU 1.5, because it is adjacent to a minor arterial street with a frontage designated for multifamily residential use, and is adjacent to an existing Office designation. The application materials maintain that the proposal could result in a site suitable for redevelopment as a medical office. The proposal meets subsection (b).

c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.

Staff Analysis: Under the discussion of Policy LU 1.4 Higher Density Residential Uses, the Comprehensive Plan applies this designation in locations outside Centers “where the existing use of land is predominately higher density residential.” The subject site is currently developed as a single-family home built in 1895 and neighboring vacant lot under single ownership. Many properties on the block remain developed as single-family homes, despite several decades of multifamily zoning.

The Comprehensive Plan describes the existing Land Use Plan Map designation:

“Residential 15-30: This designation allows higher density residential use at a density of 15 to 30 units per acre.” (Comprehensive Plan Ch. 3, p. 3-40).

The subject 0.29-acre site now developed as a single dwelling unit does not meet the current map designation’s description of higher density residential use at a density of 15 to 30 units per acre. The submitted application materials state that the subject site would require aggregation with additional sites for redevelopment as multifamily residences. As described above in this report in III.E Land Use History and VI.E.1 Internal Consistency, the current Residential 15-30 Land Use Plan Map designation recognizes the 2007 East Central Area Land Use Plan Changes and multifamily zoning that predated the City’s 2001 Comprehensive Plan. Meanwhile, the 2006 Neighborhood Plan also identified a medical district for study in the vicinity of this proposal.

The Comprehensive Plan describes the proposed Land Use Plan Map designation as follows:

“Office: The Office designation usually indicates freestanding small office sites and larger sites with two or more buildings located along arterial streets or intersections or as a buffer adjacent to residential areas. Higher intensity office areas should be located around downtown Spokane.” (Comprehensive Plan Ch. 3, p. 3-39).

The application materials maintain that the site could be redeveloped into “a small therapy office and on-site parking” (applicant’s project description), and that

the Office designation "... is a more appropriate and beneficial use to the area that is now trending toward expanded medical services rather than an apartment complex" (response to Section 17G.020.030 Final Review Criteria, paragraph (K)(1)(c)). The proposal meets subsection (c).

3. Rezones, Land Use Plan Map Amendment.

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

Staff Analysis: If the Land Use Plan Map amendment is approved as proposed, the zoning designation of the subject property will change from RMF (Residential Multifamily) to O-35 (Office with 35-foot height limit). The O-35 zone implements the Office land-use designation proposed by the applicant. No policy language changes have been identified as necessary to support the proposed Land Use Plan Map amendment. The proposal meets this criterion.

VII. CONCLUSION:

Based on the facts and findings presented herein, staff recommends the Plan Commission consider Policy LU 1.5 Office Uses and other appropriate location criteria and determine if the requested amendment satisfies all criteria set forth in SMC Section [17G.020.030](#).

VIII. STAFF RECOMMENDATION:

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC Chapter 17G.020, Plan Commission will need to make a recommendation to City Council for approval or denial of the requested amendment to the Land Use Plan map of the City's Comprehensive Plan.

Staff recommends that the Plan Commission adopt the facts and findings of the staff report and recommends approval, if the Plan Commission finds the application is in conformance with Policy LU 1.5 Office Uses and the other appropriate location criteria, of the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan for the subject property approximately 0.29 acre in size and located at 701 and 707 S Sherman St (parcels 35203.0101 and 35203.0102).

IX. **LIST OF EXHIBITS**

- 1 Relevant Comprehensive Plan policies
- 2 Application Materials
- 3 SEPA CHECKLIST
- 4 SEPA Determination of Non-Significance
- 5 Agency Comment – Avista
- 6 Department Comment – Development Services
- 7 Public Comment – Robert Apple

EXHIBIT 1 – RELEVANT COMPREHENSIVE PLAN POLICIES

City of Spokane [Comprehensive Plan](#)

Land Use Element

LU 1.4 Higher Density Residential Uses

Direct new higher density residential uses to Centers and Corridors designated on the Land Use Plan Map.

Discussion: Higher density housing of various types is the critical component of a center. Without substantially increasing population in a center's immediate vicinity, there is insufficient market demand for goods and services at a level to sustain neighborhood-scale businesses. Higher density residential uses in Centers range from multi-story condominiums and apartments in the middle to small-lot homes at the edge. Other possible housing types include townhouses, garden apartments, and housing over retail space.

To ensure that the market for higher density residential use is directed to Centers, future higher density housing generally is limited in other areas. The infill of Residential 15+ and Residential 15-30 residential designations located outside Centers are confined to the boundaries of existing multi-family residential designations where the existing use of land is predominantly higher density residential.

LU 1.5 Office Uses

Direct new office uses to Centers and Corridors designated on the Land Use Plan Map.

Discussion: Office use of various types is an important component of a Center. Offices provide necessary services and employment opportunities for residents of a Center and the surrounding neighborhood. Office use in Centers may be in multi-story structures in the core area of the Center and transition to low-rise structures at the edge.

To ensure that the market for office use is directed to Centers, future office use is generally limited in other areas. The Office designations located outside Centers are generally confined to the boundaries of existing Office designations. Office use within these boundaries is allowed outside of a Center.

The Office designation is also located where it continues an existing office development trend and serves as a transitional land use between higher intensity commercial uses on one side of a principal arterial street and a lower density residential area on the opposite side of the street. Arterial frontages that are predominantly developed with single-family residences should not be disrupted with office use. For example, office use is encouraged in areas designated Office along the south side of Francis Avenue between Cannon Street and Market Street to a depth of not more than approximately 140 feet from Francis Avenue.

Drive-through facilities associated with offices such as drive-through banks should be allowed only along a principal arterial street subject to size limitations and design guidelines. Ingress and egress for office use should be from the arterial street. Uses such as freestanding sit-down restaurants or retail are appropriate only in the Office designation located in higher intensity office areas around downtown Spokane.

Residential uses are permitted in the form of single-family homes on individual lots, upper-floor apartments above offices, or other higher density residential uses.

CFU 2.1 Available Public Facilities

Consider that the requirement for concurrent availability of public facilities and utility services is met when adequate services and facilities are in existence at the time the development is ready for occupancy and use, in the case of water, wastewater and solid waste, and at least a financial commitment is in place at the time of development approval to provide all other public services within six years.

Discussion: Public facilities are those public lands, improvements, and equipment necessary to provide public services and allow for the delivery of services. They include, but are not limited to, streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, solid waste disposal and recycling, fire and police facilities, parks and recreational facilities, schools and libraries.

It must be shown that adequate facilities and services are available before new development can be approved. While occupancy and use imply an immediate need for water, wastewater and solid waste services, other public services may make more sense to provide as the demand arises. For example, a certain threshold of critical mass is often needed before construction of a new fire station, school, library, or park is justified. If these facilities and services do not currently exist, commitments for services may be made from either the public or the private sector.

CFU 2.2 Concurrency Management System

Maintain a concurrency management system for all capital facilities.

Discussion: A concurrency management system is defined as an adopted procedure or method designed to ensure that adequate public facilities and services needed to support development and protect the environment are available when the service demands of development occur. The following facilities must meet adopted level of service standards and be consistent with the concurrency management system: fire protection, police protection, parks and recreation, libraries, public wastewater (sewer and stormwater), public water, solid waste, transportation, and schools.

The procedure for concurrency management includes annual evaluation of adopted service levels and land use trends in order to anticipate demand for service and determine needed improvements. Findings from this review will then be addressed in the Six-Year Capital Improvement Plans, Annual Capital Budget, and all associated capital facilities documents to ensure that financial planning remains sufficiently ahead of the present for concurrency to be evaluated.

The City of Spokane must ensure that adequate facilities are available to support development or prohibit development approval when such development would cause service levels to decline below standards currently established in the Capital Facilities Program.

In the event that reduced funding threatens to halt development, it is much more appropriate to scale back land use objectives than to merely reduce level of service standards as a way of allowing development to continue. This approach is necessary in order to perpetuate a high quality of life. All adjustments to land use objectives and service level standards will fall within the public review process for annual amendment of the Comprehensive Plan and Capital Facilities Program.

Land Use Solutions & Entitlement

Land Use Planning Services

9101 N. MT. VIEW LANE Spokane, WA 99218

509-435-3108 (V)

10-28-18

Tirrell Black, AICP
City of Spokane Planning Services
W 801 Spokane Falls Blvd, 3rd Floor
Spokane WA 99201

Ref: 701 and 707 S. Sherman Annual Map Amendment

Tirrell:

On behalf of David Jeter et al, please find its application for a Comprehensive Plan Amendment and rezone from R-15-30 to Office and RMF to O-35. Specifically, enclosed are:

- 1) General Application
- 2) Early Threshold Review Supplement
- 3) Comprehensive Plan Amendment Pre-Application
- 4) SEPA Checklist
- 5) Project Narrative
- 6) Site Plan
- 7) Summary of Neighborhood Council Outreach, and
- 8) \$500.00 application fee.

Respectfully Submitted

Dwight J Hume

Dwight J Hume, agent
Land Use Solutions and Entitlement



General Application

DESCRIPTION OF PROPOSAL:

Map Amendment from Residential 15-30 to Office and a zone change from RMF to O-35

ADDRESS OF SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)
701 and 707 S Sherman

APPLICANT:

Name: David Jeter MPT, COMT, Acceleration Physical Therapy
Address: 1111 W Wellesley Ave. Spokane WA 99205
Phone (home): **Phone (work):** 448-9358
Email address: djeterpt1@gmail.com

PROPERTY OWNER:

Name: Patricia Upton aka Patricia Reilly
Address: 7421 Wandering St. Las Vegas Nevada 89131
Phone (home): **Phone (work):** N/A
Email address: N/A

AGENT:

Name: Land Use Solutions & Entitlement, Dwight Hume
Address: 9101 N Mt. View Lane Spokane WA 99218
Phone (home): **Phone (work):** 435-3108
Email address: dhume@spokane-landuse.com

ASSESSOR'S PARCEL NUMBERS:

35203.0101 (701 S Sherman) and 35203.0102 (707 S Sherman)

LEGAL DESCRIPTION OF SITE:

See attached

SIZE OF PROPERTY:

.29 acres

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LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

Land Use Map Amendment and associated zone change

SUBMITTED BY:

☐ Applicant ☐ Property Owner ☐ Property Purchaser ☒ Agent

In the case of discretionary permits (administrative, hearing examiner, landmarks commission or plan commission), if the applicant is not the property owner, the owner must provide the following acknowledgement:

Sara Eichelberger Power of Attorney over Patricia Upton AKA Patricia Reilly
I, Patricia Upton aka Patricia Reilly, owner of the above-described property do hereby authorize Dwight Hume to represent me and my interests in all matters regarding this application.

ACKNOWLEDGMENT:

Nevada
STATE OF ~~WASHINGTON~~)
Clark) ss.
COUNTY OF ~~SPOKANE~~)

On this 25th day of October, 2018, before me, the undersigned, a Notary Public in and for the State of ~~Washington~~ *Nevada*, duly commissioned and sworn, personally appeared Sara Eichelberger, *POA over Patricia Upton AKA Patricia Reilly* to me known to be the individual that executed the foregoing instrument and acknowledged the said instrument to be free and his her free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed the day and year first above written.

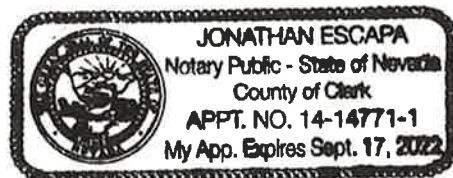
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**Neighborhood and
Planning Services**

Notary Public in and for the State of ~~Washington~~ *Nevada*,
residing at State of Nevada Clark County

6440 Sky Pointe dr Ste 140
Las Vegas NV 89131



Early Threshold Review

701/707 S Sherman

Description of Proposed Amendment: Land Use Map change from R 15-30 to Office and a corresponding zone change from RMF to O-35 on .29 acre located at the SEC of Hartson and Sherman and commonly known as S 701 and 707 S Sherman.

SMC 17G.025.010

1. **Describe how the proposed amendment is appropriately addressed as a Unified Development Code Amendment.**

The UDC allows for private sector request on individual ownerships, in-lieu-of a city-wide update to the comprehensive plan or a sub-area plan. Neither of these options are available, leaving the private sector request as the only reasonable option.

2. **The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City council or by a neighborhood or subarea planning process.**

In 2006, the East Central Neighborhood and the City of Spokane prepared a sub-area update to this residential area making it R 15-30 and RMF zoning. It is therefore unlikely that an update would occur again, even though the last amendment was almost 12 years ago. Nonetheless, Rockwood Clinic, now Multi-Care Health Systems has been acquiring platted parcels in this immediate vicinity and 6 of those parcels throughout the adjacent westerly block have been purchased by Rockwood/Multi-Care and have been cleared of housing, presumably for future office expansion, even though it too, is within an RMF zone. The area seems to be trending toward medical office services and this applicant is seeking to do the same, as a licensed physical therapist.

3. **The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program.**

The request is for .29 acre to be converted to an Office designation. This can be reasonably reviewed within the resources and time frame for annual amendments.

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4. **Describe how the proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must be consistent with policy implementation in the Countywide Planning policies, the GMA, or other state or federal law, and the WAC.**

The annual process for amending the Comprehensive Plan is to keep the Comprehensive Plan alive and responsive to the community. As stated above, the area continues to trend toward medical office services, as evident by the six separate parcels acquired by Multi-Care Health Services in this vicinity and RMF zone immediately west of the subject property. It is clearly on the fringe of major growing health care services located immediately north and west of the subject property, albeit within Office designated areas.

The requested amendment is therefore, consistent with the adjacent land use classification and zones and will implement many applicable Comprehensive Plan policies. The site has a full range of public services available and can accommodate a small therapy office in close proximity to major health care services.

The request is consistent with the CWPP. The CWPP encourages growth in urban areas where services and utilities already exist. When the site is further developed, the applicant or developer will be required to demonstrate that levels of service are maintained, as required by the CWPP. The CWPP also encourages the use of public transit and development where public transit is available. It is important to note that the city has adopted development regulations and policies to implement the CWPP at the City level. Thus, consistency with the CWPP is achieved.

The application is consistent with the goals and policies of the Growth Management Act. The GMA encourages densification, in-fill and urban development and redevelopment in areas designated for urban growth and within existing city limits. The property is within the UGA and the city limits of Spokane

The proposed change is consistent with the following goals of the Comprehensive Plan:

Land Use 1.5

The Office designation is also located where it continues an existing office development trend and serves as a transitional land use. It should be noted that the area is zoned RMF and is a mix of small apartment buildings, single-family homes and vacant lots previously acquired by major medical services for future expansion. Nonetheless, office uses are more compatible with single-

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family uses due to the off-setting hours of activity and certainly are a similar land use to apartment uses.

Land Use 1.12

The proposed map change is consistent with LU 1.12. Existing public facilities and services are adequately available to the subject property.

Land Use 3.1

The proposed map change is consistent with LU 3.1, which encourages the efficient use of land. Under Policy LU 3.1 future growth should be directed to locations where adequate services and facilities are available.

Land Use 5.3

The Off -Site impacts are mitigated by the development standards of the city and the corner location with two access points available for ingress and egress. Accordingly, the proposed addition better ensures compliance with LU 5.3.

Transportation 3.1

Transportation and development patterns are important to support desired land uses and development patterns. Sherman is now a connecting point at Sprague Avenue with the new pedestrian bridge to the University District, including a Plaza at this intersection. This feature should stimulate future growth within this vicinity.

Economic Development Goal 3.2

While the vicinity is trending toward major health care services, the opportunity for small ancillary services should be encouraged and located in these areas. This site implements Goal 3.2

Economic Development Goal 6

The proposed map change is consistent with Goal ED 6, which recommends that development be located where infrastructure capacity already exist before extending infrastructure into new areas. In this case, all services are readily available.

5. **The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated. N/A, the proposal has not been submitted in the past.**

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6. If this change is directed by state law or a decision of a court or administrative agency, please describe. N/A

End of Form

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Comprehensive Plan or Land Use Code Amendment

Pre-Application

Rev.20180102

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DESCRIPTION OF THE PROPOSED AMENDMENT:

(Please check the appropriate box(es) (701-707 S Sherman Map Amendment)

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-Wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions (for all proposals):

- a. Summarize the general nature of the proposed amendment.
A Map amendment from Res-15-30 to Office and a zone change from RMF to O-35 on .29 acre of property located at the SEC of Sherman and Hartson
- b. Why do you feel this change is needed?
The area is not scheduled for a sub-area plan update and the trending toward medical services in this vicinity generated a strong need for small ancillary services to be built.
- c. In what way(s) is your proposal similar to or different from the fundamental concepts contained in the comprehensive plan?
The request is similar to the fundamental concepts in the comprehensive plan because the area is trending toward medical services.
- d. For text amendments: What goals, policies, regulations or other documents might be changed by your proposal? *N/A*
- e. For map amendments:
 1. What is the current Land Use designation and zoning for each affected parcel? *R-15-30 and RMF*
 2. What is the requested Land Use designation and zoning for each affected parcel? *Office and O-35*
 3. Describe the land uses surrounding the proposed amendment site(s); e.g. land use type, vacant/occupied, etc. *Site: Residential S/F and vacant; East: S/F; South S/F North: Office West Mix of apartments, vacant and medical or s/f.*
- f. Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal? *The recent construction of the pedestrian bridge and plaza at Sherman and Sprague; the recent acquisition of numerous houses by major medical services such as Rockwood now Multi Care Health Services.*
- g. Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Development Services department's work program (e.g. neighborhood planning, public input on new regulations, etc.)?

There were no other options immediately available and the applicant is urgently needing a new south hill location.

- h. Has there been a previous attempt to address this concern through a comprehensive plan amendment?
☐ Yes ☒ No
- i. If yes, please answer the following questions:
1. When was the amendment proposal submitted?
 2. Was it submitted as a consistent amendment or an inconsistent amendment?
 3. What were the Plan Commission recommendation and City Council decision at that time?
 4. Describe any ways that this amendment proposal varies from the previously considered version.

Development Services Center 808 West Spokane Falls Boulevard, Spokane, WA 99201-3336
my.spokanecity.org | Phone: 509.625.6300 | Fax: 509.625.6822

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Project Narrative Summary

701 and 707 S Sherman Map Amendment

This is a proposed change from R 15-30 to Office to allow a physical therapist to provide ancillary services in an area trending toward major medical services. It consists of two platted parcels totaling .26 acre and contains one rental house and a vacant parcel located at the SEC of Hartson and Sherman across from other major medical office uses.

As stated throughout this application, Multi Care Health Services has acquired numerous parcels within the same RMF zone and directly across Sherman from the subject property. In total, MCHS has 18 parcels within blocks of this site and will no doubt continue to acquire more as they expand their services.

The property is within East Central Neighborhood and was included in a sub-area upgrade to RMF 12 years ago. In the interim, a pedestrian bridge has been constructed tying the ECN with the University District and a pedestrian plaza is being constructed at Sprague and Sherman. This improvement is expected to stimulate growth of the Sherman street area.

The applicant is purchasing this property on a contingency, subject to a successful outcome of this requested amendment. If successful, the property will close, and a new south side therapy office will be constructed. Currently they have maximized their facility located on the north side and commonly known as Acceleration Physical Therapy.

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From: dhume@spokane-landuse.com
Sent: Monday, October 29, 2018 11:05 AM
To: 'eastcentralneighborhood.chair@gmail.com';
'eastcentralneighborhood.vchair@gmail.com'
Subject: Proposed annual amendment Hartson and Sherman
Attachments: 701 S Sherman CPA General Application.doc

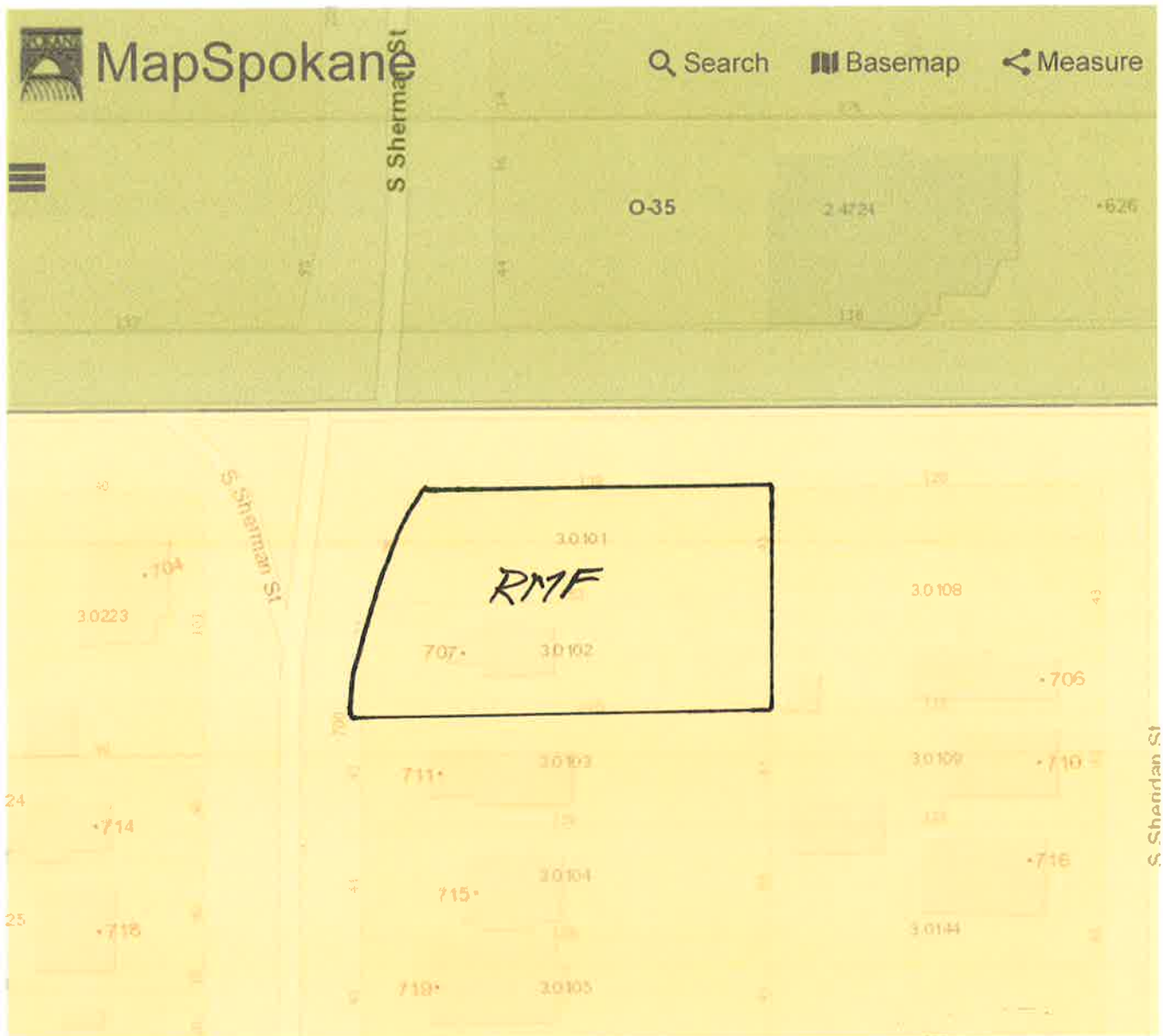
Randy Mc Glenn, Chair and Jim Hanley, Vice Chair: Gentlemen: I have filed an annual amendment within your neighborhood requesting a zone change from RMF to Office to allow a small physical therapy service at the SEC of Sherman and Hartson. It is presently a vacant lot and a rental house. If approved, my client would begin construction in the spring of 2020. The City of Spokane requires that we meet with you to inform you of our proposed change. I note that your meetings are on 11/20 and 12/18. I am available for either of those dates if you can accommodate me. Please advise.

Sincerely

Dwight J Hume

Land Use Solutions and Entitlement
9101 N Mt. View Lane
Spokane WA 99218
509-435-3108

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EXISTING ZONE (RMF)

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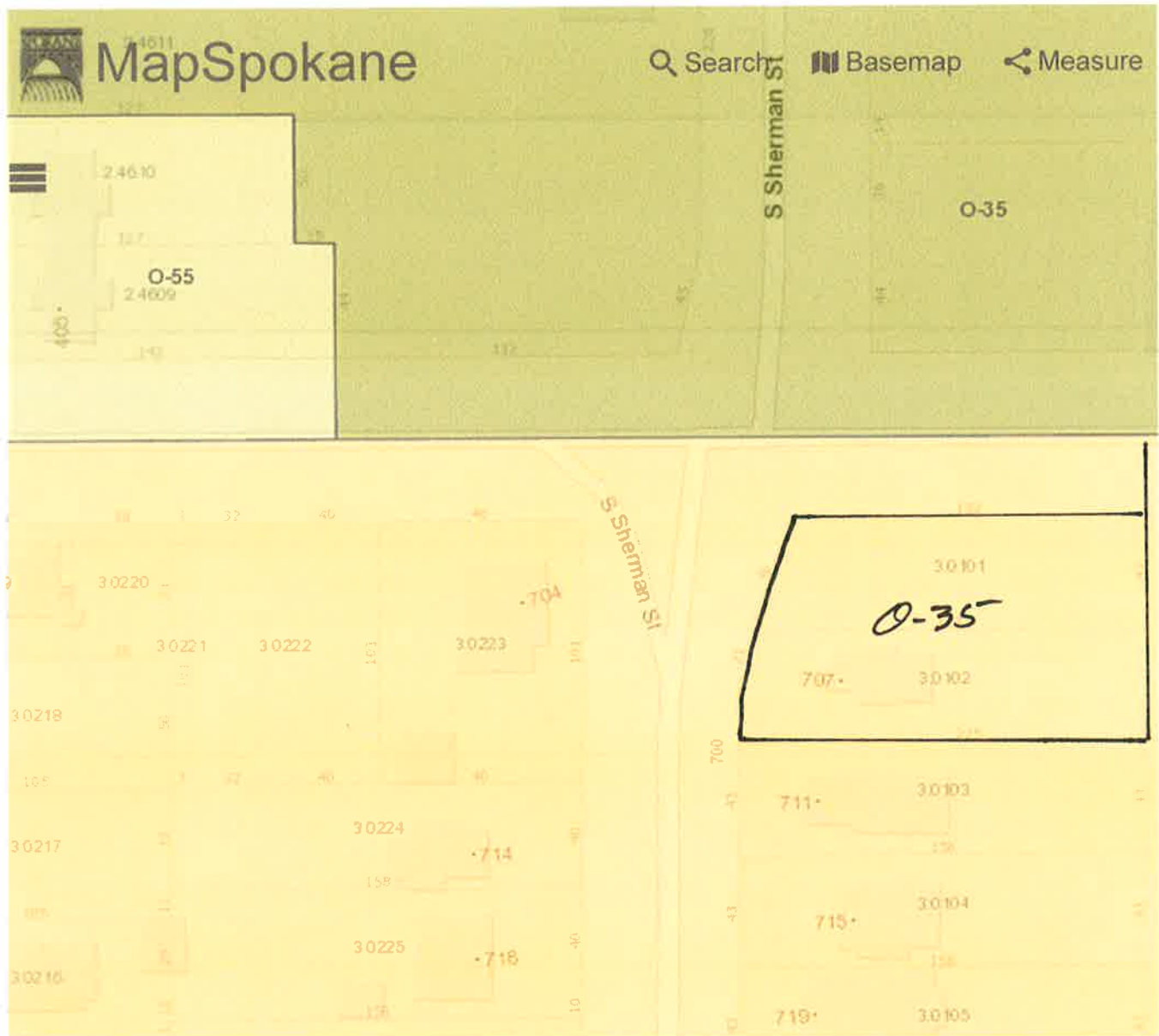
OCT 29 2018

Neighborhood and
Planning Services

0 30 60ft



[Map Use Disclaimer](#)



PROPOSED ZONE

RECEIVED

OCT 29 2018

Neighborhood and
Planning Services

0 30 60ft



[Map Use Disclaimer](#)



Comprehensive Plan Amendments

Full Review
RECEIVED

Z18-883COMP 701 & 707 S Sherman

MAR 11 2019

Full Review & Fees for Applications approved for Annual Amendment Work Program:

**Neighborhood and
Planning Services**

This "Full Review" application and full payment of fees is required to be completed and filed with City of Spokane within 15 days of council action by all applicants when proposals have been added to the "Annual Comprehensive Plan Amendment Work Program" by City Council Resolution.

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your applications chances of being reviewed during this amendment cycle. Answers to these questions will assist in review of the criteria in SMC 17G.020.030.

1. Describe the nature of the proposed amendment and explain if there is any change from the early threshold review application. *The amendment is to change the allowed land use from medium density apartments to office for a physical therapy service.*
2. How will the proposed change provide a substantial benefit to the public? *Yes, the location is in close proximity to other major medical services and would be a convenient adjunct to those services and patients.*
3. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies. *The proposed amendment is consistent with the adopted Office policy as a trending expansion of the Office designation located immediately north of the subject property across Hartson Avenue.*
4. Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies. *The proposal is consistent with GMA and other applicable state and federal guidelines.*
5. Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and

provide supporting documents, reports or studies. *The proposal is consistent with CWPP and existing adopted land use policies.*

6. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan? Are there other infrastructure implications that may be relevant given the review criteria in SMC 17G.020.030(C)? *No*
7. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation. *No*

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Project Description

Z18-883COMP Acceleration Physical Therapy

This is a map amendment request to change the Residential 15-30 category to Office and the RMF zone to O-35 for a physical therapy service to be located at the SE corner of Hartson and Sherman Street.

The current use of these two lots is a rental house and vacant lot. If approved, the house will be removed and the site graded for the construction of a small therapy office and on-site parking. It is yet to be determined if the existing basalt outcropping can be removed as well.

Construction is expected to occur during the construction season following approval of this amendment request.

End of Description

Z18-883COMP 701 and 707 S Sherman

Neighborhood and
Planning Services**A. Regulatory Changes.**

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

No changes to GMA or environmental regulations are known to affect the proposed amendment. Accordingly, the proposed amendment is consistent with applicable GMA and environmental regulations.

B. GMA.

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

The proposal is consistent with the adopted goals and policies of the Comprehensive Plan. That document has the same internal compliance requirement. Therefore, this meets the GMA requirements.

C. Financing.

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

No new infrastructure improvements will be triggered by this proposal. All expenses associated with this proposal are on site and privately funded.

D. Funding Shortfall.

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

No impacts will occur to require a shortfall to service levels from this proposed amendment.

E. Internal Consistency.

1). The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa. For example, changes to the development regulations must be reflected in consistent

adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

The proposed expansion of Office designation is inconsequential to the internal and applicable plans and programs of the City of Spokane.

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

Not Applicable

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts

The designation to Office from Residential 15-30 is not consequential to Regional Consistency.

G. Cumulative Effect.

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

1) Land Use Impacts.

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

The proposed amendment has no accumulative impacts. The site size of .29 acres can only generate 8 residential units of density if combined with other ownerships. This will stand alone as a separate office use.

2) Grouping.

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

This proposal has no effects on land use type or geographic area.

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H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter [17E.050](#)

1. Grouping.

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

The applicant is unaware of other pending applications. Notwithstanding, this expansion of an existing Office designation has insignificant cumulative impacts

2. DS.

If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS) *Not Applicable*

I. Adequate Public Facilities

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies

The proposal has no impacts upon citywide services.

J. UGA.

Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County: *Not Applicable*

K. Demonstration of Need.

1) Map Changes.

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

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);

The site is within proximity of other existing office complexes serving this area. AS stated above, Rockwood Multi-Care is the owner of numerous vacant lots directly across Sherman from the subject property and it is expected that these lots will be zoned for office use as they expand their existing facility nearby.

- b. The map amendment or site is suitable for the proposed designation;

The site is suitable for the proposed small physical therapy office use. In-lieu-of this, the site would have to be combined with other adjacent ownerships to be effectively used for the RMF zone.

- c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.

As stated above, this is a more appropriate and beneficial use to the area that is now trending toward expanded medical services rather than an apartment complex.

2) Rezones Land Use Plan Map Amendments

The extension of the existing O-35 zone does not impact other areas or zones citywide.

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Environmental Checklist

File No. _____

Purpose of Checklist:

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

Instructions for Applicants:

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

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

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

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

Use of checklist for nonproject proposals:

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

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

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

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A. BACKGROUND

1. Name of proposed project, if applicable: 701-707 S Sherman Map Amendment
2. Name of applicant: David Jeter dba Acceleration Physical Therapy
3. Address and phone number of applicant or contact person: Dwight Hume agent, 9101 N Mt. View Lane Spokane WA 99218 509-435-3108
4. Date checklist prepared: October 2018
5. Agency requesting checklist: Planning Services City of Spokane
6. Proposed timing or schedule (including phasing, if applicable): Upon approval of map and zone change, spring 2020.
7. a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. N/A, non-project action. To be determined at time of building permit.
b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. No
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to his proposal. None
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. Map and zone change; building permit; grading permit; landscape plan approval.

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11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. The site is located at the SEC of Sherman and Hartson. It is .29 acre in size and consist of two platted lots, one vacant and the other has a single family home being used as a rental. There is a haystack basalt rock on the corner that will be removed, improving site distance for traffic at the intersection.

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

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.)

14. The following questions supplement Part A.

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

- (1) Describe any systems, other than those designed for the disposal of sanitary waste, installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities).

N/A, non-project action. To be determined at time of building permit.

- (2) Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored?

N/A, non-project action. To be determined at time of building permit.

- (3) What protective measures will be taken to insure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems.

N/A, non-project action. To be determined at time of building permit.

- (4) Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater?

N/A, non-project action. To be determined at time of building permit.

b. Stormwater

- (1) What are the depths on the site to groundwater and to bedrock (if known)?

N/A, non-project action. To be determined at time of building permit.

- (2) Will stormwater be discharged into the ground? If so, describe any potential impacts?

N/A, non-project action. To be determined at time of building permit.

TO BE COMPLETED BY APPLICANT

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): *flat, rolling, hilly, steep slopes, mountains, other:* Rock outcropping and gentle slope

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- b. What is the steepest slope on the site (approximate percent slope)? . N/A, non-project action. To be determined at time of building permit.
- _____
- _____
- _____
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. . N/A, non-project action. To be determined at time of building permit.
- _____
- _____
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. . N/A, non-project action. To be determined at time of building permit.
- _____
- _____
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill: . N/A, non-project action. To be determined at time of building permit.
- _____
- _____
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. . N/A, non-project action. To be determined at time of building permit.
- _____
- _____
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? . N/A, non-project action. To be determined at time of building permit.
- _____
- _____
- h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: . N/A, non-project action. To be determined at time of building permit.
- _____
- _____
- _____

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2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. _____
· N/A, non-project action. To be determined at time of building permit. _____

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. _____
· N/A, non-project action. To be determined at time of building permit. _____

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:
· N/A, non-project action. To be determined at time of building permit. _____

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3. Water

- a. SURFACE:
- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
No _____

- (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. _____
No _____

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
N/A _____

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- _____

(4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No _____

- (5) Does the proposal lie within a 100-year floodplain? ____ If so, note location on the site plan.

No _____

- (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.

No _____

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b. GROUND:

- (1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

N/A, non-project action. To be determined at time of building permit. _____

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sanitary waste treatment facility. Describe the general size of the system, the number of houses to be served (if applicable) or the number of persons the system(s) are expected to serve.

N/A, non-project action. To be determined at time of building permit. _____

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c. WATER RUNOFF (INCLUDING STORMWATER):

- (1) Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

N/A, non-project action. To be determined at time of building permit.

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

N/A, non-project action. To be determined at time of building permit.

- d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water impacts, if any.

N/A, non-project action. To be determined at time of building permit.

4. Plants

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

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

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

_____ **Shrubs**

_____ Pasture

_____ Crop or grain

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

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

_____ Other types of vegetation.

- b. What kind and amount of vegetation will be removed or altered? N/A, non-project action. To be determined at time of building permit.

- c. List threatened or endangered species known to be on or near the site. Unknown

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if

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any: . N/A, non-project action. To be determined at time of building permit.

5. Animals

- a. Circle any birds and animals which have been observed on or near the site are known to be on or near the site:

birds: *hawk, heron, eagle, **songbirds**, other.* _____

mammals: *deer, bear, elk, beaver, other.* _____

fish: *bass, salmon, trout, herring, shellfish, other.* _____

other: _____

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- b. List any threatened or endangered species known to be on or near the site.

None _____

- c. Is the site part of a migration route? If so, explain. _____

No _____

- d. Proposed measures to preserve or enhance wildlife, if any:

None _____

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. . N/A, non-project action. To be determined at time of building permit.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. _____

No _____

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- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

N/A, non-project action. To be determined at time of building permit.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. N/A, non-project action. To be determined at time of building permit.

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- (1) Describe special emergency services that might be required.

N/A, non-project action. To be determined at time of building permit.

- (2) Proposed measures to reduce or control environmental health hazards, if any:

N/A, non-project action. To be determined at time of building permit.

b. NOISE:

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Noise would not affect the proposed use

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

N/A, non-project action. To be determined at time of building permit.

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- _____

(3) Proposed measure to reduce or control noise impacts, if any:
N/A, non-project action. To be determined at time of building permit.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?
Site: Vacant and rental house; East: S/F; South: S/F; West: Vacant, apartments and S/F; North: Office

- b. Has the site been used for agriculture? If so, describe. No

- c. Describe any structures on the site. S/F Rental

- d. Will any structures be demolished? If so, which? Yes, S/F House

- e. What is the current zoning classification of the site? RMF

- f. What is the current comprehensive plan designation of the site? R-15-30

- g. If applicable, what is the current shoreline master program designation of the site?
N/A

- h. Has any part of the site been classified as a critical area? If so, specify. No

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- i. Approximately how many people would reside or work in the completed project?

N/A, non-project action. To be determined at time of building permit.

- j. Approximately how many people would the completed project displace? Unknown

- k. Proposed measures to avoid or reduce displacement impacts, if any: None

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Development to applicable development standards.

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9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing.

None

- b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing.

One

- c. Proposed measures to reduce or control housing impacts, if any: None

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? 35' allowed by O-35 zone

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- b. What views in the immediate vicinity would be altered or obstructed? None

- c. Proposed measures to reduce or control aesthetic impacts, if any: . N/A, non-project action. To be determined at time of building permit.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Outdoor lighting from dusk to dawn.

- b. Could light or glare from the finished project be a safety hazard or interfere with views? No

- c. What existing off-site sources of light or glare may affect your proposal? None

- d. Proposed measures to reduce or control light and glare impacts, if any: Down casting and indirect lighting

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12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? N/A

- b. Would the proposed project displace any existing recreational uses? If so, describe. No

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- _____
- _____
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: None
- _____
- _____
- _____

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. No
- _____
- _____
- _____

- b. Generally describe any landmarks or evidence of historic archaeological, scientific or cultural importance known to be on or next to the site.

Unknown

- c. Proposed measures to reduce or control impacts, if any: _____
- None
- _____
- _____

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14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. Hartson and Sherman
- _____
- _____

- b. Is site currently served by public transit? Yes

- c. How many parking spaces would the completed project have? How many would the project eliminate? . N/A, non-project action. To be determined at time of building permit.
- _____
- _____

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets not including driveways? If so, generally describe (indicate whether public or private). No
- _____

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- _____
- _____
- e. Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. _____

No _____

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak would occur. **N/A, non-project action. To be determined at time of building permit.** _____

(Note: to assist in review and if known indicate vehicle trips during PM peak,
AM Peak and Weekday (24 hours).)

- g. Proposed measures to reduce or control transportation impacts, if any: **On-site parking and removal of existing hay stack outcropping to improve site distance at intersection, if feasible.** _____

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. _____

No _____

- b. Proposed measures to reduce or control direct impacts on public services, if any: **None** _____

16. Utilities

- a. Circle utilities currently available at the site: **electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.** _____

- b. Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in the immediate vicinity which might

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be needed. N/A, non-project action. To be determined
at time of building permit.

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: 10/29/18

Signature: *D. Hume*

Please Print or Type:

Proponent: Dwight Hume

Address: 9101 N Mt. View Lane

Phone: 509-435-3108

Spokane WA 99218

Person completing
form (if different
from proponent):

Same

Address: _____

Phone: _____

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Staff member(s) reviewing checklist: _____

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

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

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

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

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

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage or release of toxic or hazardous substances; or production of noise?

The proposed conversion to an office site for health services will Not impact the above. _____

Proposed measures to avoid or reduce such increases are:

None _____

2. How would the proposal be likely to affect plants, animals, fish or marine life?

No impacts _____

Proposed measures to protect or conserve plants, animals, fish or marine life are:

None _____

3. How would the proposal be likely to deplete energy or natural resources?

No impacts _____

Proposed measures to protect or conserve energy and natural resources are:

None _____

OCT 29 2013

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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?

No _____

Proposed measures to protect such resources or to avoid or reduce impacts are:

None _____

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?

N/A, non-project action. To be determined at time of building permit.

Proposed measures to avoid or reduce shoreline and land use impacts are:

N/A, non-project action. To be determined at time of building permit.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

No impacts _____

Proposed measures to reduce or respond to such demand(s) are:

None _____

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.

N/A _____

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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: 10/29/18 Signature: [Signature]

Please Print or Type:

Proponent: Dwight Hume Address: 9101 N Mt. View Lane

Phone: 509-435-3108 Spokane WA 99218

Person completing form (if different from proponent): _____

SAME Address: _____

Phone: _____

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: _____

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

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

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NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(S): Z18-883COMP

PROPONENT: David Jeter, MPT, COMT, Acceleration Physical Therapy/Carl Upton and Patricia Upton aka Patricia Reilly (Agent: Dwight Hume, Land Use Solutions and Entitlement)

DESCRIPTION OF PROPOSAL: This proposal is to change parcels 35203.0101 and 35203.0102 from "Residential 15-30 Land Use" and RMF zoning to "Office Land Use" and O-35 zoning (same as adjacent parcel to the north). The subject parcels are approximately 13,000 square feet (0.29 acre) total. No specific development proposal is being approved at this time.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:

The subject site is two parcels located on the southeast corner of South Sherman Street and East Hartson Avenue, (701 and 707 S Sherman St / parcels 35203.0101 and 35203.0102). The concerned property totals approx. 13,000 square feet (0.29 acre).

Legal Description: Lots 1 and 2 of subdivision of Lot 5, GH Morgan's Addition in the City of Spokane, County of Spokane, Washington State.

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 regarding this DNS must be submitted no later than 5 p.m. on September 10, 2019 if they are intended to alter the DNS.

Responsible Official: Heather Trautman

Position/Title: Director, Planning Services **Phone:** (509) 625-6300

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: August 27, 2019 **Signature:** 

APPEAL OF THIS DETERMINATION, after it has become final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane WA 99201. The appeal deadline is Noon on September 18, 2019 (21 days from the date of the signing of this 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.

From: [Weingart, LuAnn](#)
To: [Gwinn, Nathan](#)
Subject: Z18-883COMP
Date: Monday, April 15, 2019 2:09:42 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Nate,

I reviewed the above referenced file and have no comment on the land use change request.

Thank you,

LuAnn Weingart

Real Estate Representative, RWA

1411 E Mission Ave MSC-25 Spokane, WA, 99202

Office 509.495.8536 Cell 509-220-2645

www.myavista.com [f](#) [t](#) [in](#)



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From: [Johnson, Erik D.](#)
To: [Gwinn, Nathan](#)
Subject: RE: Z18-884COMP 4502-4508 N Madison St
Date: Wednesday, May 1, 2019 8:03:18 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

No issues for Engineering on these.

From: Eliason, Joelle <jeliason@spokanecity.org>
Sent: Tuesday, April 30, 2019 7:48 AM
To: Gwinn, Nathan <ngwinn@spokanecity.org>
Cc: Johnson, Erik D. <edjohnson@spokanecity.org>
Subject: RE: Z18-884COMP 4502-4508 N Madison St

Thank you, Nathan.
Erik is reviewing those two.



Joelle Eliason | City of Spokane | Engineering Technician IV Development Services Center
509.625-6385 | fax 509.625.6822 | jeliason@spokanecity.org | spokanecity.org



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**Know what's below.
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From: Gwinn, Nathan <ngwinn@spokanecity.org>
Sent: Monday, April 29, 2019 2:13 PM
To: Eliason, Joelle <jeliason@spokanecity.org>
Subject: RE: Z18-884COMP 4502-4508 N Madison St

Hi Joelle,

Thank you for sending the comments. In order to provide similar documentation, would your department want to provide any comments on the other two proposed map amendments this year, Z18-882COMP and Z18-883COMP?

For reference, I attached the agency requests for comments for those applications.

Thank you,

Nathan Gwinn | Assistant Planner | Planning & Development

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Eliason, Joelle <jeliason@spokanecity.org>

Sent: Wednesday, April 24, 2019 8:38 AM

To: Gwinn, Nathan <ngwinn@spokanecity.org>

Cc: Becker, Kris <kbecker@spokanecity.org>; Nilsson, Mike <mnilsson@spokanecity.org>; Brown, Eldon <ebrown@spokanecity.org>; Kells, Patty <pkells@spokanecity.org>

Subject: Z18-884COMP 4502-4508 N Madison St

Nathan,

Please see the attached comments regarding Z18-884COMP.

Thank you,

Joelle Eliason



Joelle Eliason | City of Spokane | Engineering Technician IV Development Services Center

509.625-6385 | 808 W Spokane Falls Blvd, Spokane, WA 99201 | jeliason@spokanecity.org | my.spokanecity.org



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**Know what's below.
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Spokane City Planning Services Department
Attention Assistant Planner, Nathan Gwinn.
For submission to Planning Commission Hearing in question.
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3333

7-8-2019

Response objecting to notice (Z18-883COMP) of applications Proposed Comprehensive Plan Amendment land use map change for residential properties commonly located at 701 & 707 South Sherman Street.

Everyone here is aware of the rigorous process for passage of our Cities Land Use Code that requires evidence and a comprehensive multifaceted hearings process that allows for timely review rather than catering too special exemptions and as this request is.

The City already has a surplus of retail and office zoned properties in this general area with some that are as yet not developed on property still vacant and while others are seeking tenants. Further the City is well aware that at this time it is severely lacking housing both residential and apartment types for its residents.

The applicant apparently has retained options to buy two residential properties and seeks they be destroyed rather than rehabilitated to accommodate an office building that is claimed to be a Physical Therapy Office and clearly this is a violation of the City and Neighborhood approved Zoning Code that should not be approved.

Hartson Street or the 700 block to the south is the designated buffer end for allowing Retail and Office zoning beyond in this area cannot be cross and should not be allowed to cross now. As the owner of the property abutting this proposal to the south I have gone to great expense to recover the single family home located generally at 715 South Sherman Street into an up to date code single family residence by completely remodeling while protecting the exterior appearance from this original farm house appearance to this area. There is also a house directly across the street from mine that also was completely restored and many in the area receiving major renovations from time to time as the City Building Department can affirm from building permits issued and as homes for area residents improve their properties. Clearly allowing an Office Use to encroach as requested will harm the viability of these residential homes and if this encroachment is allowed area owners will realize such encroachment will continue and will then fail proper structural care as the areas housing will further decline and such a result should not be allowed to seed and start here and as has occurred elsewhere.



7/8/2019

Robert Apple, Spokane City Resident
Owner of, 715 S Sherman St. Spokane, WA 99204
cometapple@msn.com
(509)487-4107

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Exhibit A: Proposed Land Use Designation

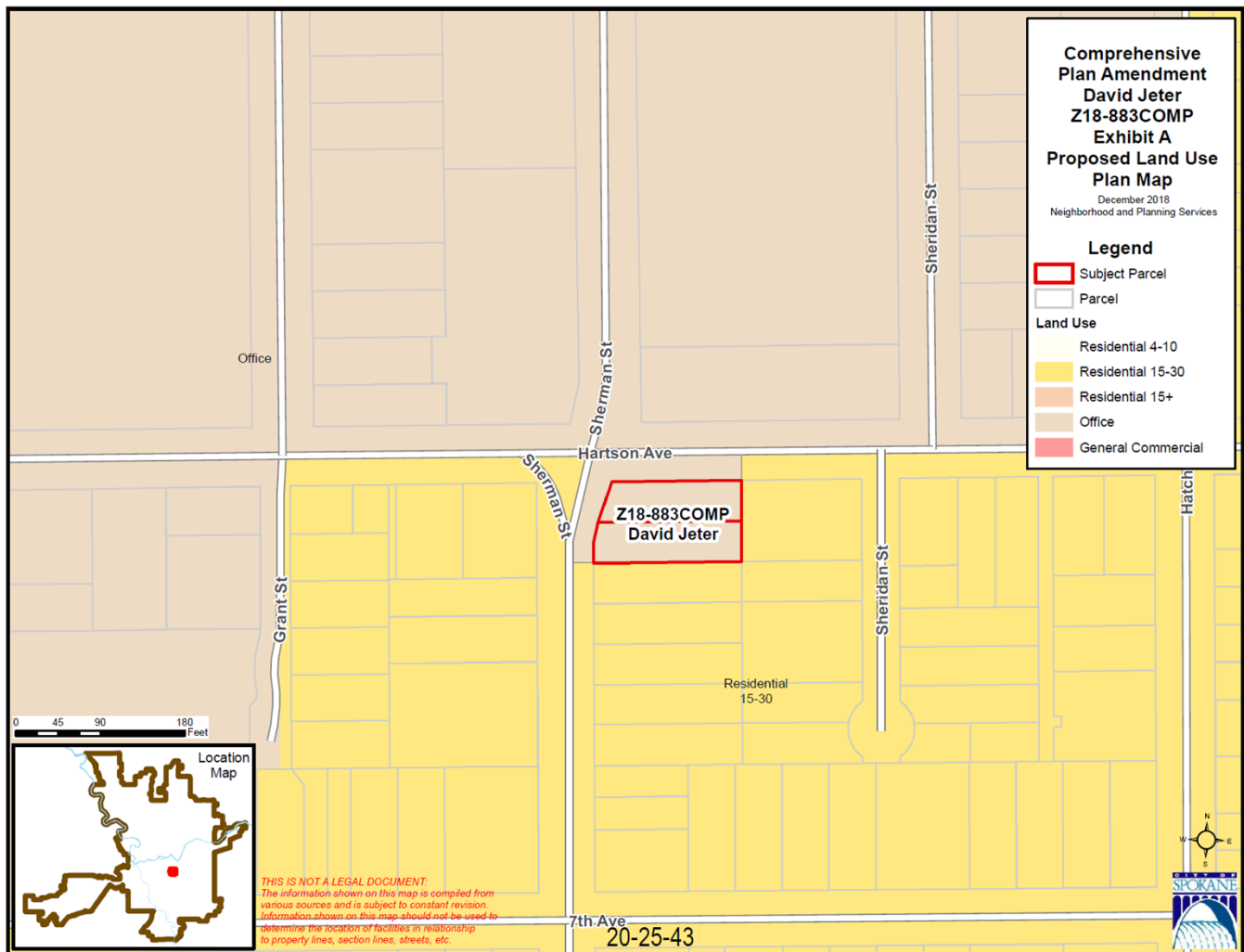
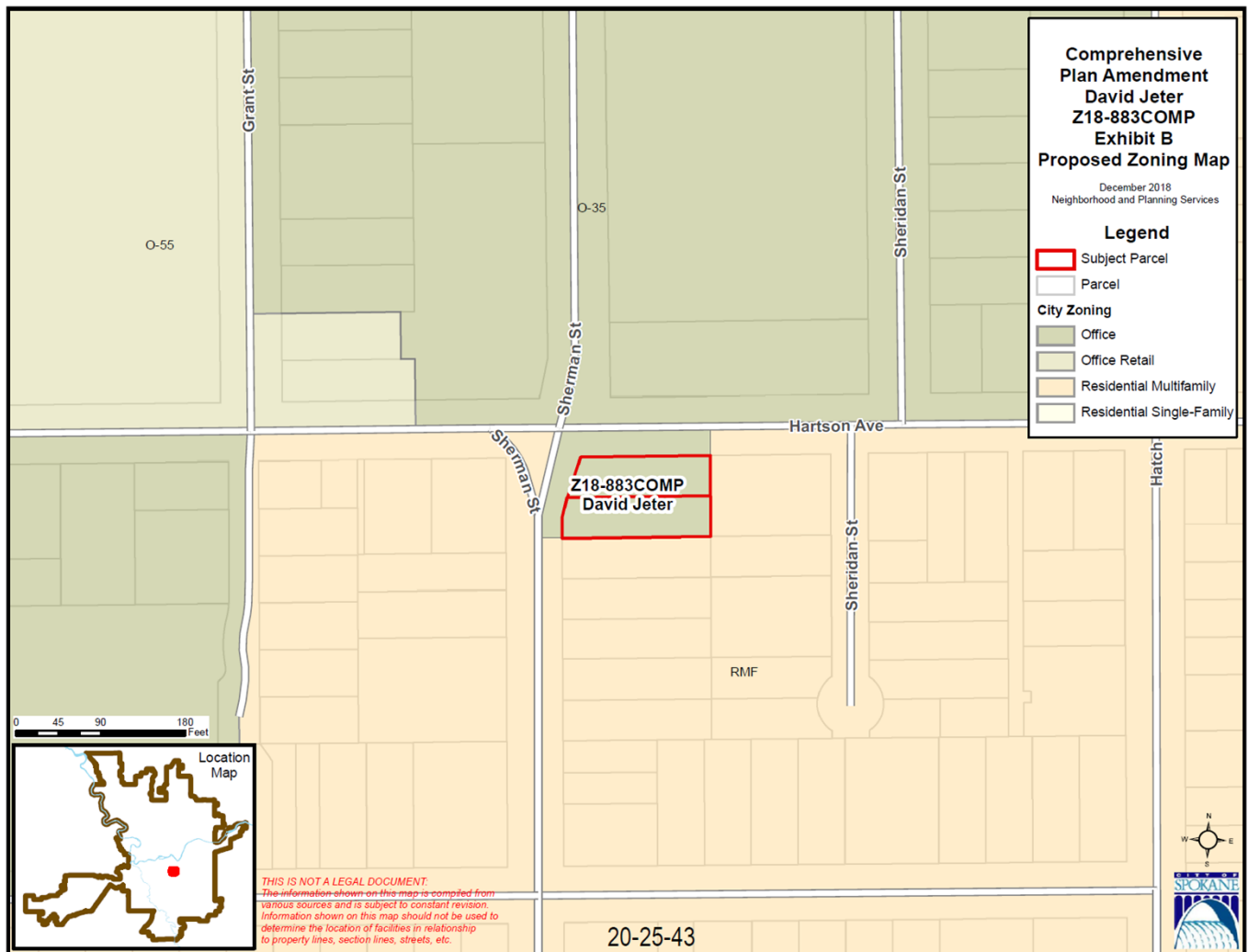


Exhibit B: Proposed Zoning Designation



**Spokane Plan Commission Findings of Fact, Conclusions,
and Recommendations on the Comprehensive Plan Land Use
Plan Map Amendment File No. Z18-883COMP
(ACCELERATION PHYSICAL THERAPY)**

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Comprehensive Plan Amendment application seeking to amend the land use plan map designation from “Residential 15-30” to “Office” for a 0.29-acre area located at 701 and 707 South Sherman Street. The implementing zoning designation requested is to change to Office with 35-foot height limit (O-35).

FINDINGS OF FACT:

- A. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act (GMA).
- B. Under GMA, comprehensive plans generally may be amended no more frequently than once a year, and all amendment proposals must be considered concurrently in order to evaluate for their cumulative effect.
- C. Amendment application Z18-883COMP (the “Application”) was submitted in a timely manner for review during the City’s 2018/2019 amendment cycle.
- D. The Application seeks to amend the land use designation for a 0.29-acre area located at the intersection of Hartson Avenue and Sherman Street at 701 and 707 S Sherman St from “Residential 15-30” to “Office” with a corresponding change in zoning from Residential Multifamily (RMF) to Office with a 35-foot height limit (O-35).
- E. Annual amendment applications are subject to a threshold review process to determine whether the applications will be included in the City’s Annual Comprehensive Plan Amendment Work Program.
- F. On January 15, 2019, an Ad Hoc City Council Committee reviewed the applications that had been timely submitted, and forwarded its recommendation to City Council regarding the applications.
- G. On February 25, 2019, the City Council adopted Resolution RES2019-0011 establishing the 2019 Comprehensive Plan Amendment Work Program, and including the Application in the Work Program.
- H. Thereafter, on April 5, 2019, staff requested comments from agencies and departments. No adverse comments were received from agencies or departments regarding the Application.
- I. A public comment period ran from May 28, 2019 to July 29, 2019 which provided a 60 day public comment period. The City received only one comment regarding the Application; the said comment received was opposed to the Application.

- J. On June 6, 2019, the Community Assembly received a presentation regarding the 2019 Comprehensive Plan Amendment Work Program and the Application, and has been provided with information regarding the dates of Plan Commission workshops and hearings.
- K. On July 10, 2019, the Spokane City Plan Commission held a workshop to study the Application.
- L. On August 27, 2019, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were issued for the Comprehensive Land Use Plan Map and Zoning Map changes, including the Application. The deadline to appeal the SEPA determination was September 10, 2019.
- M. On August 29, 2019, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- N. On August 28 and September 4, 2019, the City caused notice to be published in the Spokesman Review providing notice of the SEPA Checklist and Determination of Non-Significance, the Comprehensive Plan Land Use Map amendment, and announcing the September 11, 2019 Plan Commission Public Hearing.
- O. On August 28, 2019, Notice of Public Hearing and SEPA Determination was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four-hundred-foot radius of any portion of the boundary of the subject property.
- P. Prior to the Plan Commission hearing, staff prepared a report addressing SEPA and providing staff's analysis of the merits of the Application, copies of which were circulated as prescribed by SMC 17G.020.060B.8.
- Q. Staff's analysis of the Application was generally favorable and suggested the Plan Commission's recommendation on the application may be contingent on the Plan Commission's interpretation of the legislative intent around Comprehensive Plan Policies LU 1.5 and Chapter 3, Section 3.4, Description of Land Uses.
- R. On September 11, 2019, the Plan Commission held a public hearing on the Application, and concluded its deliberations.
- S. Nobody testified in opposition to the Application and the City did not receive any adverse comments from the public or otherwise regarding the Application.
- T. As a result of the City's efforts, pursuant to the requirements of SMC 17G.020.070, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to comment.

U. Except as otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Application (the “Staff Report”).

V. Comprehensive Plan Chapter 2, Implementation, Section 2.3 provides:

This section establishes a process to ensure the Plan functions as a living document, advancing the long range vision for the community, while also being responsive to changing conditions. The intended outcomes of these matrices are:

. . . .

Ensure the Plan is a living document, capable of responding to changing conditions and expanding information.

W. The Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan, most specifically policy Land Use LU 1.5 concerning the establishment of Office land uses in the City and that the subject property meets the requirements for designation of office uses outside of established Centers or Corridors, as the property is in an area experiencing a trend of office development and office uses would be an adequate transitional use between the more intense uses to the north and west and the residential uses to the south and east of the subject properties.

X. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, technical studies, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), SEPA review, agency and public comments received, and public testimony presented regarding the Application File No. Z2017-621COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

1. The Application was submitted in a timely manner and added to the 2019 Annual Comprehensive Plan Amendment Work Program, and the final review application was submitted as provided in SMC 17G.020.050(D).
2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
3. The Application is consistent with the goals and purposes of GMA.

4. Any potential infrastructure implications associated with the Application will either be mitigated through projects reflected in the City's relevant six-year capital improvement plans or through enforcement of the City's development regulations at time of development.
5. As outlined in above in the Findings of Fact, the Application is internally consistent within the meaning of SMC 17G.020.030E.
6. The Application is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
7. The Application has been considered simultaneously with the other proposals included in the 2019 Annual Comprehensive Plan Amendment Work Program in order to evaluate the cumulative effect of all the proposals.
8. SEPA review was completed for the Application, and pursuant to SEPA, any adverse environmental impacts associated with the Application will be mitigated by enforcement of the City's development regulations.
9. The Application will not adversely affect the City's ability to provide the full range of urban public facilities and services citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.
10. The Application proposes a land use designation that is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
11. The proposed map amendment and site is suitable for the proposed designation.
12. The map amendment would implement applicable comprehensive plan policies better than the current map designation.

RECOMMENDATIONS:

In the matter of Z18-883COMP, a request by Dwight Hume, Land Use Solutions and Entitlement on behalf of Acceleration Physical Therapy to change the land use plan designation on 0.29 acres of land from "Residential 15-30" to "Office" with a corresponding change of the implementing zoning to O (Office) with a height limit of 35 feet (O-35), as based upon the above listed findings and conclusions, by a vote of 6 to 1, the Plan Commissions recommends to City Council the APPROVAL of the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan with corresponding amendment to the City's Zoning Map,

and authorized the President to prepare and sign on the Commission's behalf a written decision setting forth the Commission's findings, conclusions, and recommendation on the Application.

DocuSigned by:

Gregory P Francis

DP6D3C2830704CA...

**Greg Francis, Vice President in lieu of
Todd Beyreuther, President
Spokane Plan Commission**

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

11/11/2019

Date Rec'd

10/28/2019

Clerk's File #

ORD C35840

Renews #**Submitting Dept**

PLANNING

Contact Name/Phone

KEVIN 625-6184

Contact E-Mail

KFREIBOTT@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Cross Ref #**Project #****Bid #****Requisition #****Agenda Item Name**

0650 – LAND USE PLAN MAP AMENDMENT – MADISON ST

Agenda Wording

An Ordinance relating to application Z18-884COMP by the WA Department of Ecology amending the Comprehensive Plan Land Use Plan Map from Residential 4-10 to Office for 0.85 acres and a change to the Zoning Map from RSF to O-35.

Summary (Background)

The subject properties are legally described as Lots 10 through 15 of Block 36, Monroe Park Addition. This Application is being considered concurrently through the annual Comprehensive Plan Amendment cycle as required by the Growth Management Act. The application has fulfilled public participation and notification requirements. The Plan Commission held a Public Hearing on September 11, 2019 to consider this amendment and has recommended approval of the amendment.

Fiscal Impact

Grant related? NO

Public Works? NO

Budget Account

Neutral

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

Approvals**Dept Head**

TRAUTMAN, HEATHER

Division Director

DUVALL, MEGAN

Finance

ORLOB, KIMBERLY

Legal

RICHTMAN, JAMES

For the Mayor

ORMSBY, MICHAEL

Council Notifications**Study Session**

10/10/2019

Other**Distribution List**

tblack@spokanecity.org

ngwinn@spokanecity.org

dhume@spokane-landuse.com

jrichman@spokanecity.org

htrautman@spokanecity.org

tsanders@spokanecity.org

jchurchill@spokanecity.org

Additional Approvals**Purchasing**

ORDINANCE NO. C35840

AN ORDINANCE RELATING TO APPLICATION PLANNING FILE Z18-884COMP AMENDING MAP LU 1, LAND USE PLAN MAP, OF THE CITY'S COMPREHENSIVE PLAN FROM "RESIDENTIAL 4-10" TO "OFFICE" FOR APPROXIMATELY 0.85 ACRES DESCRIBED AS LOTS 10 THROUGH 15 OF BLOCK 36, MONROE PARK ADDITION AND AMENDING THE ZONING MAP FROM "RESIDENTIAL SINGLE FAMILY (RSF)" TO "OFFICE (O-35)".

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A); and

WHEREAS, the City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act; and

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

WHEREAS, land use amendment application Z18-884COMP was timely submitted to the City for consideration during the City's 2018/2019 Comprehensive Plan amendment cycle; and

WHEREAS, Application Z18-884COMP seeks to amend the Land Use Plan Map of the City's Comprehensive Plan for a change from "Residential 4-10" to "Office" for 0.85 acres. If approved, the implementing zoning designation requested is "Office (O-35)"; and

WHEREAS, staff requested comments from agencies and departments on April 5, 2019, and a public comment period ran from May 28, 2019 to July 29, 2019; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on August 29, 2019; and

WHEREAS, the Spokane Plan Commission held a substantive workshop regarding the proposed Comprehensive Plan amendment on June 26, 2019; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance was issued on August 27, 2019 for the Comprehensive Land Use Plan Map and Zoning Map changes ("DNS"). The public comment period for the SEPA determination ended on September 10, 2019; and

WHEREAS, notice of the SEPA Checklist and Determination, the Land Use Plan Map changes, and the Zoning Map changes, and announcement of the September 11, 2019 Plan Commission Public Hearing was published on August 28, 2019 and September 4, 2019; and

WHEREAS, Notice of Plan Commission Public Hearing and SEPA Determination was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on August 28, 2019; and

WHEREAS, the staff report for Application Z18-884COMP reviewed all the criteria relevant to consideration of the application; and

WHEREAS, the Spokane Plan Commission conducted a public hearing and deliberated on September 11, 2019 for Application Z18-884COMP and other proposed amendments; and

WHEREAS, the Spokane Plan Commission found that Application Z18-884COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Plan Commission voted 7 to 0 to recommend approval of Application Z18-884COMP; and

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

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of the Application. Application Z18-884COMP is approved.
2. Amendment of the Land Use Map. The Spokane Comprehensive Plan Map LU 1 - Land Use Plan Map is amended from "Residential 4-10" to "Office" for 0.85 acres, as shown in Exhibit A.
3. Amendment of the Zoning Map. The City of Spokane Zoning Map is amended from "Residential Multifamily (RMF)" to "Office (O-35)," as shown in Exhibit B.

PASSED BY THE CITY COUNCIL ON _____, 2019.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Exhibit A: Proposed Land Use Designation

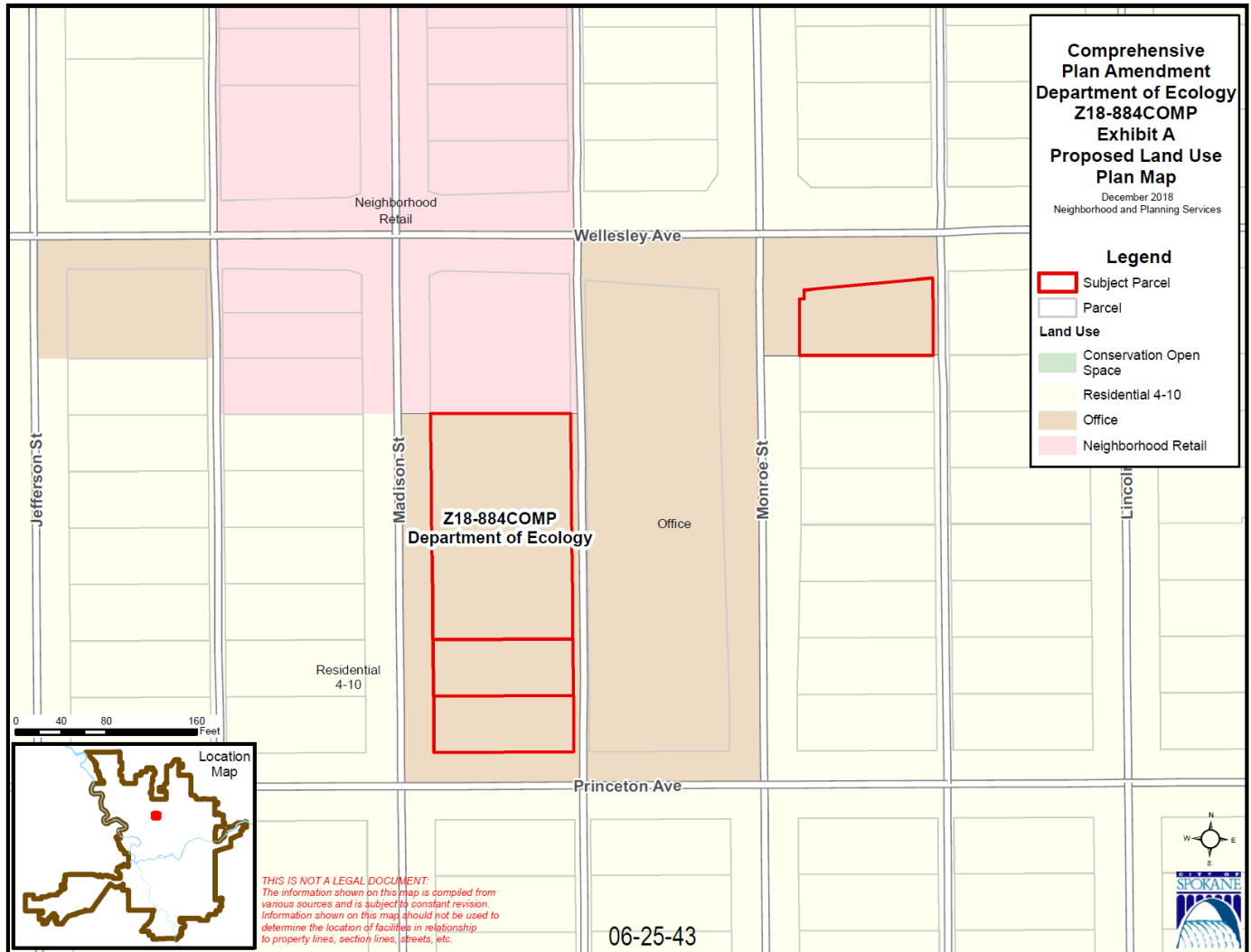
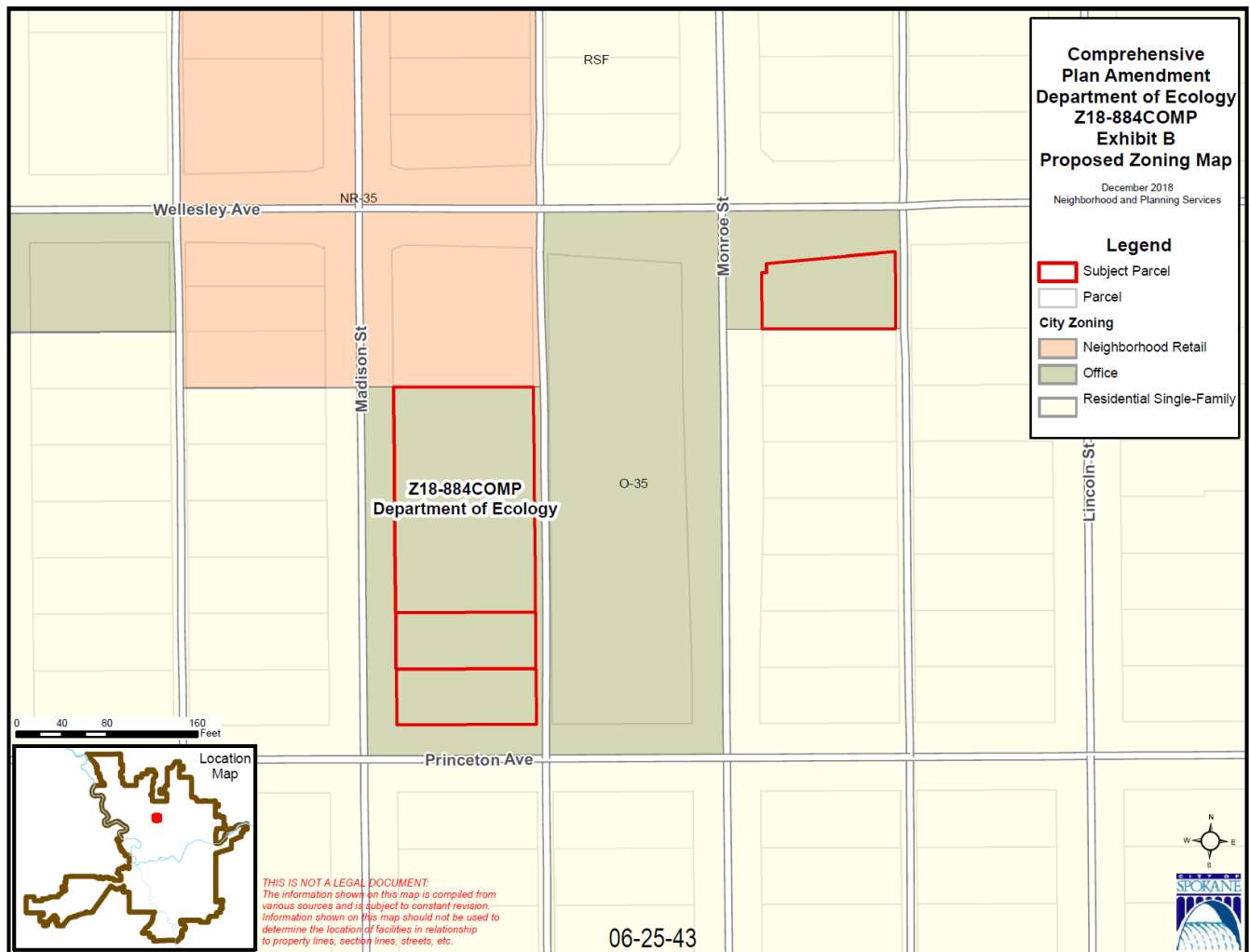


Exhibit B: Proposed Zoning Designation



**STAFF REPORT ON COMPREHENSIVE PLAN
LAND USE AMENDMENT APPLICATION
0.85 acre at 4502-4508 N Madison St and 4601 N Monroe St; File Z18-884COMP**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL:

Change parcels 35062.3609, 35062.3610, and 35062.3619 from “Residential 4-10 Land Use” and RSF zoning to “Office Land Use” and O-35 zoning (same as adjacent parcel to the east). The subject parcels are approximately 37,000 square feet (0.85 acre) total. No specific development proposal is being approved at this time.

II. GENERAL INFORMATION

Agent:	Dwight Hume, Land Use Solutions and Entitlement
Applicant/Property Owner(s):	Washington State Department of Ecology
Location of Proposal:	The subject site is three parcels located on the northeast corner of North Madison Street and West Princeton Avenue, (4502-4508 N Madison St and 4601 N Monroe St / parcels 35062.3609, 35062.3610, and 35062.3619). The concerned property totals approx. 37,000 square feet (0.85 acre).
Legal Description:	Lots 10 through 15 of Block 36, Monroe Park Addition
Existing Land Use Plan Designation:	“Residential 4-10”
Proposed Land Use Plan Designation:	“Office”
Existing Zoning:	RSF (Residential Single-Family)
Proposed Zoning:	O-35 (Office with 35-foot height limit)
SEPA Status:	A SEPA threshold Determination of Non-Significance (DNS) was made on August 27, 2019. The appeal deadline is 5 p.m. on September 10, 2019.
Enabling Code Section:	SMC 17G.020, Comprehensive Plan Amendment Procedure.
Plan Commission Hearing Date:	September 11, 2019
Staff Contact:	Nathan Gwinn, Assistant Planner; ngwinn@spokanecity.org
Recommendation:	Approve

III. BACKGROUND INFORMATION



- A.** **Site Description:** The subject parcels (tax parcels 35062.3610, 35062.3609, and 35062.3619) for the proposal contain approximately 37,000 square feet (0.85 acre), situated at 4502-4508 N Madison St and 4601 N Monroe St. The site is improved with a parking lot. The homes appearing on the aerial photo above were built from 1940-1941 and were demolished in 2019, leaving the two southern parcels now vacant. Situated at the northeast corner of N Madison St and W Princeton Ave, the property fronts the east side of Madison and the north side of Princeton, both local access streets. An improved alley serves the entire east side of the site.

The subject parcels share a block with the Department of Ecology's eastern regional office building at 4601 N Monroe St and a retail store at 1023 W Wellesley Ave (Cenex/Zip Trip).

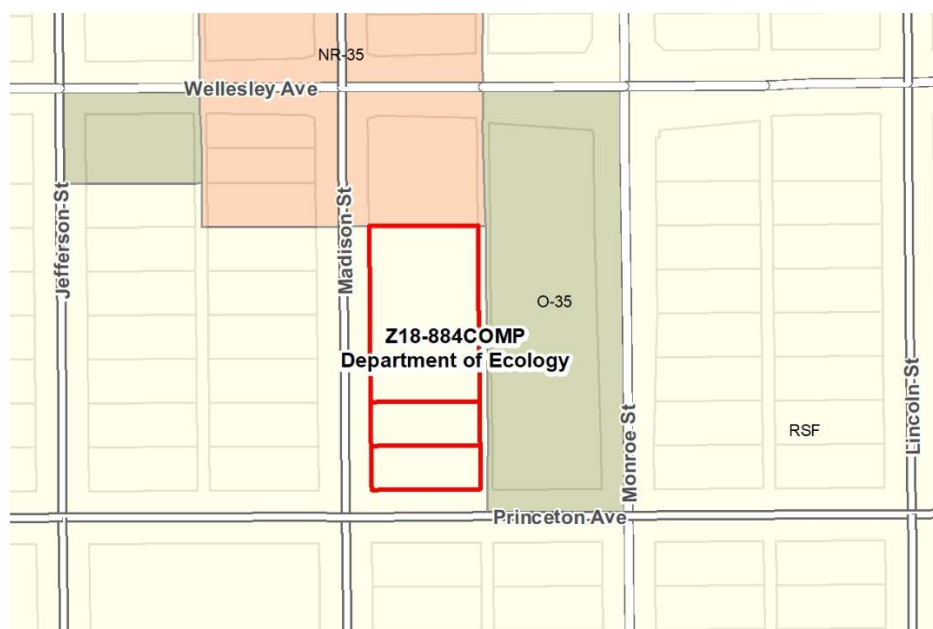
- B.** **Proposal Description:** Pursuant to the procedures provided in [chapter 17G.060](#) Spokane Municipal Code, "Comprehensive Plan Amendment Procedure," the applicant is requesting a Comprehensive Plan Land Use Plan Map designation change from "Residential 4-10" to "Office." If approved, the zoning would be changed from RSF (Residential Single-Family – 35 feet) to O-35 (Office – 35

feet). Although the project description submitted by the applicant indicates that the site would be improved for an equipment storage building and provides a preliminary site plan of the facility, the applicant's proposal does not include any final plans for development or improvement to the property. Development and improvement of the site would be subject to all relevant provisions of the City's Unified Development Code, including without limitation, [chapter 17D.010](#) SMC relating to concurrency.

C. Existing Land Use Plan Map Designations with Subject Property in Bold Red Outline



D. Existing Zoning Map with Subject Property in Bold Red Outline



E. Land Use History: In 1906, the subject property was platted as lots 10 through 15 of Block 36, Monroe Park Addition, and annexed to the City in 1907. Each original lot was improved with single-family dwellings, but now all of the homes have been removed. By 1975, the adjacent office building to the east of the site had been constructed, and that building was zoned RO-1L (Residence-Office, Category I). However, the subject site remained zoned R1 (One-Family Residence), with a special permit granted in 1977 for providing off-street parking to the adjoining office building. The last two residences on the site, built in 1940 and 1941, also remained in the R1 zone. Following adoption of the City's Comprehensive Plan in 2001, the site was zoned RSF, with the parking lot continuing as a nonconforming use. In 2018, the applicant acquired the last two homes, which were demolished in 2019.

F. Adjacent Land Uses and Improvements:

North	Neighborhood Retail designation; convenience store and gas station
South: across W Princeton Ave	Residential 4-10; Single-family residence
East: across alley	Office; Dept. of Ecology's eastern regional office building (in common ownership with subject site)
West: across N Madison St	Residential 4-10; Single-family residences

G. Street Designations: The subject property lies at the northeast corner of West Princeton Avenue and North Madison Street, both urban local access streets at this location. Nearby streets bounding the block are West Wellesley Avenue and North Monroe Street, which the Proposed Arterial Network Map TR 12, in Chapter 4 of the Comprehensive Plan, classifies as **Urban Principal Arterials**.

H. Application Process:

- Application was submitted on October 29, 2018.
- City Council established the Annual Comprehensive Plan Amendment Work Program for 2019 by resolution ([RES 2019-0011](#)) on February 25, 2019;
- Applicant was provided Notice of Application on May 15, 2019;
- Notice of Application was posted, published, and mailed on May 28, 2019, which began a 60-day public comment period, ending on July 29, 2019;
- A SEPA Determination of Non Significance was issued on August 27, 2019;
- Notice of Public Hearing was posted and mailed by August 28, 2019;
- Notice of Public Hearing was published on August 28 and September 4, 2019;
- Hearing date is scheduled with the Plan Commission for September 11, 2019.

IV. AGENCY, INTERESTED DEPARTMENT, & PUBLIC COMMENT

Notice of this proposal was sent to City departments and outside agencies for their review. Department and outside agency comments are included in this report as Exhibit 5. One agency/city department comment was received regarding this application:

- City of Spokane, Development Services

Notice of this proposal was also sent to the North Hill Neighborhood Council and all property owners within the notification area. Notice was posted on the subject property and in the local library branch, and published in the Spokesman Review. No comments were received from members of the public prior to the comment deadline.

V. COMPREHENSIVE PLAN AMENDMENT PROCESS GUIDING PRINCIPLES

SMC [17G.020.010](#) provides the following guiding principles for the annual comprehensive plan amendment process:

1. Keep the comprehensive plan alive and responsive to the community.
2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
6. Amendments to the comprehensive plan must result in a net benefit to the general public.

VI. REVIEW CRITERIA

SMC Section [17G.020.030](#) establishes the approval criteria for Comprehensive Plan amendments, including Land Use Plan Map amendments. In order to approve a Comprehensive Plan Land Use Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all the applicable criteria. The applicable criteria are shown below in ***bold italic*** print. Following each criterion is staff analysis relative to the amendment requested.

A. Regulatory Changes.

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

Staff Analysis: Staff reviewed and processed the proposed amendment under the most current regulations contained in the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent federal, state, or legislative actions with

which the proposal would be in conflict, and no comments were received to this effect from any applicable agencies receiving notice of the proposal. The proposal meets this criterion.

B. GMA.

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

Staff Analysis: The Growth Management Act (GMA) details 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW [36.70A.020](#), “Planning Goals”), and these goals guided the City’s development of its comprehensive plan and development regulations. No comments received or other evidence in the record indicates inconsistency between the proposed plan map amendment and the goals and purposes of the GMA. The proposal meets this criterion.

C. Financing.

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

Staff Analysis: The City did not require, nor did any Agency comment request or require a traffic impact analysis for the proposal. The subject property is already served by water, sewer, and nearby transit service and lies immediately adjacent to W Princeton Ave and N Madison St, both local access streets. Under State and local laws, any subsequent development of the site will be subject to a concurrency determination pursuant to SMC [17D.010.020](#). Staff finds that the proposal meets this criterion.

D. Funding Shortfall.

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

Staff Analysis: The subject property is centrally located within the city in an area well-served by urban facilities and services, and the proposal itself does not involve a specific development project. Implementation of the concurrency requirement, as well as applicable development regulations and transportation impact fees, will ensure that development is consistent with adopted comprehensive plan and capital facilities standards, or that sufficient funding is available to mitigate any impacts to existing infrastructure networks. The proposal meets this criterion.

E. Internal Consistency.

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

Staff Analysis: The proposal is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

Development Regulations. As a non-project proposal, there are no specific plans for development of this site. Additionally, any future development on this site will be required to be consistent with the current development regulations at the time an application is submitted. The proposal does not result in any non-conforming uses or development and staff finds no reason to indicate that the proposed Comprehensive Plan Land Use Plan Map and zone change would result in a property that cannot be reasonably developed in compliance with applicable regulations.

Capital Facilities Program. As described in the staff analysis of Criterion C above, no additional infrastructure or capital expenditures by the City are anticipated for this non-project action, and it is not anticipated that the City's integrated Capital Facilities Program would be affected by the proposal.

Neighborhood Planning Documents Adopted after 2001. The North Hill Neighborhood Council, utilizing funding allocated by the Spokane City Council in 2007, began a planning process in 2014 to identify and prioritize goals into an action plan. The neighborhood adopted the [North Hill Neighborhood Action Plan](#) in 2015. The plan focused primarily on issues related to crime reduction and public safety; economic development; improving connectivity; and preserving the neighborhood character. The plan does not identify any strategies relating to the future use or development of the subject parcels, nor were any priority projects identified within or adjacent to the subject parcel. Therefore, the proposal to change the land-use designation and zoning for the subject property is internally consistent with applicable neighborhood planning documents.

Miscellaneous Comprehensive Plan Goals and Policies. Staff have compiled a group of Comprehensive Plan Goals and Policies excerpted from the Comprehensive Plan and contained in Exhibit 1 of this report. Further discussion of Comprehensive Plan Policy LU 1.5 Office Uses is included under the staff analysis of Criterion K.2 below.

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

Staff Analysis: The proposal is generally consistent with current Comprehensive Plan policies, as described in further detail in the staff analysis of Criterion K.2 below and other criteria in this report. Therefore, no amendment to policy wording is necessary and this criterion does not apply to the subject proposal.

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.

Staff Analysis: The proposed change in land use designations affects a relatively small (approximately 0.85-acre) area near the center of the urbanized area, with no foreseeable implications to regional or interjurisdictional policy issues. No comments have been received from any agency, City department, or neighboring jurisdiction which would indicate that this proposal is not regionally consistent. The proposal meets this criterion.

G. Cumulative Effect.

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

1. Land Use Impacts.

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

2. Grouping.

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

Staff Analysis: The City is concurrently reviewing this application and four other applications for Comprehensive Plan amendments, as part of an annual plan amendment cycle. Three applications are for map amendments, while two are proposed text amendments to the Comprehensive Plan.

The three map amendment proposals, including the subject proposal, are spread throughout the city and concern properties distant from and unconnected to any of the others under consideration. Each of the three map amendment proposals is separated from the others by large swaths of pre-existing urban development. The conditions and exact modification(s) of land use and zoning are not likely to affect each other in any cumulative amount.

Both proposed text amendments are citywide in nature and significantly larger in the amount of property potentially impacted than the subject application. A proposed new policy (LU 4.6, Transit Supported Development, File [Z18-958COMP](#)) would encourage mixed-use development and high density residential development in areas adjacent to planned high-performance transit facilities, such as along W Wellesley Ave and N Monroe St near the subject site. The other text amendment is a proposed amendment to existing Policy LU 1.8, General Commercial Uses (File [Z19-002COMP](#)). However, any changes to land-use designations resulting from these pending policy changes would be required in a future annual application cycle, with no Land Use Plan Map changes occurring concurrently with this application. As such, it appears that no cumulative effects are possible, nor do the potential for such effects need to be analyzed. The proposal meets this criterion.

H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter 17E.050.

1. Grouping.

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

2. DS.

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

Staff Analysis: The application is under review in accordance with the State Environmental Policy Act (SEPA), which requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of the information contained in the environmental checklist, written comments from local and State departments and agencies concerned with land development within the City, and a review of other information available to the Director of Planning Services, a Determination of Non-Significance was issued on August 27, 2019. The proposal meets this criterion.

I. Adequate Public Facilities.

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

Staff Analysis: The proposal would change the land-use designation of an area totaling 0.85 acre, within a built-up area of the city served by the public facilities and services described in CFU 2.1. The proposed change in land-use designations affects a relatively small area, does not include a development proposal, and does not measurably alter demand for public facilities and services in the vicinity of the site or on a citywide basis. Any subsequent development of the site will be subject to a concurrency determination pursuant to SMC [17D.010.020](#), thereby implementing the policy set forth in CFU 2.2. Staff finds that the proposal meets this criterion.

J. UGA.

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

Staff Analysis: The application does not propose an amendment to the urban growth area boundary. This criterion does not apply.

K. Demonstration of Need.**1. Policy Adjustments.**

Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. [...]

Staff Analysis: The proposal is for a map change only and does not include any proposed policy adjustments. Therefore, this subsection does not apply.

2. Map Changes.

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

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);***

Staff Analysis: Comprehensive Plan Chapter 3, Section 3.4 Description of Land Use Designations provides that:

“Office: The Office designation usually indicates freestanding small office sites and larger sites with two or more buildings located along arterial streets or intersections or as a buffer adjacent to residential areas. Higher intensity office areas should be located around downtown Spokane” (Comprehensive Plan Ch. 3, p. 3-39).

The subject site is located at the intersection of two local access streets in a residential area adjacent to Neighborhood Retail and Office designations to the north and east, both of which designations front directly on nearby principal arterials.

Policy LU 1.5, Office Uses, sets forth additional locational criteria for the Office land-use designation. It provides: “Direct new office uses to Centers and Corridors designated on the Land Use Plan Map.” The discussion section of Policy LU 1.5 provides further:

“To ensure that the market for office use is directed to Centers, future office use is generally limited in other areas. The Office designations located outside Centers are generally confined to the boundaries of existing Office designations. Office use within these boundaries is allowed outside of a Center.

“The Office designation is also located where it continues an existing office development trend and serves as a transitional land use between higher intensity commercial uses on one side of a principal arterial street and a lower density residential area on the opposite side of the street. Arterial frontages that are predominantly developed with single-family residences should not be disrupted with office use. For example, office use is encouraged in areas designated Office along the south side of Francis Avenue between Cannon Street and Market Street to a depth of not more than approximately 140 feet from Francis Avenue.”

The proposal would expand the Office designation westward from an existing Office designation and office building located on the same block and immediately across the alley from the subject site. A retail convenience store/fuel station, located within the Neighborhood Retail designated area which straddles both sides of Wellesley to the north of the amendment site, is also adjacent to the subject proposal. Both of these adjacent commercial uses front on principal arterials. The subject proposal lies between the Neighborhood Retail designation and a residential neighborhood to the south, and could serve as a transitional land use located between those areas.

As evidence of an existing office development trend, the application materials refer to the adjacency of the existing office building and Office Land Use Plan Map designation, in common ownership with the proposal, and the longstanding special permit for off-street parking on part of the subject site. The proponent has demonstrated the proposed designation is in conformance with the appropriate location criteria identified in the Comprehensive Plan, and the application meets subsection (a).

b. The map amendment or site is suitable for the proposed designation;

Staff Analysis: As described in the staff analysis under subsection (a) above, the proposed Office designation meets the locational characteristics provided in Comprehensive Plan Policy LU 1.5. The application materials maintain that the proposal would eliminate the nonconforming nature of the parking on this site, and could result in a portion of the site suitable for a storage facility for emergency response equipment. The proposal meets subsection (b).

c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.

Staff Analysis: As described in the staff analysis under subsections (a) and (b) above, the proposed Office designation meets the locational characteristics provided in Comprehensive Plan as well as eliminating the nonconforming nature of the parking on this site, which already supports the adjacent Office land use.

The Comprehensive Plan describes the proposed Land Use Plan Map designation as follows:

“Office: The Office designation usually indicates freestanding small office sites and larger sites with two or more buildings located along arterial streets or intersections or as a buffer adjacent to residential areas. Higher intensity office areas should be located around downtown Spokane.” (Comprehensive Plan Ch. 3, p. 3-39).

The application materials maintain that the proposal would facilitate the coordination of Department of Ecology functions associated with emergency response equipment, while consolidating the common operations of its office, parking and storage. The proposal meets subsection (c).

3. Rezones, Land Use Plan Map Amendment.

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

Staff Analysis: If the Land Use Plan Map amendment is approved as proposed, the zoning designation of the subject property will change from RSF (Residential Single-Family) to O-35 (Office with 35-foot height limit). The O-35 zone implements the Office land-use designation proposed by the applicant. No policy language changes have been identified as necessary to support the proposed Land Use Plan Map amendment. The proposal meets this criterion.

VII. CONCLUSION:

Based on the facts and findings presented herein, staff concludes that the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan satisfies the applicable criteria for approval as set forth in SMC Section [17G.020.030](#).

VIII. STAFF RECOMMENDATION:

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC Chapter 17G.020, Plan Commission will need to make a recommendation to City Council for approval or denial of the requested amendment to the Land Use Plan map of the City's Comprehensive Plan.

Staff recommends that the Plan Commission adopt the facts and findings of the staff report and recommends approval of the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan for the subject property approximately 0.85 acre in size and located at 4502-4508 N Madison St and 4601 N Monroe St (parcels 35062.3609, 35062.3610, and 35062.3619).

IX. LIST OF EXHIBITS

- 1 Relevant Comprehensive Plan policies
- 2 Application Materials
- 3 SEPA CHECKLIST
- 4 SEPA Determination of Non-Significance
- 5 Department Comment – Development Services

EXHIBIT 1 – RELEVANT COMPREHENSIVE PLAN POLICIES

City of Spokane [Comprehensive Plan](#)

Land Use Element

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.

Discussion: The city's residential neighborhoods are one of its most valuable assets. They are worthy of protection from the intrusion of incompatible land uses. Centers and Corridors provide opportunities for complementary types of development and a greater diversity of residential densities. Complementary types of development may include places for neighborhood residents to work, shop, eat, and recreate. Development of these uses in a manner that avoids negative impacts to surroundings is essential. Creative mechanisms, including design standards, must be implemented to address these impacts so that potential conflicts are avoided.

LU 1.5 Office Uses

Direct new office uses to Centers and Corridors designated on the Land Use Plan Map.

Discussion: Office use of various types is an important component of a Center. Offices provide necessary services and employment opportunities for residents of a Center and the surrounding neighborhood. Office use in Centers may be in multi-story structures in the core area of the Center and transition to low-rise structures at the edge.

To ensure that the market for office use is directed to Centers, future office use is generally limited in other areas. The Office designations located outside Centers are generally confined to the boundaries of existing Office designations. Office use within these boundaries is allowed outside of a Center.

The Office designation is also located where it continues an existing office development trend and serves as a transitional land use between higher intensity commercial uses on one side of a principal arterial street and a lower density residential area on the opposite side of the street. Arterial frontages that are predominantly developed with single-family residences should not be disrupted with office use. For example, office use is encouraged in areas designated Office along the south side of Francis Avenue between Cannon Street and Market Street to a depth of not more than approximately 140 feet from Francis Avenue.

Drive-through facilities associated with offices such as drive-through banks should be allowed only along a principal arterial street subject to size limitations and design guidelines. Ingress and egress for office use should be from the arterial street. Uses such as freestanding sit-down restaurants or retail are appropriate only in the Office designation located in higher intensity office areas around downtown Spokane.

Residential uses are permitted in the form of single-family homes on individual lots, upper-floor apartments above offices, or other higher density residential uses.

CFU 2.1 Available Public Facilities

Consider that the requirement for concurrent availability of public facilities and utility services is met when adequate services and facilities are in existence at the time the development is ready for occupancy and use, in the case of water, wastewater and solid waste, and at least a financial commitment is in place at the time of development approval to provide all other public services within six years.

Discussion: Public facilities are those public lands, improvements, and equipment necessary to provide public services and allow for the delivery of services. They include, but are not limited to, streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, solid waste disposal and recycling, fire and police facilities, parks and recreational facilities, schools and libraries.

It must be shown that adequate facilities and services are available before new development can be approved. While occupancy and use imply an immediate need for water, wastewater and solid waste services, other public services may make more sense to provide as the demand arises. For example, a certain threshold of critical mass is often needed before construction of a new fire station, school, library, or park is justified. If these facilities and services do not currently exist, commitments for services may be made from either the public or the private sector.

CFU 2.2 Concurrency Management System

Maintain a concurrency management system for all capital facilities.

Discussion: A concurrency management system is defined as an adopted procedure or method designed to ensure that adequate public facilities and services needed to support development and protect the environment are available when the service demands of development occur. The following facilities must meet adopted level of service standards and be consistent with the concurrency management system: fire protection, police protection, parks and recreation, libraries, public wastewater (sewer and stormwater), public water, solid waste, transportation, and schools.

The procedure for concurrency management includes annual evaluation of adopted service levels and land use trends in order to anticipate demand for service and determine needed improvements. Findings from this review will then be addressed in the Six-Year Capital Improvement Plans, Annual Capital Budget, and all associated capital facilities documents to ensure that financial planning remains sufficiently ahead of the present for concurrency to be evaluated.

The City of Spokane must ensure that adequate facilities are available to support development or prohibit development approval when such development would cause service levels to decline below standards currently established in the Capital Facilities Program.

In the event that reduced funding threatens to halt development, it is much more appropriate to scale back land use objectives than to merely reduce level of service standards as a way of allowing development to continue. This approach is necessary in order to perpetuate a high quality of life. All adjustments to land use objectives and service level standards will fall within the public review process for annual amendment of the Comprehensive Plan and Capital Facilities Program.

Land Use Solutions & Entitlement

Land Use Planning Services

9101 N. MT. VIEW LANE Spokane, WA 99218

509-435-3108 (V)

10-28-18

Tirrell Black, AICP
City of Spokane Planning Services
W 801 Spokane Falls Blvd, 3rd Floor
Spokane WA 99201

Ref: DOE Annual Map Amendment

Tirrell:

On behalf of the Department of Ecology, please find its application for a Comprehensive Plan Amendment and rezone from R 6-10 to Office and RSF to O-35. Specifically, enclosed are:

- 1) General Application
- 2) Early Threshold Review Supplement
- 3) Comprehensive Plan Annual Amendment Pre-Application
- 4) SEPA Checklist
- 5) Project Narrative
- 6) Site Plan
- 7) Summary of Neighborhood Council Outreach, and
- 8) \$500.00 application fee.

Respectfully Submitted



Dwight J Hume, agent
Land Use Solutions and Entitlement

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OCT 29 2018

Neighborhood and
Planning Services

**DESCRIPTION OF PROPOSAL:**

Map Amendment from R 4-10 to Office and zone change from RSF to O-35

ADDRESS OF SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)
4502 and 4508 N Madison, 4601 N Monroe and 4616 N Monroe

APPLICANT:

Name: Department of Ecology, C/O Fran Huntington Facilities Manager
Address: 300 Desmond Dr Lacey WA 98503
Phone (home): **Phone (work):** 360-407-7028
Email address: Fhun461@ecy.wa.gov

PROPERTY OWNER:

Name: Washington State Department of Ecology
Address: PO Box 47600 Olympia WA 98504
Phone (home): **Phone (work):** N/A
Email address: N/A

AGENT:

Name: Dwight J Hume dba Land Use Solutions and Entitlement
Address: 9101 N Mt. View Lane Spokane WA 99218
Phone (home): **Phone (work):** 509-435-3108
Email address:

ASSESSOR'S PARCEL NUMBERS:

35062.3610, 35062.3609, (Houses); 35062.3619 (W Parking Lot); 35062.3515 (NE Parking Lot)

LEGAL DESCRIPTION OF SITE:

See Attached Legal Descriptions

SIZE OF PROPERTY:

Houses (.28 acres); W. Parking Lot (.57 acres); NE Parking Lot (.17 acres) Total Acres 1.02 acres

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

Land Use Map Amendment with implementing zone changes.

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Early Threshold Review

Department of Ecology Map Amendment

Description of Proposed Amendment: Land Use Map change from R 4-10 to Office and a zone change from RSF to O-35 on 1.02 acres.

The request will change two single family home sites located at 4502 and 4508 N Madison from RSF to O-35 and upgrade two existing parking lots; one located north of the houses along Madison and one located at the SEC of Monroe and Wellesley to Office from the current special permits and RSF zoning.

The purpose of the amendment is to accommodate an emergency response storage facility on site with the main office of the DOE and to replace existing special permit parking lots with Office designation and zoning.

SMC 17G.025.010

1. **Describe how the proposed amendment is appropriately addressed as a Unified Development Code Amendment.**

The UDC allows for private sector request on individual ownerships, in-lieu-of a city-wide update to the comprehensive plan or a sub-area plan. Neither of these options are available, leaving the private sector request as the only reasonable option to keep the planned improvements within their approved budget cycle.

2. **The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City council or by a neighborhood or subarea planning process.**

As stated above, neither a Citywide update nor a sub-area plan are available to this area and request, nor are they timely, considering the budget cycle.

3. **The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program.**

The request has already been reviewed for the parking lot upgrades as a pre-application meeting of August 9, 2018. The change of the two existing houses will not add an unreasonable length of time for review and approval under the annual review process.

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4. **Describe how the proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must be consistent with policy implementation in the Countywide Planning policies, the GMA, or other state or federal law, and the WAC.**

The annual process for amending the Comprehensive Plan is to keep the Comprehensive Plan alive and responsive to the community. The subject property is part of a common ownership split between the O-35 and RSF zones and contained within its present facility operations and/or block. The requested amendment is therefore, consistent with the adjacent land use classification and zones and will implement many applicable Comprehensive Plan policies. The site has a full range of public services available and can accommodate any potential commercial use of the common site.

The request is consistent with the CWPP. The CWPP encourages growth in urban areas where services and utilities already exist. When the site is further developed, the applicant or developer will be required to demonstrate that levels of service are maintained, as required by the CWPP. The CWPP also encourages the use of public transit and development where public transit is available. It is important to note that the city has adopted development regulations and policies to implement the CWPP at the City level. Thus, consistency with the CWPP is achieved.

The application is consistent with the goals and policies of the Growth Management Act. The GMA encourages densification, in-fill and urban development and redevelopment in areas designated for urban growth and within existing city limits. The property is within the UGA and the city limits of Spokane.

The proposed change is consistent with the following goals of the Comprehensive Plan:

Land Use 1.5 The Office designation is also located where it continues an existing office trend...

The subject proposal is located within the block bounded by Madison on the West, Princeton on the South, Wellesley on the North and Monroe on the East. The exception is a fleet vehicle parking lot located at the SEC of Wellesley and Monroe. The proposal will be contained within the block and will be used as part of the existing State of Washington DOE services. Accordingly, the expansion of the existing Office designation is contained and brings current non-conforming improvements and zones into conformance with the intent of the policy and comprehensive plan.

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Land Use 1.12

The proposed map change is consistent with LU 1.12. Existing public facilities and services are adequately available to the subject property.

Land Use 3.1

The proposed map change is consistent with LU 3.1, which encourages the efficient use of land. Under Policy LU 3.1 future growth should be directed to locations where adequate services and facilities are available.

Land Use 5.3

The Off -Site impacts are mitigated by the development standards of the city and the subject property is adjacent to existing DOE uses or separated by existing street systems, which is a common land use designation boundary. area, thus fostering a range of business and employment opportunities.

Economic Development Goal 6

The proposed map change is consistent with Goal ED 6, which recommends that development be located where infrastructure capacity already exist before extending infrastructure into new areas. In this case, all services are readily available.

5. **The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated. N/A, the proposal has not been submitted in the past.**
6. **If this change is directed by state law or a decision of a court or administrative agency, please describe. N/A**

End of Form

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**Neighborhood and
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Comprehensive Plan or Land Use Code Amendment

Pre-Application

(Department of Ecology Applicant)

DESCRIPTION OF THE PROPOSED AMENDMENT:

(Please check the appropriate box(es))

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-Wide Rezone |

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Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions *(for all proposals):*

- a. Summarize the general nature of the proposed amendment.
Map amendment from R-4-10 to Office and zone change from RSF to O-35.
- b. Why do you feel this change is needed?
The Department of Ecology is located within this block and has acquired the remaining two houses to use the land for facility expansion, for an emergency response equipment accessory storage building.
- c. In what way(s) is your proposal similar to or different from the fundamental concepts contained in the comprehensive plan?
Except for an existing "C" store, the remainder of the block within which the subject request is located, is owned by the State of Washington and operated by the Department of Ecology. The entire east half of this block is zoned Office, where the primary office facility is located and an existing parking lot on the west half is allowed by special permit. This is merely an expansion of the Office category to allow the planned facility expansion and upgrade zoning of the parking lot(s) from previous special permit approvals. If approved, it will be contained within its present boundaries of use.
- d. For text amendments: What goals, policies, regulations or other documents might be changed by your proposal? *N/A*
- e. For map amendments:
 1. What is the current Land Use designation and zoning for each affected parcel? *R 4-10 and RSF*
 2. What is the requested Land Use designation and zoning for each affected parcel? *Office and O-35*
 3. Describe the land uses surrounding the proposed amendment site(s); e.g. land use type, vacant/occupied, etc.
Sit(s): S/F Houses and/or parking lots for DOE and DOE Offices. East: S/F Houses; West: S/F Houses, Office and "C" Store; North: S/F and Neighborhood Retail; South S/F and Catholic Parish.
- f. Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal? *Previous Special Permits were granted for on-site parking in the west half of the block and at the SEC of Monroe and Wellesley.*
- g. Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Development Services department's work program (e.g. neighborhood planning, public input on new regulations, etc.)?

There are no pending plan updates and state budget constraints require immediate action.

h. Has there been a previous attempt to address this concern through a comprehensive plan amendment?

☐ Yes ☒ No

i. If yes, please answer the following questions:

1. When was the amendment proposal submitted?
2. Was it submitted as a consistent amendment or an inconsistent amendment?
3. What were the Plan Commission recommendation and City Council decision at that time?
4. Describe any ways that this amendment proposal varies from the previously considered version.

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Project Narrative Summary

Department of Ecology Map Amendment

The Department of Ecology has purchased the remaining two homes located on the block where the DOE has headquartered in Spokane. Except for a "C" store located at the NW corner of the block, DOE will now have the rest of the block for their use.

These houses are located at the NEC of Princeton and Madison and are addressed as 4502 and 4508 N Madison. The purpose of this request is to enable DOE to relocate their emergency response equipment currently stored in west Spokane near the Waste to Energy Plant. The project would replace the houses with an accessory structure for said storage. Budgeting has been approved and is subject to this zone change prior to permitting, which is now delayed until the spring of 2020. Pending the procedural completion of this annual amendment.

In addition, the DOE will improve the existing parking lots and add a new parking lot immediately south of the existing office building within the current O-35 zone. Those improvements are scheduled for completion by June 30, 2019. A schematic site plan is included showing the proposed parking lot locations and a proposed preliminary site plan of the storage facility.

Finally, as part of the annual amendment, the parking lots that are currently under the approval of a special permit, will be upgraded to the O-35 zone to bring these parcels into compliance with the comprehensive plan and remove the non-conforming classification of said lots.

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Project Name

Owner

Project Status

REV	DATE	DESCRIPTION

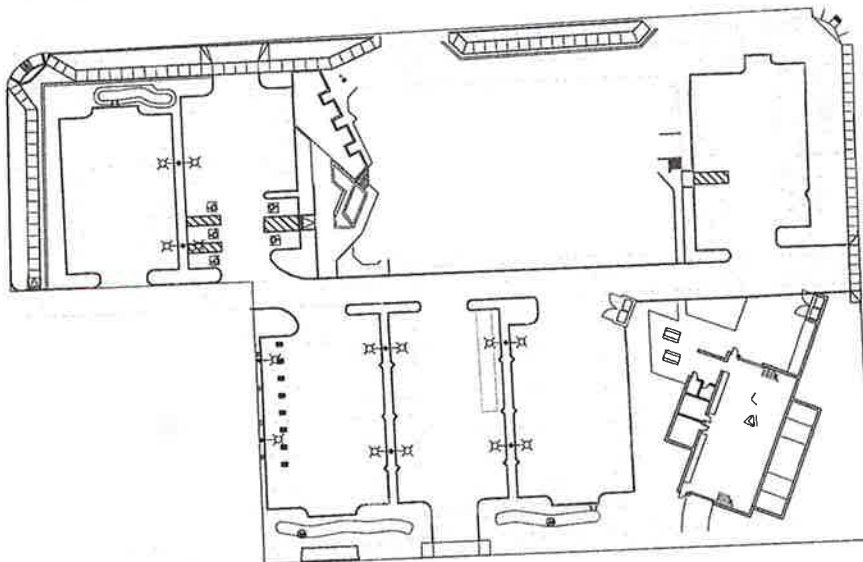
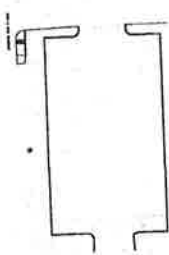
PROJECT NO.	PROJECT
DRAWN	AUTHOR
CHECKED	CLIENT
DATE	DATE

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OVERALL FIRST
FLOOR PLAN

A-101

DATE OF



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Measure

More Info



Tax Parcels

Districts

Permits

Zoning

EXISTING ZONES

35062.3618
4605 N MONROE ST



Site Address and Owner Info

Most-Recent Sale

Click on the image to view larger

Property Info

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Measure

More Info



Tax Parcels

Districts

Permits

Zoning

PROPOSED ZONES

35062.3618
4605 N MONROE ST



Site Address and Owner Info

Most-Recent Sale

Click on the image to view larger

Property Info

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dhume@spokane-landuse.com

From: dhume@spokane-landuse.com
Sent: Monday, October 29, 2018 10:51 AM
To: 'Jeff Zabinski'; 'gillflah@comcast.net'
Subject: Another annual amendment coming your way
Attachments: DOE General Application Annual Amendment.doc

North Hill NC contacts
(THB)

Jeff: As you may have heard, the Department of Ecology is expanding their facilities at their Monroe and Wellesley location. In this instance, they acquired the two remaining houses within their block located at the NEC of Madison and Princeton. These will be removed and the emergency response equipment will finally be relocated to that site. In addition, the DOE is improving the parking lots and adding one directly south of the existing office building along the ally and Princeton. That project will be finished by June 30 of 2019. The other storage building won't happen until the spring of 2020 pending the approval of the Office designation.

As you know, the City requires us to interface and go over the application. I could meet (if there's room on your agenda on the November 8th date, or the December 13th date. Let me know what works for you.

Regards

Dwight J Hume

Land Use Solutions and Entitlement
9101 N Mt. View Lane
Spokane WA 99218
509-435-3108

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Comprehensive Plan Amendments

Full Review
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Z18-884COMP DOE

MAR 11 2019

Full Review & Fees for Applications approved for Annual Amendment Work Program:

**Neighborhood and
Planning Services**

This "Full Review" application and full payment of fees is required to be completed and filed with City of Spokane within 15 days of council action by all applicants when proposals have been added to the "Annual Comprehensive Plan Amendment Work Program" by City Council Resolution.

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your applications chances of being reviewed during this amendment cycle. Answers to these questions will assist in review of the criteria in SMC 17G.020.030.

1. Describe the nature of the proposed amendment and explain if there is any change from the early threshold review application. *The applicant needs the subject parcels changed to Office from Residential 4-10 to accommodate a storage facility for emergency response equipment. The Docketing Committee and Council recommended that the parcel located at the SE corner of Monroe and Wellesley not be included in the cross-over to Office to prevent a trend to Office within that block.*
2. How will the proposed change provide a substantial benefit to the public? *The current storage of this emergency response equipment is located off campus in Airway Heights, imposing a delayed response from the home office to the incident.*
3. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies. *The application is consistent with the Comprehensive Plan as the existing adjacent facility for DOE is zoned Office.*
4. Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies. *The proposal is consistent with GMA and other applicable state and federal guidelines.*
5. Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and

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(Rev Feb 2018)

provide supporting documents, reports or studies. *The proposal is consistent with CWPP and existing adopted land use policies.*

6. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan? Are there other infrastructure implications that may be relevant given the review criteria in SMC 17G.020.030(C)? *No*
7. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation. *No*

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Project Narrative Summary

Department of Ecology Map Amendment

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The Department of Ecology has purchased the remaining two homes located on the block where the DOE has headquartered in Spokane. Except for a "C" store located at the NW corner of the block, DOE will now have the rest of the block for their use.

These houses are located at the NEC of Princeton and Madison and are addressed as 4502 and 4508 N Madison. The purpose of this request is to enable DOE to relocate their emergency response equipment currently being stored in west Spokane near the waste to energy plant. The project would replace the houses with an accessory structure for said storage. Budgeting has been approved and is subject to this zone change prior to permitting, which is now delayed until the spring of 2020, pending the procedural completion of this annual amendment.

In addition, the DOE will improve the existing on-site parking lots. Those improvements are scheduled for completion by June 30, 2019. A schematic site plan is included showing the proposed parking lot locations and a proposed preliminary site plan of the storage facility.

Finally, as part of the annual amendment, the parking lots that are currently under the approval of a special permit, will be upgraded to the O-35 zone to bring these parcels into compliance with the comprehensive plan and remove the non-conforming classification of said lots. Except that, during the Docketing Committee review, the committee recommended that the DOE parking lot located separately on the SEC of Monroe and Wellesley, be left as an RSF/Special Permit parking area so as to avoid future Office expansion within that block.

End of Narrative

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Section 17G.020.030
Final Review Criteria

Neighborhood and
Planning Services

18-884COMP DOE

A. Regulatory Changes.

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

No changes to GMA or environmental regulations are known to affect the proposed amendment. Accordingly, the proposed amendment is consistent with applicable GMA and environmental regulations.

B. GMA.

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

The proposal is consistent with the adopted goals and policies of the Comprehensive Plan. That document has the same internal compliance requirement. Therefore, this meets the GMA requirements.

C. Financing.

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

No new infrastructure improvements will be triggered by this proposal. All expenses associated with this proposal are on site and privately funded.

D. Funding Shortfall.

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

No impacts will occur to require a shortfall to service levels from this proposed amendment.

E. Internal Consistency.

1). The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa. For

example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

The proposed expansion of the existing Office designation is inconsequential to the internal and applicable plans and programs of the City of Spokane.

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

Not Applicable

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts

The expansion of the existing Office designation is not consequential to Regional Consistency.

G. Cumulative Effect.

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

1) Land Use Impacts.

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

The proposed amendment of 1.02 acres within an existing city block that is trending toward Office, has no cumulative land use impacts.

2) Grouping.

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

This proposal has no effects on land use type or geographic area. It is bringing the entire DOE complex of on-site operations into zoning compliance.

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H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter [17E.050](#)

1. Grouping.

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

The applicant is unaware of other pending applications. Notwithstanding, this expansion of an existing Office designation has insignificant cumulative impacts

2. DS.

If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS) *Not Applicable*

I. Adequate Public Facilities

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies

The proposal has no impacts upon citywide services.

J. UGA.

Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County: *Not Applicable*

K. Demonstration of Need.

1) Map Changes.

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

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);

Office designations are allowed when trending and expanding from an existing Office designation, or when used to make a common use and site consistent in zoning.

- b. The map amendment or site is suitable for the proposed designation;

As stated in "a" above, a common zone for a common use within a common site is appropriate.

- c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.

The current map designation recognizes former single-family zones and uses. The ownership is now the DOE and their common operations of Office, parking and storage, thus eliminating some non-conforming uses for parking and accommodating a storage facility for emergency response equipment and supplies. The removal of the two remaining houses within this block is entirely suitable.

2) Rezones Land Use Plan Map Amendments *If approved, the corresponding zone would be O-35 and this would bring all of the DOE ownership within the block to an O-35 zone and eliminate the non-conforming special permit on-site parking lots.*

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Environmental Checklist

File No. Z18-884COMP

Purpose of Checklist:

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

Instructions for Applicants:

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

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

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

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

Use of checklist for nonproject proposals:

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

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

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

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A. BACKGROUND

1. Name of proposed project, if applicable: Department of Ecology Annual Amendment
2. Name of applicant: Department of Ecology
3. Address and phone number of applicant or contact person: Dwight Hume
9101 N Mt. View Lane, Spokane WA 99218, 509-435-3108
4. Date checklist prepared: October 2018
5. Agency requesting checklist: City of Spokane Planning Services
6. Proposed timing or schedule (including phasing, if applicable): Upon
Completion of this amendment and zone change, spring 2020.
7. a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Yes, the existing parking lots will be upgraded, and a new parking lot added within the current Office designation located south of the existing DOE Office building.
b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. No
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to his proposal. Non-project action. To be determined at time of building permit.
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. Yes, parking lot improvements as stated above.

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10. List any government approvals or permits that will be needed for your proposal, if known. Amend designation to Office, zone change to O-35; building permits, landscape plan approval; drainage plan review and approval.

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. Change designation to Office at 4502 and 4508 N Madison; convert to accessory structure to store emergency response equipment for DOE.

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

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.)

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

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to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities).

Non-project action. To be determined at time of building permit. _____

- (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?

Non-project action. To be determined at time of building permit. _____

- (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.

Non-project action. To be determined at time of building permit. _____

- (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?

Non-project action. To be determined at time of building permit. _____

b. Stormwater

- (1) What are the depths on the site to groundwater and to bedrock (if known)?

Non-project action. To be determined at time of building permit. _____

- (2) Will stormwater be discharged into the ground? If so, describe any potential impacts?

Non-project action. To be determined at time of building permit. _____

TO BE COMPLETED BY APPLICANT

B. ENVIRONMENTAL ELEMENTS

Evaluation for
Agency Use
Only

1. Earth

- a. General description of the site (circle one): **flat**, rolling, hilly, steep slopes, mountains, other: _____

- _____
- _____
- b. What is the steepest slope on the site (approximate percent slope)? N/A
- _____
- _____
- _____
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. **Non-project action. To be determined at time of building permit.**
- _____
- _____
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **Non-project action. To be determined at time of building permit.**
- _____
- _____
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill: **Non-project action. To be determined at time of building permit.**
- _____
- _____
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **Non-project action. To be determined at time of building permit.**
- _____
- _____
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **Non-project action. To be determined at time of building permit.**
- _____
- _____
- h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: **Non-project action. To be determined at time of building permit.**
- _____
- _____

Evaluation for
Agency Use
Only

2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. _____

Non-project action. To be determined at time of building permit. _____

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. _____

No _____

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Non-project action. To be determined at time of building permit. _____

Evaluation for
Agency Use
Only

3. Water

- a. SURFACE:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

N/A _____

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. **N/A** _____

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A _____

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- _____

(4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

N/A

- (5) Does the proposal lie within a 100-year floodplain? ____ If so, note location on the site plan.

N/A

- (6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

N/A

Evaluation for
Agency Use
Only

b. GROUND:

- (1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Non-project action. To be determined at time of building permit.

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sanitary waste treatment facility. Describe the general size of the system, the number of houses to be served (if applicable) or the number of persons the system(s) are expected to serve.

Non-project action. To be determined at time of building permit.

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.

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Non-project action. To be determined at time of building permit. _____

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

Non-project action. To be determined at time of building permit. _____

- d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water impacts, if any.

Non-project action. To be determined at time of building permit. _____

4. Plants

- a. Check or circle 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

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

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

_____ Other types of vegetation.

- b. What kind and amount of vegetation will be removed or altered? **Non-project action. To be determined at time of building permit.** _____

- c. List threatened or endangered species known to be on or near the site. **None** _____

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if

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any: Non-project action. To be determined at time of building permit.

5. Animals

- a. Circle any birds and animals which have been observed on or near the site are known to be on or near the site:
birds: *hawk, heron, eagle, songbirds, other.* _____
mammals: *deer, bear, elk, beaver, other.* _____
fish: *bass, salmon, trout, herring, shellfish, other.* _____
other: _____

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- b. List any threatened or endangered species known to be on or near the site.

None

- c. Is the site part of a migration route? If so, explain. _____

No

- d. Proposed measures to preserve or enhance wildlife, if any:

None

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Non-project action. To be determined at time of building permit.
-
-
-

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Non-project action. To be determined at time of building permit.

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- 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:

Non-project action. To be determined at time of building permit.

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. **Non-project action. To be determined at time of building permit.**

Evaluation for
Agency Use
Only

- (1) Describe special emergency services that might be required. **Non-project action. To be determined at time of building permit.**

- (2) Proposed measures to reduce or control environmental health hazards, if any: **Non-project action. To be determined at time of building permit.**

b. NOISE:

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **Non-project action. To be determined at time of building permit.**

- (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.

Non-project action. To be determined at time of building permit.

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- (3) Proposed measure to reduce or control noise impacts, if any:
Non-project action. To be determined at time of building permit. _____

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?

Site: S/F Dwellings, DOE Office and associated parking lots; NW: "C" Store and retail; West: Office and S/F; North: S/F and Retail; South: S/F and Church; East: S/F. _____

- b. Has the site been used for agriculture? If so, describe. **No** _____

- c. Describe any structures on the site. **SF Dwellings** _____

- d. Will any structures be demolished? If so, which? **Yes, both houses and accessory structures to be removed.** _____

- e. What is the current zoning classification of the site? **RSF** _____

- f. What is the current comprehensive plan designation of the site? **R 4-10** _____

- g. If applicable, what is the current shoreline master program designation of the site?

N/A _____

- h. Has any part of the site been classified as a critical area? If so, specify. **No** _____

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Agency Use
Only

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- i. Approximately how many people would reside or work in the completed project?

Non-project action. To be determined at time of building permit.

- j. Approximately how many people would the completed project displace? Two families

- k. Proposed measures to avoid or reduce displacement impacts, if any: One renter is being relocated

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Compliance with applicable development standards

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Agency Use
Only

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing. N/A

- b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. 2

- c. Proposed measures to reduce or control housing impacts, if any: None

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? Non-project action. To be determined at time of building permit.

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- _____
- _____
- b. What views in the immediate vicinity would be altered or obstructed? **None** _____
- _____
- _____

- c. Proposed measures to reduce or control aesthetic impacts, if any: **Compliance with applicable development standards** _____
- _____
- _____

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **Non-project action. To be determined at time of building permit.** _____
- _____
- _____

- b. Could light or glare from the finished project be a safety hazard or interfere with views? **No** _____
- _____
- _____

- c. What existing off-site sources of light or glare may affect your proposal? **None** _____
- _____
- _____

- d. Proposed measures to reduce or control light and glare impacts, if any: **Indirect lighting and downcasting of outdoor lighting.** _____
- _____
- _____

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? **N/A** _____
- _____
- _____

- b. Would the proposed project displace any existing recreational uses? If so, describe. **No** _____

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- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: None

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. No

- b. Generally describe any landmarks or evidence of historic archaeological, scientific or cultural importance known to be on or next to the site.

None

- c. Proposed measures to reduce or control impacts, if any:

None

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Agency Use
Only

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. Monroe to Princeton to Madison or Wellesley to Madison to Princeton.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? Yes

- c. How many parking spaces would the completed project have? How many would the project eliminate? Non-project action. To be determined at time of building permit.

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d. Will the proposal require any new roads or streets, or improvements to existing roads or streets not including driveways? If so, generally describe (indicate whether public or private). No

e. Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. No

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak would occur. Non-project action. To be determined at time of building permit.

(Note: to assist in review and if known indicate vehicle trips during PM peak, AM Peak and Weekday (24 hours).)

g. Proposed measures to reduce or control transportation impacts, if any: Non-project action. To be determined at time of building permit.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. No

b. Proposed measures to reduce or control direct impacts on public services, if any: None

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

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- 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. **Non-project action. To be determined at time of building permit.**

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: 10/29/18

Signature: [Signature]

Please Print or Type:

Proponent: Dwight Hume

Address: 9101 N Mt. View Lane

Phone: 509-435-3108

Spokane WA 99218

Person completing
form (if different
from proponent): Same

Address: _____

Phone: _____

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: _____

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

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

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D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

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

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

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage or release of toxic or hazardous substances; or production of noise?

Non-project action. To be determined at time of building permit. _____

Proposed measures to avoid or reduce such increases are:

Non-project action. To be determined at time of building permit. _____

2. How would the proposal be likely to affect plants, animals, fish or marine life?

None _____

Proposed measures to protect or conserve plants, animals, fish or marine life are:

None _____

3. How would the proposal be likely to deplete energy or natural resources?

No impacts _____

Proposed measures to protect or conserve energy and natural resources are:

None _____

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?

No

Proposed measures to protect such resources or to avoid or reduce impacts are:

None

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 will not affect adjacent land use because of the existing land use pattern and/or separation from other S/F uses by streets.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Development per applicable development standards of the City of Spokane.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

No impacts

Proposed measures to reduce or respond to such demand(s) are:

None

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.

No conflicts with other state or federal regulations.

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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: 10/29/18 Signature: D. Hume

Please Print or Type:

Proponent: Dwight Hume Address: 9101 N Mt. View Lane

Phone: 509-435-3108 Spokane WA 99218

Person completing form (if different from proponent): _____

SAME Address: _____

Phone: _____

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: _____

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

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

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NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(S): Z18-884COMP

PROPONENT: Washington State Department of Ecology (Agent: Dwight Hume, Land Use Solutions and Entitlement)

DESCRIPTION OF PROPOSAL: This proposal is to change parcels 35062.3609, 35062.3610, and 35062.3619 from "Residential 4-10 Land Use" and RSF zoning to "Office Land Use" and O-35 zoning (same as adjacent parcel to the east). The subject parcels are approximately 37,000 square feet (0.85 acre) total. No specific development proposal is being approved at this time.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:

The subject site is three parcels located on the northeast corner of North Madison Street and West Princeton Avenue, (4502-4508 N Madison St and 4601 N Monroe St / parcels 35062.3609, 35062.3610, and 35062.3619). The concerned property totals approx. 37,000 square feet (0.85 acre).

Legal Description: Lots 10 through 15 of Block 36, Monroe Park Addition in the City of Spokane, County of Spokane, Washington State.

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.

☒ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5 p.m. on September 10, 2019 if they are intended to alter the DNS.

Responsible Official: Heather Trautman

Position/Title: Director, Planning Services **Phone:** (509) 625-6300

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: August 27, 2019

Signature: 

APPEAL OF THIS DETERMINATION, after it has become final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane WA 99201. The appeal deadline is Noon on September 18, 2019 (21 days from the date of the signing of this 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.

MEMORANDUM



DEVELOPMENT SERVICES CENTER

DATE: April 23, 2019

TO: Nathan Gwinn, Assistant Planner

FROM: *Ewb*
Eldon Brown, P.E., Principal Engineer – Development Services Center

File No: Z18-884COMP

SUBJECT: Comprehensive Plan Land Use Plan Map Amendment – 4502-4508 N Madison St and 4601 N Monroe St (Department of Ecology) change from RSF to O-35

APPLICANT: Department of Ecology, C/O Fran Huntington, Facilities Manager

Comp Plan Amendment Comments

1. Currently, no conflicts with city utilities (sewer and water) are foreseen by a land use zoning change as per this proposal. Sewer and Water is available in the area. Future development will require a review of existing public water and sewer before concurrency for the development is reached.
2. Compliance to SMC 17.060D *Stormwater Facilities* is required and will be reviewed at the time of development application(s).

cc: Development Services File
Kris Becker, P.E., Manager, Development Services
Mike Nilsson, P.E., Senior Engineer, Development Services
Patty Kells, Traffic Engineering Assistant, Development Services

**Spokane Plan Commission Findings of Fact, Conclusions,
and Recommendations on the Comprehensive Plan Land Use
Plan Map Amendment File No. Z18-884COMP
(WASHINGTON STATE DEPARTMENT OF ECOLOGY)**

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Comprehensive Plan Amendment application seeking to amend the land use plan map designation from “Residential 4-10” to “Office” for a 0.85-acre area located at 4502-4508 N Madison St. The implementing zoning designation requested is to change to Office with 35-foot height limit (O-35).

FINDINGS OF FACT:

- A. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act (GMA).
- B. Under GMA, comprehensive plans generally may be amended no more frequently than once a year, and all amendment proposals must be considered concurrently in order to evaluate for their cumulative effect.
- C. Amendment application Z18-884COMP (the “Application”) was submitted in a timely manner for review during the City’s 2018/2019 amendment cycle.
- D. The Application seeks to amend the land use designation for a 0.85-acre area located near Wellesley Ave and Madison St from “Residential 4-10” to “Office” with a corresponding change in zoning from Residential Single-Family (RSF) to Office with a 35-foot height limit (O-35). The owner of the Property also owns parcel immediately to the east of the Property resulting in common ownership holding that spans the area between the Property and Monroe St.
- E. Annual amendment applications are subject to a threshold review process to determine whether the applications will be included in the City’s Annual Comprehensive Plan Amendment Work Program.
- F. On January 15, 2019, an Ad Hoc City Council Committee reviewed the applications that had been timely submitted, and forwarded its recommendation to City Council regarding the applications.
- G. On February 25, 2019, the City Council adopted Resolution RES 2019-0011 establishing the 2019 Comprehensive Plan Amendment Work Program, and including the Application in the Work Program.
- H. Thereafter, on April 5, 2019, staff requested comments from agencies and departments. No adverse comments were received from agencies or departments regarding the Application.
- I. A public comment period ran from May 28, 2019 to July 29, 2019 which provided a 60-day public comment period. The City did not receive any negative comments regarding the Application.

- J. On June 6, 2019, the Community Assembly received a presentation regarding the 2019 Comprehensive Plan Amendment Work Program and the Application, and has been provided with information regarding the dates of Plan Commission workshops and hearings.
- K. On June 26, 2019, the Spokane City Plan Commission held a workshop to study the Application.
- L. On August 27, 2019, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were issued for the Comprehensive Land Use Plan Map and Zoning Map changes, including the Application. The deadline to appeal the SEPA determination was September 10, 2019. No comments on the SEPA determination were received.
- M. On August 29, 2019, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- N. On August 28 and September 4, 2019, the City caused notice to be published in the Spokesman Review providing notice of the SEPA Checklist and Determination of Non-Significance, the Comprehensive Plan Land Use Map amendment, and announcing the September 11, 2019 Plan Commission Public Hearing.
- O. On August 28, 2019, Notice of Public Hearing and SEPA Determination was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four-hundred-foot radius of any portion of the boundary of the subject property.
- P. Prior to the Plan Commission hearing, staff prepared a report addressing SEPA and providing staff's analysis of the merits of the Application, copies of which were circulated as prescribed by SMC 17G.020.060B.8. Staff's analysis of the Application recommended approval of the application.
- Q. On September 11, 2019, the Plan Commission held a public hearing on the Application, and concluded its deliberations.
- R. Nobody testified in opposition to the Application and the City did not receive any adverse comments from the public or otherwise regarding the Application.
- S. As a result of the City's efforts, pursuant to the requirements of SMC 17G.020.070, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to comment.
- T. Except as otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Application (the "Staff Report").

U. Comprehensive Plan Chapter 2, Implementation, Section 2.3 provides:

This section establishes a process to ensure the Plan functions as a living document, advancing the long range vision for the community, while also being responsive to changing conditions. The intended outcomes of these matrices are:

. . . .

Ensure the Plan is a living document, capable of responding to changing conditions and expanding information.

V. The Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan, most specifically policy Land Use LU 1.5 concerning the establishment of Office land uses in the City and that the subject property meets the requirements for designation of office uses outside of established Centers or Corridors, as the property is in an area experiencing a trend of office development and office uses would be an adequate transitional use between the more intense uses to the north and the residential uses to the west, south, and east of the subject properties.

W. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, technical studies, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), SEPA review, agency and public comments received, and public testimony presented regarding the Application File No. Z18-884COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

1. The Application was submitted in a timely manner and added to the 2019 Annual Comprehensive Plan Amendment Work Program, and the final review application was submitted as provided in SMC 17G.020.050(D).
2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
3. The Application is consistent with the goals and purposes of GMA.
4. Any potential infrastructure implications associated with the Application will either be mitigated through projects reflected in the City's relevant


six-year capital improvement plans or through enforcement of the City's development regulations at time of development.

5. As outlined in above in the Findings of Fact, the Application is internally consistent within the meaning of SMC 17G.020.030E.
6. The Application is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
7. The Application has been considered simultaneously with the other proposals included in the 2019 Annual Comprehensive Plan Amendment Work Program in order to evaluate the cumulative effect of all the proposals.
8. SEPA review was completed for the Application, and pursuant to SEPA, any adverse environmental impacts associated with the Application will be mitigated by enforcement of the City's development regulations.
9. The Application will not adversely affect the City's ability to provide the full range of urban public facilities and services citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.
10. The Application proposes a land use designation that is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
11. The proposed map amendment and site is suitable for the proposed designation.
12. The map amendment would implement applicable comprehensive plan policies better than the current map designation.

RECOMMENDATIONS:

In the matter of Z18-884COMP, a request by Dwight Hume, Land Use Solutions and Entitlement on behalf of the Washington State Department of Ecology to change the land use plan designation on 0.85 acres of land from "Residential 4-10" to "Office" with a corresponding change of the implementing zoning to O (Office), as based upon the above listed findings and conclusions, by a vote of 7 to 0, the Plan Commissions recommends to City Council the APPROVAL of the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan with corresponding amendment to the City's Zoning Map, and authorized the President to prepare and sign on the Commission's behalf a written decision

setting forth the Commission's findings, conclusions, and recommendation on the Application.

DocuSigned by:

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**Greg Francis, Vice President in lieu of
Todd Beyreuther, President
Spokane Plan Commission**

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- R. Nobody testified in opposition to the Application and the City did not receive any adverse comments from the public or otherwise regarding the Application.
- S. As a result of the City's efforts, pursuant to the requirements of SMC 17G.020.070, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to comment.
- T. Except as otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Application (the "Staff Report").

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W. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, technical studies, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), SEPA review, agency and public comments received, and public testimony presented regarding the Application File No. Z18-884COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

1. The Application was submitted in a timely manner and added to the 2019 Annual Comprehensive Plan Amendment Work Program, and the final review application was submitted as provided in SMC 17G.020.050(D).
2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
3. The Application is consistent with the goals and purposes of GMA.
4. Any potential infrastructure implications associated with the Application will either be mitigated through projects reflected in the City's relevant

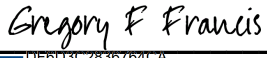
six-year capital improvement plans or through enforcement of the City's development regulations at time of development.

5. As outlined in above in the Findings of Fact, the Application is internally consistent within the meaning of SMC 17G.020.030E.
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10. The Application proposes a land use designation that is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
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DocuSigned by:

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**Greg Francis, Vice President in lieu of
Todd Beyreuther, President
Spokane Plan Commission**

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

11/11/2019

Date Rec'd

10/28/2019

Clerk's File #

ORD C35841

Renews #**Submitting Dept**

PLANNING

Contact Name/Phone

KEVIN 625-6184

Contact E-Mail

KFREIBOTT@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Agenda Item Name

0650 – TEXT AMENDMENT – TRANSIT SUPPORTED DEVELOPMENT

Cross Ref #**Project #****Bid #****Requisition #****Agenda Wording**

An Ordinance relating to application Z18-958COMP amending Chapter 3 of the Comprehensive Plan to include a new policy encouraging transit-supported development near high-performance transit stops. This proposal is city-sponsored.

Summary (Background)

This proposal would add a new policy, LU 4.6, encouraging Transit-Supported Development, in Chapter 3, Land Use, of the Comprehensive Plan. This proposal is being considered concurrently through the annual Comprehensive Plan Amendment cycle as required by the Growth Management Act. The application has fulfilled public participation and notification requirements. The Plan Commission held a Public Hearing on September 11, 2019 to consider this amendment & has recommended approval of the amendment

Fiscal Impact

Grant related? NO

Public Works? NO

Budget Account

Neutral

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

Approvals**Dept Head**

TRAUTMAN, HEATHER

Division Director

DUVALL, MEGAN

Finance

ORLOB, KIMBERLY

Legal

RICHMAN, JAMES

For the Mayor

ORMSBY, MICHAEL

Council Notifications**Study Session**

10/10/2019

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**STAFF REPORT ON COMPREHENSIVE PLAN
TEXT AMENDMENT APPLICATION
Proposed Transit-Supported Development Policy; File Z18-958COMP**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL:

This application, sponsored by Council President Stuckart and initiated by the Spokane City Council, proposes a new policy, LU 4.6, Transit-Supported Development, in Chapter 3, Land Use, of the Comprehensive Plan. The new policy would call for the City to encourage transit-supported development within the vicinity of high-performance transit (HPT) stops in the City of Spokane.

II. GENERAL INFORMATION

Agent/Applicant:	Council President Ben Stuckart, on behalf of the Spokane City Council
Location of Proposal:	Various locations near high-performance transit lines within the city of Spokane
Zoning/Land Use Plan Designation:	Varies
SEPA Status:	A SEPA threshold Determination of Non-Significance (DNS) was issued on August 27, 2019. The appeal deadline is 5 p.m. on September 10, 2019.
Enabling Code Section:	SMC 17G.020, Comprehensive Plan Amendment Procedure.
Plan Commission Hearing Date:	September 11, 2019
Staff Contact:	Kevin Freibott, Planner II, kfreibott@spokanecity.org
Recommendation:	Approve

III. BACKGROUND INFORMATION

- A. Site Description:** The proposal would not directly affect any locations. However, future Land Use Plan Map and development regulation changes could be adopted by the City in the future as a result of this new policy. These changes would occur within the general vicinity of HPT lines in the City, depending on local conditions and opportunities. Specific land use amendments would be designed in the future and may or may not affect any properties along any individual HPT line.
- B. Proposal Description:** Pursuant to the procedures provided in [chapter 17G.060](#) Spokane Municipal Code, “Comprehensive Plan Amendment Procedure,” the City Council has proposed a text amendment to the Comprehensive Plan, Chapter 3, Land Use. The proposal would add policy text and discussion text

outlining the need to encourage transit-supported development within the vicinity of HPT stops, likely to include increased density, public amenities, and changes in use. The proposal does not include any specific plans for development or improvement to any property. Future land use plan map and municipal code amendments would be subject to the requirements of the Comprehensive Plan and the Spokane Municipal Code (SMC) regarding such actions at the time of their development and consideration.

C. Existing and Proposed Text: See Exhibit 1 for the full text of the proposed policy. Note that the original proposal has been modified by Plan Commission by unanimous motion on their meeting on July 24, 2019. Exhibit 2 indicates the changes made to the text by the Plan Commission motion.

D. Policy History: The Comprehensive Plan has included a number of policies related to transportation and transit as they relate to land use since the original adoption. However, the concept of HPT has been developed in recent years by transit providers. While transit availability has been an integral part of land use planning in the city, HPT provides for a unique set of opportunities when more frequent use and new ridership technologies like simultaneous boarding, real-time signage, and other typical HPT amenities are considered.

E. Application Process:

- City Council established the Annual Comprehensive Plan Amendment Work Program for 2019 by resolution ([RES 2019-0011](#)) on February 25, 2019;
- Notice of Application was posted and published on May 28, 2019, which began a 60-day public comment period, ending on July 29, 2019;
- A SEPA Determination of Non Significance was issued on August 27, 2019;
- Notice of Public Hearing was posted and emailed by August 28, 2019;
- Notice of Public Hearing to be published on August 28 and September 4, 2019;
- Hearing date is scheduled with the Plan Commission for September 11, 2019.

IV. AGENCY, INTERESTED DEPARTMENT, & PUBLIC COMMENT

Notice of this proposal was sent to City departments and outside agencies for their review. One agency/city department comment was received regarding this application (see Exhibit 6):

- City of Spokane, Development Services

Notice of this proposal was also sent to the City's neighborhood councils. Notice was posted in the Downtown library branch, and published in the Spokesman Review. One comment was received from members of the public at large prior to the comment deadline, included in this report as Exhibit 7.

V. COMPREHENSIVE PLAN AMENDMENT PROCESS GUIDING PRINCIPLES

SMC [17G.020.010](#) provides the following guiding principles for the annual comprehensive plan amendment process:

1. Keep the comprehensive plan alive and responsive to the community.
2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
6. Amendments to the comprehensive plan must result in a net benefit to the general public.

VI. REVIEW CRITERIA

SMC Section [17G.020.030](#) establishes the approval criteria for Comprehensive Plan amendments, including Land Use Plan Map amendments. In order to approve a Comprehensive Plan Land Use Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all the applicable criteria. The applicable criteria are shown below in ***bold italic*** print. Following each criterion is staff analysis relative to the amendment requested.

A. Regulatory Changes.

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

Staff Analysis: Staff reviewed and processed the proposed amendment under the most current regulations contained in the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent federal, state, or legislative actions with which the proposal would be in conflict, and no comments were received to this effect from any applicable agencies receiving notice of the proposal. The proposal meets this criterion.

B. GMA.

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

Staff Analysis: The Growth Management Act (GMA) details 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW 36.70A.020, “Planning Goals”), and these goals guided the City’s development of its comprehensive plan and development regulations. No comments received or other evidence in the record indicates inconsistency between the proposed policies and the goals and purposes of the GMA. As such, the proposal meets this criterion.

C. Financing.

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

Staff Analysis: The City did not require, nor did any Agency comment request or require a traffic impact analysis for the proposal. The proposed policy does not include any direct changes to land use and development regulations in the City, though future such amendments may be proposed in later amendment cycles in order to implement this policy. Any subsequent development of sites modified by future land use/development regulations enacted as a result of this policy would be subject to a concurrency determination pursuant to SMC [17D.010.020](#). As such, staff finds that the proposal meets this criterion.

D. Funding Shortfall.

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

Staff Analysis: As described in item “C” above, implementation of the concurrency requirement as well as applicable development regulations and transportation impact fees will ensure that development is consistent with adopted comprehensive plan and capital facilities standards, and that sufficient funding is available to mitigate any impacts to existing infrastructure networks. The proposal meets this criterion.

E. Internal Consistency.

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

corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

Staff Analysis: The proposal is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

Development Regulations. As a non-project proposal, there are no specific plans for development of any site tied to this application. The proposal does not result in any non-conforming uses or development. Staff finds no reason to indicate that the proposed policy would conflict with applicable regulations.

Capital Facilities Program. As described in the staff analysis of Criterion C above, no additional demand for infrastructure or capital expenditures by the City would be directly created by this non-project action. Future actions would be subject to additional review and analysis at the time they are proposed. As such, it is not expected that the City's integrated Capital Facilities Program would be affected by the proposal.

Neighborhood Planning Documents Adopted after 2001. The proposed policy would not directly result in any development projects or changes to infrastructure or other physical features typically addressed by Neighborhood Plans. Future changes to land use and/or development regulations enacted as a result of this policy would be subject to a review and consideration of neighborhood plans on a case-by-case basis as those changes are considered as part of the sub-area planning process described by the policy.

Miscellaneous Comprehensive Plan Goals and Policies. Staff have compiled a group of Comprehensive Plan Goals and Policies excerpted from the Comprehensive Plan and contained in Exhibit 8 of this report which relate to the proposed policy. In general, the proposal supports several comprehensive plan policies and is not in direct conflict with any.

- 2. If a proposed amendment is significantly inconsistent with current policy within the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.***

Staff Analysis: The proposal is expected to be consistent with current Comprehensive Plan policy as discussed in item E.1 above. The proposed policy may result in additional land use and development regulation changes in the future in order to implement the policy, though none are proposed at this time. Pursuant to [SMC 17G.025.010](#), the City must find that any future development regulation amendments are consistent with the Comprehensive Plan before approving them. Likewise, any future land use changes as a result of this policy must consider consistency with the existing Comprehensive Plan, per [SMC 17G.020.030.E](#).

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the

countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.

Staff Analysis: The proposed amendment is consistent with the various requirements for land use planning in the CWPPs, including the need for establishing efficient land use, providing certainty to capital facilities, and allowing timely extension of services and utilities for new development. Furthermore, no comments have been received from any agency, City department, or neighboring jurisdiction which would indicate that this proposal is not regionally consistent. Therefore, the proposal meets this criterion.

G. Cumulative Effect.

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

1. Land Use Impacts.

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

2. Grouping.

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

Staff Analysis: The City is concurrently reviewing this application and four other applications for Comprehensive Plan amendments, as part of an annual plan amendment cycle. The three map amendment proposals are spread throughout the city and concern properties distant from and unconnected to any of the others under consideration. Both proposed text amendments are citywide in nature and significantly larger in the amount of property potentially impacted than the subject application, though their impacts are less direct. However, the proposed text amendments could not affect the map amendments as they would only apply to future land use amendments, not those currently under consideration. As such, the applications would not affect each other in any cumulative fashion and the proposals meet this criterion.

H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter 17E.050.

1. Grouping.

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

2. DS.

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

Staff Analysis: The application is under review in accordance with the State Environmental Policy Act (SEPA), which requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of the information contained in the environmental checklist, written comments from local and State departments and agencies concerned with land development within the City, and a review of other information available to the Director of Planning Services, a Determination of Non-Significance was issued on August 27, 2019. The proposal meets this criterion.

I. Adequate Public Facilities

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

Staff Analysis: While the proposal would not modify land use or density immediately, it's conceivable that future land use or development regulation modifications may result from this policy. Any development that occurs following those changes will be subject to a concurrency determination pursuant to [SMC 17D.010.020](#), which will establish whether sufficient services are available to serve that development. Therefore, staff finds that the proposal meets this criterion.

J. UGA.

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

Staff Analysis: The application does not propose an amendment to the urban growth area boundary. This criterion does not apply.

K. Demonstration of Need.

1. Policy Adjustments.

Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. [...]

Staff Analysis: The proposal represents a new policy intended to address the opportunity created by a new transit methodology which was not available or fully developed during the original drafting of the Comprehensive Plan. While the Comprehensive Plan currently includes policies and guidance for HPT (see Exhibit 8), the land use opportunities presented by HPT were not yet included. The proposed policy language was included in the [Central City Line Strategic Overlay Plan](#) and was identified as additional recommended policy language to accommodate and take advantage of the land use opportunities raised by HPT in the City of Spokane. As such, staff finds that the proposal meets this criterion.

2. Map Changes.

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

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);***

Staff Analysis: The proposal does not involve a change to the land use plan or zoning map. Consequently, this section does not apply.

- b. The map amendment or site is suitable for the proposed designation;***

Staff Analysis: As discussed above, the proposal does not include a map amendment and this section does not apply.

- c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.***

Staff Analysis: As discussed above, the proposal does not include a map amendment and this section does not apply.

3. Rezones, Land Use Plan Map Amendment.

Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all

affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

Staff Analysis: As this proposal does not include a map amendment, this criterion does not apply. Future map amendments would be subject to this criterion at the time of their consideration by the City.

VII. CONCLUSION:

Based on the facts and findings presented herein, staff concludes that the requested amendment to the text of the City's Comprehensive Plan satisfies the applicable criteria for approval as set forth in SMC Section [17G.020.030](#).

VIII. STAFF RECOMMENDATION:

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC Chapter 17G.020, Plan Commission will need to make a recommendation to City Council for approval or denial of the requested amendment to the text of Chapter 3, Land Use, of the City's Comprehensive Plan.

Staff recommends that the Plan Commission adopt the facts and findings of the staff report and recommends approval of the requested amendment to the text of Chapter 3 of the City's Comprehensive Plan for the subject text amendment in Exhibit 1.

IX. LIST OF EXHIBITS

1. Proposed Policy Text
2. Originally Proposed Text, Showing Changes
3. Application Materials
4. SEPA Checklist
5. SEPA Determination of Non-Significance
6. Agency Comment
7. Public Comment
8. Applicable Comprehensive Plan Policies

Exhibit 1 – Final Proposed Policy Text

Following public input and Plan Commission discussion about the text, the Plan Commission voted unanimously to amend the proposed policy text to read as follows. The text shown here is the current text to be considered by the Plan Commission at their hearing on September 11, 2019.

LU 4.6 Transit-Supported Development

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops.

Discussion: People are more likely to take transit to meet their everyday travel needs when transit service is frequent, at least every 15 minutes. Mixed-use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors.

Transit-supported development should be encouraged through the application of development incentives, enhanced design measures, streetscape standards, parking standards, and potential changes in density and use. Each of these measures should be developed through a sub-area planning (or similar) process as each high-performance transit line is planned and developed. These sub-area planning processes should include neighborhood and stakeholder involvement and public participation processes to ensure that site-specific and neighborhood-context issues are addressed and benefits are maximized.

Exhibit 2 – Original Proposal with Modifications

The following text shows the original proposed text from the [Central City Line Strategic Overlay Plan](#) with changes made by the Plan Commission marked with omitted text in ~~strikethrough~~ and new text underlined.

LU 4.6 Transit-Supported Development

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit ~~stops-corridors-and-other-transit corridors with service of at least every 15 minutes during weekdays.~~

Discussion: People are more likely to take transit to meet their everyday travel needs when transit service is frequent, at least every 15 minutes. Mixed-use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors.

Transit-supported development should be encouraged through the application of development incentives, enhanced design measures, streetscape standards, parking standards, and potential changes in density and use. Each of these measures would be developed through a sub-area planning (or similar) process as each high-performance transit line is planned and developed. These sub-area planning processes should include neighborhood and stakeholder involvement and public participation processes to ensure that site-specific and neighborhood-context issues are addressed and benefits are maximized.

Changed to “stops” only, as some HPT routes would not stop outside the downtown and thus don’t require additional development in the City to support them.

New paragraph to outline how the City might encourage transit-supported development (summarizes the recommendations of the Central City Line Strategic Overlay Plan).

Because 15-minute service does not always include the increased amenities that HPT does, it may not be appropriate to encourage transit-supported development in these areas. By limiting it to HPT stops, the City can ensure that the transit service will remain long term and will attract necessary riders.



SPOKANE CITY COUNCIL
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3335
(509) 625-6255

Ben Stuckart
Council President

December 17, 2018

Tirrell Black
Planning Department, City of Spokane
808 W Spokane Falls Blvd.
Spokane, WA 99201

Dear Tirrell:

I am writing to submit an application for a text amendment to the Comprehensive Plan. This amendment consists of a new policy in section 4 (Transportation) of the Land Use chapter (Chapter 3), and is intended to implement the recommendations of STA's Central City Line ("CCL") Strategic Overlay Plan. The text of each of this new policy is as follows:

[PROPOSED] Policy LU 4.6 Transit-Supported Development

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit corridors and other transit corridors with service of at least every 15 minutes during weekdays.

Discussion: People are more likely to take transit to meet their everyday travel needs when transit service is frequent, at least every 15 minutes. Mixed-use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors.

In order to implement this strategy, consistent with the recommendations of the Central City Line Strategic Overlay Plan adopted by resolution in 2016, I am proposing a work plan item in order to develop and implement high-performance transit overlay zone(s) or district(s) within the Central City Line ("CCL") corridor area as called for in the Spokane Transit Authority's ("STA") Central City Line plans and route alignment.

Overlay zones/districts modify the underlying zoning or land use plan to achieve certain goals. A transit overlay zone or district can improve walkability, enhance neighborhood character, encourage a mix of different uses, and ensure urban-scale housing densities. In the CCL corridor, an overlay district or zone can also be used to apply development incentives that reduce the costs of development, making it more likely for a project to "pencil out" (*i.e.*, be financially feasible). Rental rates within the CCL corridor are relatively low, which means that new development is less likely to be financially feasible. Incentives can help close that feasibility gap and make projects happen.



Overlay zone(s) or district(s) could be developed for property within the entire CCL corridor or only within certain areas, such as within a certain distance from specified permanent CCL stations. Some or all of the characteristics and incentives applicable within CCL overlay zone(s) or district(s) could also be later made applicable to other high-performance transit network areas as the network expands throughout Spokane.

In general, new development within a high-performance transit overlay zone or district should be required to meet the stricter standard as between the overlay zone or district and the underlying base zone. For example, if the overlay zone or district requires 10-foot minimum sidewalk widths, and the underlying base zone requires 5-foot minimum sidewalk widths, the overlay zone or district's 10-foot minimum would prevail.

This proposed change to the text of the Comprehensive Plan and attendant work plan item request are being presented as a single Comprehensive Plan amendment application because they both concern a single topic (transit-supported development) and geographic area (the CCL route).

Please see the attached documents, namely: (1) pre-application answers, (2) threshold review application answers, (3) proposed amendment text, and (4) a completed SEPA checklist for your review. If you have any questions or need further information, please reach out to City Council Policy Advisor Brian McClatchey.

Sincerely,

Ben Stuckart
President, Spokane City Council

Encl. (4)



Transit-Supported Development

Proposed Comprehensive Plan Text Amendment

PROPOSED AMENDMENT TEXT

The following text would be added, verbatim, to Chapter 3, Land Use, Shaping Spokane—the 2017 Comprehensive Plan Update. New text is shown underlined. The existing goal LU 4 is shown for reference.

LU 4 TRANSPORTATION

Goal: Promote a network of safe and cost effective transportation alternatives, including transit, carpooling, bicycling, pedestrian-oriented environments, and more efficient use of the automobile, to recognize the relationship between land use and transportation.

...

LU 4.6 Transit-Supported Development

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit corridors and other transit corridors with service of at least every 15 minutes during weekdays.

Discussion: People are more likely to take transit to meet their everyday travel needs when transit service is frequent, at least every 15 minutes. Mixed-use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors.



Comprehensive Plan or Land Use Code Amendment

Pre-Application

Rev.20180102

DESCRIPTION OF THE PROPOSED AMENDMENT:

(Please check the appropriate box(es))

- | | |
|--|--|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Change | <input type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-Wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions *(for all proposals):*

- a. Summarize the general nature of the proposed amendment.
- b. Why do you feel this change is needed?
- c. In what way(s) is your proposal similar to or different from the fundamental concepts contained in the comprehensive plan?
- d. For text amendments: What goals, policies, regulations or other documents might be changed by your proposal?
- e. For map amendments:
 1. What is the current Land Use designation and zoning for each affected parcel?
 2. What is the requested Land Use designation and zoning for each affected parcel?
 3. Describe the land uses surrounding the proposed amendment site(s); e.g. land use type, vacant/occupied, etc.
- f. Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal?
- g. Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Development Services department's work program (e.g. neighborhood planning, public input on new regulations, etc.)?
- h. Has there been a previous attempt to address this concern through a comprehensive plan amendment?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------------	-----------------------------
- i. If yes, please answer the following questions:
 1. When was the amendment proposal submitted?
 2. Was it submitted as a consistent amendment or an inconsistent amendment?
 3. What were the Plan Commission recommendation and City Council decision at that time?
 4. Describe any ways that this amendment proposal varies from the previously considered version.



Transit-Supported Development

Proposed Comprehensive Plan Text Amendment

PRE-APPLICATION FORM ANSWERS

- 1.a. The proposed amendment would insert a new policy into Chapter 4, Transportation of Shaping Spokane, the 2017 update to the Comprehensive Plan. This proposed policy and its attendant discussion text call for the City to encourage transit-supported development adjacent to high-performance transit routes.
- 1.b. This proposed amendment was identified in the Central City Line Strategic Overlay Plan ("the Overlay Plan"), adopted by City Council resolution in September 2016. The Overlay Plan identified certain implementation steps for accommodation of the Central City Line, including a new Comprehensive Plan policy such as this one.
- 1.c. The proposed amendment supports and augments several existing policies in the Comprehensive Plan, including policy LU 4.1 (Land Use and Transportation), Goal TR-C (accommodate access to daily needs and priority destinations), goal TR-G (maximize public benefits of transportation), and policy TR-19 (plan collaboratively). An efficient and comprehensive transit system is envisioned and supported by the existing Comprehensive Plan. This proposed policy would augment those goals and policies with specific language related to the soon-to-be-implemented Central City Line and the remaining high-performance transit routes STA proposes to install in the city in the near future.
- 1.d. The only change envisioned by this application is a new policy in Chapter 3, Land Use. Proposed as policy LU 4.6, the following language is proposed:

Policy LU 4.6 Transit-Supported Development

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit corridors and other transit corridors with service of at least every 15 minutes during weekdays.

Discussion: People are more likely to take transit to meet their everyday travel needs when transit service is frequent, at least every 15 minutes. Mixed-use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors.

- 1.e. This question does not apply to text amendments.
- 1.f. This proposal relates directly to the Overlay Plan described above as well as the Spokane Transit Authority ("STA") Moving Forward Plan. Furthermore, the inclusion of a specialized transit service through downtown Spokane, connecting to adjacent neighborhoods, is described in Fast Forward Spokane, the 2018 Update to the Downtown Plan.

- 1.g. This proposal, as described in the Overlay Plan, is one of a series of proposals that will accommodate and encourage the use of high-performance transit in the City of Spokane. This proposal is most appropriate at the Comprehensive Plan level as it is necessary to provide policy direction and intent for the later steps. Furthermore, the proposal concerns the City as a whole rather than a single project or property. As such, the most appropriate venue for this change is at the Comprehensive Plan level.
- 1.h. No. This is the first time this proposal has been made.
- 1.i. This question does not apply to this proposal.



Unified Development Code Amendments

Threshold Review

Pre-application:

The first step in applying for an amendment to the Unified Development Code which is initiated by persons or entities other than the city, is to submit a threshold review application. Prior to submitting this application, a private applicant is required to schedule a no-fee pre-application conference with staff. Applications are accepted through October 31 each year, during business hours. Applicants are strongly encouraged to make an appointment with Planning Department staff prior to submitting an application.

Description of the Proposed Amendment:

- In the case of a proposed text amendment, please describe the proposed amendment and provide suggested amendment language.

In addition to describing the proposal, please describe how your applications satisfies the threshold review criteria in SMC 17G.025.010, which are restated below. You may need to use a separate piece of paper.

1. Describe how the proposed amendment is appropriately addressed as a Unified Development Code Amendment.
2. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City council or by a neighborhood or subarea planning process.
3. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program.
4. Describe how the proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must be consistent with policy implementation in the Countywide Planning policies, the GMA, or other state or federal law, and the WAC.
5. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated.
6. If this change is directed by state law or a decision of a court or administrative agency, please describe.



Transit-Supported Development

Proposed Comprehensive Plan Text Amendment

THRESHOLD REVIEW APPLICATION ANSWERS

1. This proposal, as described in the Overlay Plan, is one of a series of proposals that will accommodate and encourage the use of high-performance transit in the City of Spokane. This proposal is most appropriate at the Comprehensive Plan level as it is necessary to provide policy direction and intent for the later steps. Furthermore, the proposal concerns the City as a whole rather than a single project or property. As such, the most appropriate venue for this change is at the Comprehensive Plan level.
2. The proposed amendment would provide policy direction and support for later work program items such as the eventual adoption of a high-performance transit overlay and development regulations as envisioned by the Central City Line Strategic Overlay Plan (the "Overlay Plan").
3. The proposed amendment is a single text amendment, previously discussed and vetted during the preparation and eventual adoption by resolution of the Overlay Plan.
4. This threshold criteria does not apply to text amendments.
5. The proposal would add language that augments and enhances language already in the Comprehensive Plan as well as the Countywide Planning Policies, as follows:
 - **Supporting Comprehensive Plan Goals and Policies:**
 - Goal LU 4 – Transportation
 - Policy LU 4.1 – Land Use and Transportation
 - Goal TR-C – Access to Daily Needs and Destinations
 - Goal TR-G – Maximize Public Benefits
 - Policy TR-19 – Plan Collaboratively
 - **Supporting Countywide Planning Policies:**
 - Policy Topic 1 – Urban Growth Areas
 - Urban Policy 9 – High-Capacity Transportation Corridors
 - Policy Topic 5 – Transportation
 - Transportation Policy 11 – Support for Public Transportation
6. The proposed amendment has not been presented to the threshold review process previously.
7. The proposed amendment is not related to a change in state law, nor is it the result of a court or administrative agency decision.

**State Environmental Policy Act (SEPA)
ENVIRONMENTAL CHECKLIST**File No. Z18-958COMP**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: Transit-supported development text amendment
2. Applicant: Council President, Ben Stuckart
3. Address: Spokane City Council, 808 W Spokane Falls Blvd.
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6258
Agent or Primary Contact: Same
Address: _____
City/State/Zip: _____ Phone: _____
Location of Project: Citywide (Text Amendment)
Address: _____
Section: _____ Quarter: _____ Township: _____ Range: _____
Tax Parcel Number(s) All parcels within City Limits
4. Date checklist prepared: October 31, 2018
5. Agency requesting checklist: Neighborhood and Planning Services Department
6. Proposed timing or schedule (including phasing, if applicable): To be considered in the 2018-2019 Comprehensive Plan Amendment cycle.

7. a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. STA Central City Line

b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. _____
N/A, non-project text amendment.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. None.

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. Unknown.
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10. List any government approvals or permits that will be needed for your proposal, if known. Comprehensive Plan amendment docketing process approval; Plan Commission recommendation; City Council adoption.
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11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. The proposal would amend the Comprehensive Plan to include one new land use policy to encourage and support transit-supported development. This proposal is intended to amend the City's land use policies in advance of the construction of the Central City Line and to give sufficient time for developers and neighbors to understand the impacts of the Central City Line and the new development options along the route.
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. This proposal would have effects city-wide, as high-performance transit routes are established and implemented. For further information, see the STA website at <http://stamovingforward.com/plan/projects/hpt-service-central-city-line>
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-
13. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The General Sewer Service Area? The Priority Sewer Service Area? The City of Spokane? (See: Spokane County's ASA Overlay Zone Atlas for boundaries.) Yes.
-
-
-

14. The following questions supplement Part A.

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

- (1) Describe any systems, other than those designed for the disposal of sanitary waste installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities). None.

- (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? None.

- (3) What protective measures will be taken to insure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems. N/A. Non-project text amendment.

- (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? None.

b. Stormwater

(1) What are the depths on the site to groundwater and to bedrock (if known)? _____

N/A. Non-project text amendment.

(2) Will stormwater be discharged into the ground? If so, describe any potential impacts. _____

N/A. Non-project text amendment.

B. ENVIRONMENTAL ELEMENTS**1. Earth**

a. General description of the site (check one):

☐ Flat ☐ Rolling ☐ Hilly ☐ Steep slopes ☐ Mountainous

Other: All types. Proposal concerns all parts of the City.

b. What is the steepest slope on the site (approximate percent slope)? _____

Unknown.

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. _____

Unknown.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. _____

Unknown.

- 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: _____
Various. Proposal concerns entire city.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. _____
N/A, non-project text amendment.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, or buildings)? _____
N/A, non-project text amendment.

- h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: _____
N/A, non-project text amendment.

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. N/A, non-project text amendment.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. N/A, non-project text amendment.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: _____
N/A, non-project text amendment.

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. _____

N/A, non-project text amendment.

- (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. _____
None--the proposal amends the text of the
Comprehensive Plan only.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. _____
N/A, non-project text amendment.

- (4) Will the proposal require surface water withdrawals or diversions? If yes, give general description, purpose, and approximate quantities if known. _____
N/A, non-project text amendment.

(5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. _____

N/A, non-project text amendment.

(6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. _____

N/A, non-project text amendment.

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. N/A, non-project text amendment.

(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. None.

c. WATER RUNOFF (INCLUDING STORMWATER):

- (1) Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. N/A, non-project text amendment.

- (2) Could waste materials enter ground or surface waters? If so, generally describe. N/A, non-project text amendment.

- (3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. N/A, non-project text amendment.

d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water, and drainage patter impacts, if any. None.

4. Plants

- a. Check the type of vegetation found on the site: All types. Proposal concerns all parts of the City.

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: _____

- b. What kind and amount of vegetation will be removed or altered? _____

None.

- c. List threatened and endangered species known to be on or near the site. _____

None/Unknown.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: N/A, non-project text amendment.

- e. List all noxious weeds and invasive species known to be on or near the site. _____
Unknown. _____

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: Unknown. Proposal concerns all parts of the city.

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): _____

- b. List any threatened or endangered animal species known to be on or near the site.

Unknown. _____

- c. Is the site part of a migration route? If so, explain. Unknown. _____

- d. Proposed measures to preserve or enhance wildlife, if any: _____

N/A, non-project text amendment. _____

- e. List any invasive animal species known to be on or near the site. _____
Unknown. _____

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.
N/A, non-project text amendment. _____

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. N/A, non-project text amendment. _____

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: _____
N/A, non-project text amendment. _____

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. _____
N/A, non-project text amendment. _____

(1) Describe any known or possible contamination at the site from present or past uses. _____

N/A, non-project text amendment.

(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. _____ None known.

(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. _____ N/A, non-project text amendment.

(4) Describe special emergency services that might be required. _____ None.

(5) Proposed measures to reduce or control environmental health hazards, if any: _____ None.

b. NOISE:

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? N/A, non-project text amendment.

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. N/A, non-project text amendment.

- (3) Proposed measure to reduce or control noise impacts, if any: None.

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. _____

As this proposal would be implemented city-wide, the proposal concerns all possible land uses.

- 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? _____

Portions of the City have been used or are used for agriculture. The proposed amendment would not change any existing protections for those uses.

- 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: No.

- c. Describe any structures on the site. The proposal has no "site" as it concerns a text amendment.

- d. Will any structures be demolished? If so, which? No.

- e. What is the current zoning classification of the site? _____

As this proposal would be impelmented city-wide, the proposal concerns all possible zoning classifications.

- f. What is the current comprehensive plan designation of the site? _____

As this proposal would be impelmented city-wide, the proposal concerns all possible designations.

- g. If applicable, what is the current shoreline master program designation of the site? _____

As this proposal would be impelmented city-wide, the proposal concerns all possibl shoreline designations.

- h. Has any part of the site been classified as a critical area by the city or the county? If so, specify. ____
As this proposal would be impelmented city-wide, the proposal concerns all critical areas within the city. However,
the proposal would not modify any existing protections for such areas

- i. Approximately how many people would reside or work in the completed project? _____
Unknown.

- j. Approximately how many people would the completed project displace? _____
None.

- k. Proposed measures to avoid or reduce displacement impacts, if any: _____
None.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: None.

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: _____
None.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. None.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. None.

- c. Proposed measures to reduce or control housing impacts, if any: _____
N/A, non-project text amendment.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? N/A, non-project text amendment.

- b. What views in the immediate vicinity would be altered or obstructed? N/A, non-project text amendment.

- c. Proposed measures to reduce or control aesthetic impacts, if any: N/A, non-project text amendment.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? ____
N/A, non-project text amendment.

- b. Could light or glare from the finished project be a safety hazard or interfere with views? ____
No.

- c. What existing off-site sources of light or glare may affect your proposal? ____
N/A, non-project text amendment.

- d. Proposed measures to reduce or control light and glare impacts, if any: ____
N/A, non-project text amendment.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? ____
Various. Proposal concerns entire city.

- b. Would the proposed project displace any existing recreational uses? If so, describe. ____
No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: N/A, non-project text amendment.

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. Unknown/various.

- 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. Unknown.

- 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. N/A, non-project text amendment.

- 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 None.

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. _____

The proposed amendment would concern any City street designated as a high-performance transit route.

- 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 _____

Yes. Spokane Transit Authority serves the entire City.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? _____

None.

- 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). No.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. No.

- 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? N/A, non-project text amendment.
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(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. No.
-
-
-

- h. Proposed measures to reduce or control transportation impacts, if any: None.
-
-
-

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. N/A, non-project text amendment.
-
-
-

- b. Proposed measures to reduce or control direct impacts on public services, if any: N/A, non-project text amendment.
-
-
-

16. Utilities

a. Check utilities currently available at the site:

- ☒ electricity
- ☒ natural gas
- ☒ water
- ☒ refuse service
- ☒ telephone
- ☒ sanitary sewer
- ☐ septic system

Other: _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed: _____

None.

Evaluation for
Agency Use Only**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: 1/7/19 Signature: Ben Stuckart

Please Print or Type:

Proponent: Ben Stuckart Address: 808 W Spokane Falls Blvd

Phone: 509-625-6258 Spokane, WA 99201

Person completing form (if different from proponent): Brian McClatchey

Phone: 509-625-6210 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 proposed amendment could result in more dense development along high-performance transit routes. This increased density could have the potential to increase these types of emissions/etc. as would any new development.

Proposed measures to avoid or reduce such increases are: Any such increases would be analyzed on a project-by-project basis as individual building permit applications are submitted to the City for approval.

2. How would the proposal be likely to affect plants, animals, fish or marine life? As densification and redevelopment as a result of this proposal occurs in established, developed parts of the City, the impact to plans, animals, fish, or marine life would be minimal.

Proposed measures to protect or conserve plants, animals, fish or marine life are: None.

3. How would the proposal be likely to deplete energy or natural resources? See the answer to question 1 above.

Proposed measures to protect or conserve energy and natural resources are: See the answer to question 1 above.

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? The proposal would not directly affect these locations as it concerns a text amendment. However, if development occurs as a result of the proposed policy, each development project could have incremental effects on these areas.

Proposed measures to protect such resources or to avoid or reduce impacts are: _____
Any potential effects will be analyzed by the City on a project-by-project basis as building permit applications are submitted.

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? Similar to answer 4 above, incremental effects on shorelines might occur as a result of development following adoption of the proposed policy.

Proposed measures to avoid or reduce shoreline and land use impacts are: _____
Any such development would be subject to the City's existing protections and limitations on land uses in the shoreline areas.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? The proposed policy concerns development in the vicinity of transit, specifically designed to foster greater use and demand for those transit uses and the attendant benefits resulting from it, such as less vehicle travel, pollution, etc.

Proposed measures to reduce or respond to such demand(s) are: _____
None.

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 would not conflict with any local, state, or federal law or policy.

Evaluation for
Agency Use Only

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: 1/7/19 Signature: Ben Stuckart

Please Print or Type:

Proponent: Ben Stuckart Address: 808 W Spokane Falls Blvd
Spokane, WA 99201
Phone: 509-625-6258
Person completing form (if different from proponent): Brian McClatchey
Phone: 509-625-6210 Address: Same

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.

NONPROJECT DETERMINATION OF NONSIGNIFICANCE**FILE NO(S):** Z18-958COMP**PROPONENT:** City of Spokane

DESCRIPTION OF PROPOSAL: This application, sponsored by Council President Stuckart and initiated by the Spokane City Council, proposes a new policy, LU 4.6, Transit-Supported Development, in Chapter 3, Land Use, of the Comprehensive Plan. The new policy would call for the City to encourage transit-supported development within the vicinity of high-performance transit (HPT) stops in the City of Spokane.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:

The proposed policy would be enforced city-wide within the general vicinity of high-performance transit stops in the City of Spokane.

Legal Description: n/a

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.
- ☒ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5 p.m. on September 10, 2019 if they are intended to alter the DNS.

Responsible Official: Heather Trautman**Position/Title:** Director, Planning Services **Phone:** (509) 625-6300**Address:** 808 W. Spokane Falls Blvd., Spokane, WA 99201**Date Issued:** August 27, 2019 **Signat** 

APPEAL OF THIS DETERMINATION, after it has become final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane WA 99201. The appeal deadline is Noon on September 18, 2019 (21 days from the date of the signing of this 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.

MEMORANDUM



DEVELOPMENT SERVICES CENTER

DATE: April 30, 2019

TO: Kevin Freibott, Assistant Planner

FROM: *Eub*
Eldon Brown, P.E., Principal Engineer – Development Services Center

File No: Z18-958COMP

SUBJECT: Comprehensive Plan Text Amendment – Policy LU 4.6 Transit-Supported Development

APPLICANT: Ben Stuckart, President, Spokane City Council

Comp Plan Amendment Comments

1. Conflicts with city utilities (sewer, water, stormwater) cannot be foreseen at this time by the proposed Comprehensive Plan Text Amendment for Transit-Supported Development. Future development will require a review of existing public utilities and infrastructure before concurrency for new development is reached.
2. New driveway and business delivery/loading locations may be affected by the overlay zone.
3. Existing ADA accessibility must be protected and new ADA accessibility should be encouraged in the overlay zone.
4. Existing planting strips between the sidewalk and curb, outside of the loading zones, should be maintained and improved to reduce stormwater runoff from sidewalks to the street and to provide a better streetscape.
5. Minimum clear pedestrian paths must be maintained.

cc: Development Services File
Kris Becker, P.E., Manager, Development Services
Mike Nilsson, P.E., Senior Engineer, Development Services
Patty Kells, Traffic Engineering Assistant, Development Services

From: [Carol Tomsic](#)
To: [Black, Tirrell](#); [Gwinn, Nathan](#); [Freibott, Kevin](#)
Cc: [DOUGLAS & MARILYN LLOYD](#); [Sally Phillips](#); [Wittstruck, Melissa](#); [Beggs, Breean](#); [Kinnear, Lori](#); [Stuckart, Ben](#); [Greg Francis](#)
Subject: Comment on 2018/2019 Comprehensive Plan Updates
Date: Wednesday, July 24, 2019 10:02:50 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Transit Supported Development - Text Amendment

The Lincoln Heights Neighborhood will be affected by the text amendment. The Monroe/Regal High Performance Transit will connect the South Hill with North Spokane. Our neighborhood will benefit from the proposed mixed-use, transit supported development. The Lincoln Heights Neighborhood District plan supports a pedestrian friendly and walkable economically vibrant neighborhood. Encouraging transit ridership will positively affect pedestrian safety on the traffic-congested 29th Ave.

I support the text amendment and discussion; "mixed use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors." However, the benefits of the proposed text amendment is contrary to the existing Corridor and District Center Type 2 zoning which sadly allows auto-oriented businesses such as drive thru-coffee shops, tire shops and retail auto parts stores on the auto-congested intersection of Regal/29th. I would like an additional text added stating any inappropriate "transit-supported development" adversely affecting a neighborhood and not supported by neighborhood councils be addressed and favorably rectified.

General Commercial Uses Comprehensive Plan Update

I agree that it's necessary to add clarification against establishing new General Commercial areas outside of centers and establish limited exceptions. I'd like to see a text addition that supports a neighborhood council's objection to any development that is contrary their district plans.

Thank you

Carol Tomsic
resident

Exhibit 8 – Related Comprehensive Plan Goals and Policies**GOAL LU 3 EFFICIENT LAND USE**

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.

Policy 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 by focusing growth in areas where adequate services and facilities exist or can be economically extended.

Discussion: Future growth should be directed to locations where adequate services and facilities are available. Otherwise, services and facilities should be extended or upgraded only when it is economically feasible to do so.

The Centers and Corridors designated on the Land Use Plan Map are the areas of the city where incentives and other tools should be used to encourage infill development, redevelopment and new development. Examples of incentives the city could use include assuring public participation, using public facilities and lower development fees to attract investment, assisting with project financing, zoning for mixed-use and higher density development, encouraging rehabilitation, providing in-kind assistance, streamlining the permit process, providing public services, and addressing toxic contamination, among other things.

GOAL LU 4 TRANSPORTATION

Promote a network of safe and cost effective transportation alternatives, including transit, carpooling, bicycling, pedestrian-oriented environments, and more efficient use of the automobile, to recognize the relationship between land use and transportation.

Policy 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.

Discussion: The GMA recognizes the relationship between land use and transportation. It requires a transportation element that implements, and is consistent with, the land use element. The transportation element must forecast future traffic and provide information on the location, timing, and capacity needs of future growth. It must also identify funding to meet the identified needs. If probable funding falls short of needs, the GMA requires the land use element to be reassessed to ensure that needs are met.

TR GOAL C: ACCOMMODATE ACCESS TO DAILY NEEDS AND PRIORITY DESTINATIONS

Promote land use patterns and construct transportation facilities and other urban features that advance Spokane's quality of life.

INTENT

Land use type, mix, intensity, and distribution - as a result of on-going development of the city - greatly influences travel choices and decisions on connectivity, placement and investments of transportation facilities. Harmonize the key relationship between the places where people live, work, learn, access essential services, play, and shop and their need to have access to these places. Transportation investments should help drive economic development, energize activity centers, provide greater food security for residents, and produce quality places/neighborhoods/communities that retain value through time. Creating prosperous and walkable neighborhoods that offer opportunities for people to meet and connect means thinking of streets as people places as much as vehicle spaces.

Spokane recognizes that transportation needs and travel choices may change over time as new alternatives become available. Other modes become viable when land uses are planned in a way that connects to multiple travel options and the distance between daily needs are closer. Coordinating appropriate transportation options and land uses is important. Transportation facilities should be maintained and improved in a manner that equitably serves Spokane.

TR GOAL G: MAXIMIZE PUBLIC BENEFITS AND FISCAL RESPONSIBILITY WITH INTEGRATION

Design and maintain a fiscally efficient, environmentally responsible, and socially equitable transportation system that serves its users through coordinated planning and budgeting with other partners and utilities.

INTENT

The City of Spokane recognizes that transportation has a major effect on the environment and that environmental and fiscal stewardship must be a central focus in establishing and maintaining a transportation system that serves both today's users and future generations.

The 2014 Street Levy identified several key elements:

- Street repair needs are perpetual and ongoing investment is critical to maintain our system.
- The City will prioritize projects using an integrated approach that considers all needs in the right of way.
- The City will use a pay-as-you-go approach in maintaining streets.

"The City will focus these dollars on improvements on arterials, including both complete rehabilitation of streets and maintenance work, and will use an integrated approach that incorporates all uses of the right of way to leverage dollars and gain greater community benefits."

The intent is to upgrade the arterial roadway system to an average of "good" condition and maintain them there throughout the 20 years. Work would include everything from major reconstruction to sealing cracks. Other dollars, including those generated through

the vehicle license tab fee, would be dedicated to repairs on residential and other non-arterial streets, and pedestrian improvements.

Spokane will emphasize investments for context-sensitive roadway projects – maintenance, preservation, right-sizing - equitably across the city by seeking funding from a variety of sources and pursuing opportunities for system maintenance revenue for arterials, residential streets, and sidewalks. In addition, the city will remain good stewards of the transportation system by seeking out ways to use cost saving strategies and efficiencies for the best use of the available funds.

Policy TR 19 Plan Collaboratively

Work with partner agencies to achieve a regional transportation plan that meets the goals and requirements of the Growth Management Act (GMA) but also reflects the visions and values of the City of Spokane.

Key Actions

- a. Coordinate with SRTC and neighboring jurisdictions on transportation planning, projects and policies to ensure efficient, multi-modal transportation of people and goods between communities regionally.
- b. Coordinate the setting and maintaining of transportation level of service standards with other agencies and private providers of transportation to ensure coordination and consistency when possible.
- c. Coordinate with WSDOT in areas where Highways of Statewide Significance (HSS) intersect/impact the local roadway network.
- d. Use the adopted Countywide Planning Policies (CWPP) as additional guidance for transportation planning.
- e. Protect the operations of Fairchild Air Force Base, Spokane International Airport and Felts Field with compatible land use regulations and ensure planning is coordinated and consistent with the airfields' respective Master Plans.
- f. Share information between transportation entities on a regular basis and during appropriate phases of projects and comprehensive plan updates and amendments.
- g. Coordinate with Spokane Transit Authority to ensure and support an efficient transit system.

ORDINANCE NO. C35841

AN ORDINANCE RELATING TO APPLICATION Z18-958COMP, AMENDING CHAPTER 3 OF THE CITY'S COMPREHENSIVE PLAN TO INCLUDE A NEW POLICY ENCOURAGING TRANSIT SUPPORTED DEVELOPMENT IN THE VICINITY OF HIGH-PERFORMANCE TRANSIT STOPS IN THE CITY OF SPOKANE.

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A); and

WHEREAS, the City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act; and

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

WHEREAS, the City of Spokane adopted Resolution 2016-0076 recognizing the Central City Line Strategic Overlay Plan as a guide for future policy development and potential regulatory implementation measures; and

WHEREAS, application Z18-958COMP seeks to add a new policy for Chapter 3, Land Use encouraging transit-supported development in the vicinity of high-performance transit stops, consistent with a recommendation by the Central City Line Strategic Overlay Plan; and

WHEREAS, staff requested comments from agencies and departments on April 5, 2019, and a public comment period ran from May 28, 2019 to July 29, 2019; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on August 29, 2019; and

WHEREAS, the Spokane Plan Commission held substantive workshops regarding the proposed Comprehensive Plan amendment on June 26 and July 24, 2019; and

WHEREAS, the Spokane Plan Commission modified the proposal at their July 24, 2019 workshop to clarify where development should be encouraged and the process which should be undertaken to do so; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance ("DNS") was issued on August 27, 2019 for the proposed text amendments.

The public comment period for the SEPA determination ended on September 10, 2019; and

WHEREAS, notice of the SEPA Checklist and Determination, the proposed amendments, and announcement of the September 11, 2019 Plan Commission Public Hearing was published on August 28, 2019 and September 4, 2019; and

WHEREAS, the staff report for Application Z18-958COMP reviewed all the criteria relevant to consideration of the application; and

WHEREAS, the Spokane Plan Commission conducted a public hearing and deliberated on September 11, 2019 for Application Z18-958COMP and other proposed amendments; and

WHEREAS, the Spokane Plan Commission found that Application Z18-958COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Plan Commission voted 7 to 0 to recommend approval of Application Z18-958COMP; and

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

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of the Application. Application Z18-958COMP is approved.
2. Amendment of Chapter 3, Land Use, of the Comprehensive Plan. Chapter 3 is amended to include the following new policy under Land Use Goal 4, Transportation:

LU 4.6 Transit-Supported Development

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops.

Discussion: People are more likely to take transit to meet their everyday travel needs when transit service is frequent, at least every 15 minutes. Mixed-use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors.

Transit-supported development should be encouraged through the application of development incentives, enhanced design measures, streetscape standards, parking standards, and potential changes in density and use. Each of these measures should be developed through a sub-area planning (or similar) process as each high-performance transit line is planned and developed. These sub-area planning processes should include neighborhood and stakeholder involvement and public participation processes to ensure that site-specific and neighborhood-context issues are addressed and benefits are maximized.

PASSED BY THE CITY COUNCIL ON _____, 2019.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Spokane Plan Commission Findings of Fact, Conclusions, and Recommendations on the Comprehensive Plan Land Use

Text Amendment File No. Z18-958COMP (LU 4.6 – Transit-Supported Development)

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Comprehensive Plan Amendment proposal seeking to create a new policy LU 4.6, Transit-Supported Development, in Chapter 3, Land Use, of the Comprehensive Plan, regarding support for development that is served by high-performance transit in the City of Spokane.

FINDINGS OF FACT:

- A. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act (GMA).
- B. Under GMA, comprehensive plans generally may be amended no more frequently than once a year, and all amendment proposals must be considered concurrently in order to evaluate for their cumulative effect.
- C. On September 2, 2016 the City Council adopted Resolution RES 2016-0076, recognizing the Central City Line Strategic Overlay Plan as a guide for future policy development and potential regulatory implementation measures.
- D. In a letter to staff dated December 17, 2018 Council President Ben Stuckart proposed a new policy in the Comprehensive Plan regarding transit-supported development consistent with the recommendations of the Central City Line Strategic Overlay Plan.
- E. The proposal seeks to create a new policy, LU 4.6, calling on the City to support development in the vicinity of high-performance transit stops that would be supported by and take advantage of the greater transit service and demand at those locations.
- F. On February 25, 2019 the City Council adopted Resolution RES 2019-0011 establishing the 2019 Comprehensive Plan Amendment Work Program, and including the proposal in the Work Program.
- G. Thereafter, on April 5, 2019 staff requested comments from agencies and departments. No adverse comments were received from agencies or departments regarding the proposal.
- H. A public comment period ran from May 28, 2019 to July 29, 2019 which provided a 60-day public comment period. The City received one written comment in general support of the proposal.
- I. On June 6, 2019 the Community Assembly received a presentation regarding the 2019 Comprehensive Plan Amendment Work Program and the proposal, and has been provided with information regarding the dates of Plan Commission workshops and hearings.

- J. On June 26, 2019 the Spokane Plan Commission held a workshop to study the proposal.
- K. On July 24, 2019 the Spokane Plan Commission held a second workshop, during which they approved minor amendments to the proposal to clarify where development should be encouraged and how that process should be undertaken.
- L. On August 27, 2019 a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were issued for the Comprehensive Land Use Plan Map and Zoning Map changes, including the proposal. The deadline to appeal the SEPA determination was September 10, 2019. No comments on the SEPA determination were received.
- M. On August 29, 2019 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- N. On August 28 and September 4, 2019 the City caused notice to be published in the Spokesman Review providing notice of the SEPA Checklist and Determination of Non-Significance, the Comprehensive Plan Land Use Map amendment, and announcing the September 11, 2019 Plan Commission Public Hearing.
- O. Prior to the Plan Commission hearing, staff prepared a report addressing SEPA and providing staff's analysis of the merits of the proposal, copies of which were circulated as prescribed by SMC 17G.020.060B.8. Staff's analysis of the proposal recommended approval of the application.
- P. On September 11, 2019 the Plan Commission held a public hearing on the proposal and concluded its deliberations on the proposal.
- Q. As a result of the City's efforts, pursuant to the requirements of SMC 17G.020.070, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to comment.
- R. Except as otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the proposal (the "Staff Report").
- S. Comprehensive Plan Chapter 2, Implementation, Section 2.3 provides:

This section establishes a process to ensure the Plan functions as a living document, advancing the long range vision for the community, while also being responsive to changing conditions. The intended outcomes of these matrices are:

. . . .

Ensure the Plan is a living document, capable of responding to changing conditions and expanding information.

- T. The Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan.
- U. The Plan Commission finds that the proposal meets the demonstration of need described in SMC 17G.020.030.K as it relates to policy adjustments, in that the proposal would provide additional guidance as to the implementation of the policies and vision provided by the Comprehensive Plan.
- V. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), SEPA review, agency and public comments received, and public testimony presented regarding the proposal File No. Z18-958COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

- 1. The proposal was included in the 2019 Annual Comprehensive Plan Amendment Work Program.
- 2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
- 3. The proposal is consistent with the goals and purposes of GMA.
- 4. Any potential infrastructure implications associated with the proposal will either be mitigated through projects reflected in the City's relevant six-year capital improvement plans or through enforcement of the City's development regulations at time of development.
- 5. As outlined in above in the Findings of Fact, the proposal is internally consistent within the meaning of SMC 17G.020.030E.
- 6. The proposal is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
- 7. The proposal has been considered simultaneously with the other proposals included in the 2019 Annual Comprehensive Plan

Amendment Work Program in order to evaluate the cumulative effect of all the proposals.

8. SEPA review was completed for the proposal, and pursuant to SEPA, any adverse environmental impacts associated with the proposal will be mitigated by enforcement of the City's development regulations.
9. The proposal will not adversely affect the City's ability to provide the full range of urban public facilities and services citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.
10. The proposal represents a new policy and is in conformance with the appropriate demonstration of need identified for amendments to the comprehensive plan.

RECOMMENDATIONS:

In the matter of Z18-958COMP, a request by the Spokane City Council to create a new policy LU 4.6, Transit-Supported Development, in Chapter 3, Land Use, of the Comprehensive Plan, as based upon the above listed findings and conclusions, by a vote of 7 to 0, the Plan Commission recommends to City Council the APPROVAL of the requested amendment to Chapter 3, Policy LU 4.6, and authorizes the President to prepare and sign on the Commission's behalf a written decision setting forth the Commission's findings, conclusions, and recommendation on the proposal.

DocuSigned by:



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**Greg Francis, Vice President in lieu of
Todd Beyreuther, President
Spokane Plan Commission**

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

0

Date Rec'd

10/28/2019

Clerk's File #

ORD C35842

Renews #**Submitting Dept**

PLANNING

Contact Name/Phone

KEVIN 625-6184

Contact E-Mail

KFREIBOTT@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Agenda Item Name

: 0650 – TEXT AMENDMENT – GENERAL COMMERCIAL USES POLICY

Cross Ref #**Project #****Bid #****Requisition #****Agenda Wording**

An Ordinance relating to application Z19-002COPM amending policy LU 1.8, General Commercial Uses, in Chapter 3, Land Use, of the Comprehensive Plan. This proposal is city-sponsored.

Summary (Background)

This proposal would amend policy LU 1.8 to clarify the establishment of new General Commercial uses in the City and modifying conditions under which those uses can be placed outside of Centers or Corridors. This proposal is being considered concurrently through the annual Comprehensive Plan Amendment cycle as required by the Growth Management Act. The application has fulfilled public participation and notification requirements.

Fiscal Impact

Grant related? NO

Public Works? NO

Budget Account

Neutral

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

Approvals**Dept Head**

TRAUTMAN, HEATHER

Division Director

DUVALL, MEGAN

Finance

ORLOB, KIMBERLY

Legal

RICHMAN, JAMES

For the Mayor

ORMSBY, MICHAEL

Council Notifications**Study Session**

10/10/2019

Other**Distribution List**

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Additional Approvals**Purchasing**

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Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

The Plan Commission held a Public Hearing on September 11, 2019 to consider this amendment and has recommended approval of the amendment.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

**STAFF REPORT ON COMPREHENSIVE PLAN
TEXT AMENDMENT APPLICATION
POLICY LU 1.8 GENERAL COMMERCIAL USES; File Z19-002COMP**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL:

This application, sponsored by Council Member Candace Mumm and initiated by the Spokane City Council, proposes to amend the text of Policy LU 1.8 General Commercial Uses in Chapter 3, Land Use, of the Comprehensive Plan. The proposal attempts to clarify the Comprehensive Plan's focused growth strategy as it relates to directing new commercial growth to Centers and Corridors.

II. GENERAL INFORMATION

Agent/Applicant:	Council Member Candace Mumm, on behalf of the Spokane City Council
Location of Proposal:	Various locations near existing General Commercial Land Use Plan Map Designations within the city of Spokane
Land Use Plan Designation:	This proposed amendment applies to property that is currently or may in the future be designated as "General Commercial" on the Land Use Plan Map
SEPA Status:	A SEPA threshold Determination of Non-Significance (DNS) was issued on August 27, 2019. The appeal deadline is 5 p.m. on September 10, 2019.
Enabling Code Section:	SMC 17G.020, Comprehensive Plan Amendment Procedure.
Plan Commission Hearing Date:	September 11, 2019
Staff Contact:	Kevin Freibott, Planner II, kfreibott@spokanecity.org
Recommendation:	Approve

III. BACKGROUND INFORMATION

- A. Site Description:** No locations would be directly affected by this proposal, but future Land Use Plan Map changes particularly outside designated Centers and Corridors will be guided by the proposed changes to the text of Policy LU 1.8 General Commercial Uses. The City of Spokane currently encompasses approximately 2,450 parcels with a land-use designation of General Commercial. These parcels cover an area of approximately 1,625 acres. A breakdown of past amendments to General Commercial zones is attached in Exhibit 1.
- B. Proposal Description:** Pursuant to the procedures provided in [chapter 17G.060](#) Spokane Municipal Code, "Comprehensive Plan Amendment Procedure," the

City Council has proposed a text amendment to Comprehensive Plan Chapter 3, Land Use. The change would amend text guiding the designation of appropriate areas for General Commercial in Policy LU 1.8, General Commercial Uses, and the supporting discussion text. The proposal does not include any specific plans for development or improvement to any property. Area specific amendments to the Land Use Plan Map to the General Commercial designation in the future would be subject to all relevant provisions of SMC 17G.020, Comprehensive Plan Amendments.

C. Existing and Proposed Text: See Exhibit 2 for the full text of the proposed amended policy. Note that there were previously two drafts of the proposed text considered by the Plan Commission, but they approved a motion at their meeting on July 10, 2019 to put forward the text in Exhibit 2 for final consideration.

D. Land Use History: General Commercial as a land use was originally established in the 2001 Comprehensive Plan. Since that time there have been ten private applications and five subarea planning or annexation actions that added land to the designated General Commercial area, highlighted in the map and lists in Exhibit 1. In addition, there is one private application pending in this year's cycle to add 0.12 acre at 15 E Walton Ave (File [Z18-882COMP](#)). Several other amendments in the past, not listed in Exhibit 1, changed General Commercial to either CC Core or Institutional.

E. Application Process:

- City Council established the Annual Comprehensive Plan Amendment Work Program for 2019 by resolution ([RES 2019-0011](#)) on February 25, 2019;
- Notice of Application was posted and published on May 28, 2019, which began a 60-day public comment period, ending on July 29, 2019;
- A SEPA Determination of Non Significance was issued on August 27, 2019;
- Notice of Public Hearing was posted and emailed by August 28, 2019;
- Notice of Public Hearing to be published on August 28 and September 4, 2019;
- Hearing date is scheduled with the Plan Commission for September 11, 2019.

IV. AGENCY, INTERESTED DEPARTMENT, & PUBLIC COMMENT

Notice of this proposal was sent to City departments and outside agencies for their review. Department and outside agency comments are included in this report as Exhibit 6. One agency/city department comment was received regarding this application:

- City of Spokane, Development Services

Notice of this proposal was also sent to the City's neighborhood councils. Notice was posted in the Downtown library branch, and published in the Spokesman Review. One comment was received from members of the public at large prior to the comment deadline, included in this report as Exhibit 7.

V. COMPREHENSIVE PLAN AMENDMENT PROCESS GUIDING PRINCIPLES

SMC [17G.020.010](#) provides the following guiding principles for the annual comprehensive plan amendment process:

1. Keep the comprehensive plan alive and responsive to the community.
2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
6. Amendments to the comprehensive plan must result in a net benefit to the general public.

VI. REVIEW CRITERIA

SMC Section [17G.020.030](#) establishes the approval criteria for Comprehensive Plan amendments, including Land Use Plan Map amendments. In order to approve a Comprehensive Plan Land Use Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all the applicable criteria. The applicable criteria are shown below in ***bold italic*** print. Following each criterion is staff analysis relative to the amendment requested.

A. Regulatory Changes.

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

Staff Analysis: Staff reviewed and processed the proposed amendment under the most current regulations contained in the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent federal, state, or legislative actions with which the proposal would be in conflict, and no comments were received to this effect from any applicable agencies receiving notice of the proposal. The proposal meets this criterion.

B. GMA.

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

Staff Analysis: The Growth Management Act (GMA) details 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW 36.70A.020, “Planning Goals”), and these goals guided the City’s development of its comprehensive plan and development regulations. No comments received or other evidence in the record indicates inconsistency between the proposed plan map amendment and the goals and purposes of the GMA. The proposal meets this criterion.

C. Financing.

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

Staff Analysis: The City did not require, nor did any Agency comment request or require a traffic impact analysis for the proposal. The proposed policy amendment does not include any direct changes to land use in the City, though future such amendments may be proposed in later amendment cycles in order to implement this policy. Any subsequent development of sites modified by future land use amendments enacted as a result of this policy would be subject to a concurrency determination pursuant to SMC [17D.010.020](#). As such, staff finds that the proposal meets this criterion.

D. Funding Shortfall.

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

Staff Analysis: As described in item “C” above, implementation of the concurrency requirement as well as applicable development regulations and transportation impact fees will ensure that development is consistent with adopted comprehensive plan and capital facilities standards, and that sufficient funding is available to mitigate any impacts to existing infrastructure networks. The proposal meets this criterion.

E. Internal Consistency.

- 1. The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks***

plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

Staff Analysis: The proposal is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

Development Regulations. As a non-project proposal, there are no specific plans for development of any site tied to this application. The proposal does not result in any non-conforming uses or development. Staff finds no reason to indicate that the proposed policy would conflict with applicable regulations.

Capital Facilities Program. As described in the staff analysis of Criterion C above, no additional demand for infrastructure or capital expenditures by the City would be directly created by this non-project action. Future actions would be subject to additional review and analysis at the time they are proposed. As such, it is not expected that the City's integrated Capital Facilities Program would be affected by the proposal.

Neighborhood Planning Documents Adopted after 2001. The proposed policy would not directly result in any development projects or changes to infrastructure or other physical features typically addressed by Neighborhood Plans. Future changes to land use and/or development regulations enacted as a result of this policy would be subject to a review and consideration of neighborhood plans on a case-by-case basis as those changes are considered as part of the sub-area planning process and exceptions adjacent to existing areas described by the policy.

Miscellaneous Comprehensive Plan Goals and Policies. Staff have compiled a group of Comprehensive Plan Goals and Policies excerpted from the Comprehensive Plan and contained in Exhibit 8 of this report. Further discussion of Comprehensive Plan Policy LU 1.8 General Commercial Uses is included under the staff analysis of Criterion K.2 below.

- 2. If a proposed amendment is significantly inconsistent with current policy within the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.***

Staff Analysis: The proposed modifications to policy LU 1.8 serve to strengthen and clarify the existing Comprehensive Plan strategy for concentration of density and commercial development within Centers and Corridors within the City. As such, the proposed modifications are consistent with the Comprehensive Plan and no change to other parts of the Comprehensive Plan are required to ensure this criteria is met.

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.

Staff Analysis: The proposed amendment is consistent with the various requirements for land use planning in the CWPPs, including the need for establishing efficient land use, providing certainty to capital facilities, and allowing timely extension of services and utilities for new development. Furthermore, no comments have been received from any agency, City department, or neighboring jurisdiction which would indicate that this proposal is not regionally consistent. Therefore, the proposal meets this criterion.

G. Cumulative Effect.

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

1. Land Use Impacts.

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

2. Grouping.

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

Staff Analysis: The City is concurrently reviewing this application and four other applications for Comprehensive Plan amendments, as part of an annual plan amendment cycle. The three map amendment proposals are spread throughout the city and concern properties distant from and unconnected to any of the others under consideration. Both proposed text amendments are citywide in nature and significantly larger in the amount of property potentially impacted than the subject application, though their impacts are less direct. However, the proposed text amendments could not affect the map amendments as they would only apply to future land use amendments, not those currently under consideration. As such, the applications would not affect each other in any cumulative fashion and the proposals meet this criterion.

H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter 17E.050.

1. Grouping.

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

2. DS.

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

Staff Analysis: The application is under review in accordance with the State Environmental Policy Act (SEPA), which requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of the information contained in the environmental checklist, written comments from local and State departments and agencies concerned with land development within the City, and a review of other information available to the Director of Planning Services, a Determination of Non-Significance was issued on August 27, 2019. The proposal meets this criterion.

I. Adequate Public Facilities

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

Staff Analysis: While the proposal would not modify any land uses immediately, it is conceivable that minor future land use modifications may result from this policy. Any development that occurs following those changes will be subject to a concurrency determination pursuant to [SMC 17D.010.020](#), which will establish whether sufficient services are available to serve that development. Therefore, staff finds that the proposal meets this criterion.

J. UGA.

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

Staff Analysis: The application does not propose an amendment to the urban growth area boundary. As such, this criterion does not apply.

K. Demonstration of Need.

1. Policy Adjustments.

Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. [...]

Staff Analysis: The proposal clarifies the Comprehensive Plan's focused growth strategy around directing new commercial growth to Centers and Corridors by providing improved guidance so the community's original visions and values, as reflected in the Comprehensive Plan, can better be achieved. Chapter 3 Land Use, Section 3.2, Vision and Values, restates the original text adopted by the City in 1996 that formed the basis of the Land Use goals. The proposed amendments to LU 1.8 will help better achieve the Vision of "...land uses that fit, support, and enhance Spokane's neighborhoods..." by providing improved guidance in considering future proposals to amend General Commercial designations. The proposal eliminates specific distances and traffic volumes, and instead includes location-specific considerations, such as accommodating necessary expansions for neighborhood businesses and avoiding incompatibility with established neighborhoods. These amendments would assist the adopted Values of "maintaining ... opportunities for shopping, services, and employment" while "protecting the character of single-family neighborhoods."

In 2003 under ORD C33287, the City approved a private annual amendment application that changed the text of Policy LU 1.8 and changed the Land Use Plan Map at the northeast corner of Nevada and Lyons Ave from Office to General Commercial, amounting to 2.6 acres. That amendment added the exception relating to locations adjacent to a "...principal arterial street which as of September 2, 2003, has traffic at volumes greater than 20,000 vehicular trips a day ... but in no event should it extend further than 500' or have an area greater than 3 acres."

The existing text therefore reflects a change driven by a specific proposal. The current proposal would eliminate the reference to 2003 traffic volumes and dimensions that were specific to that site. As such, the current proposal attempts to bring Policy LU 1.8 back into its original focus.

The proposed language is consistent with the goal under which it is located (Land Use Goal 1), and if adopted would not substantially alter the Comprehensive Plan's policy of containing general commercial areas within their current boundaries in order to support growth and development of the Centers and Corridors already included in the Comprehensive Plan. As such, the proposal meets this criterion.

2. Map Changes.

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

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);***

Staff Analysis: The proposal does not involve a change to the land use plan or zoning maps. Consequently, this section does not apply.

- b. The map amendment or site is suitable for the proposed designation;***

Staff Analysis: As discussed above, the proposal does not include a map amendment and this section does not apply.

- c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.***

Staff Analysis: As discussed above, the proposal does not include a map amendment and this section does not apply.

3. Rezones, Land Use Plan Map Amendment.

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

Staff Analysis: As this proposal does not include a map amendment, this criterion does not apply. Future map amendments would be subject to this criterion at the time of their consideration by the City.

VII. CONCLUSION:

Based on the facts and findings presented herein, staff concludes that the requested amendment to the text of the City's Comprehensive Plan satisfies the applicable criteria for approval as set forth in SMC Section [17G.020.030](#).

VIII. STAFF RECOMMENDATION:

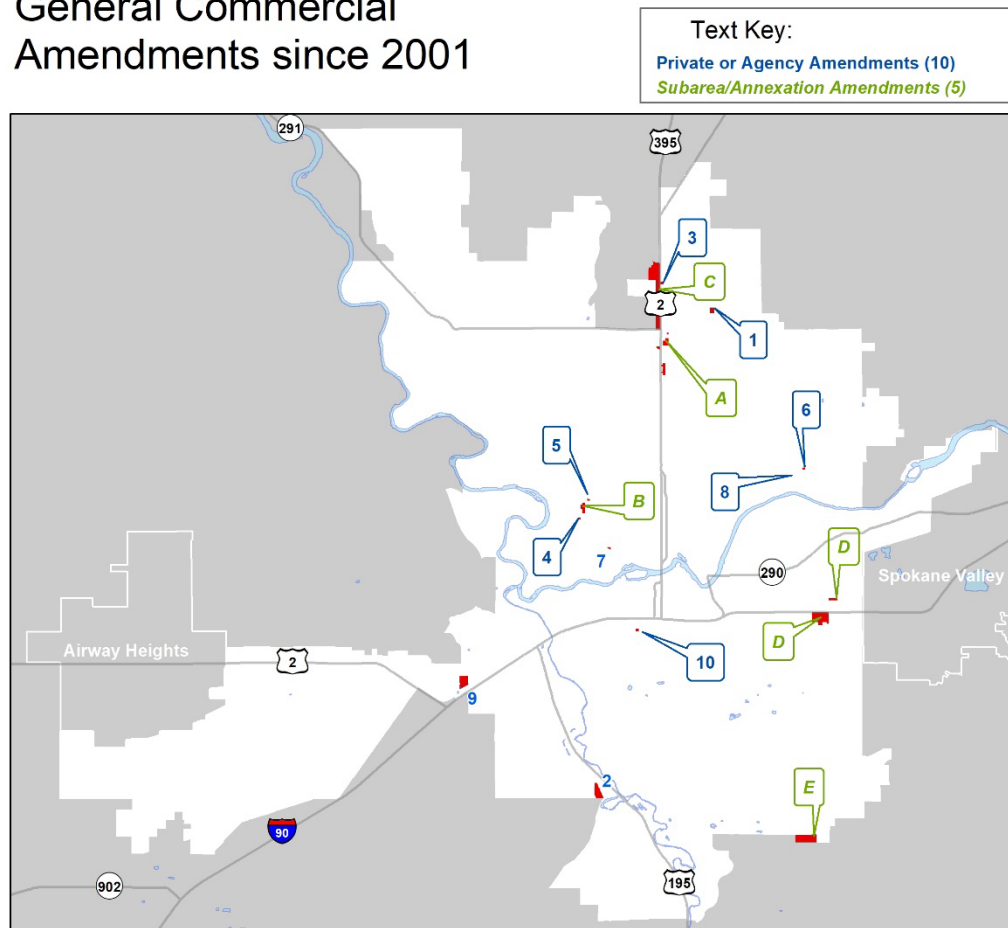
Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC Chapter 17G.020,

Plan Commission will need to make a recommendation to City Council for approval or denial of the requested amendment to the text of Chapter 3, Land Use, of the City's Comprehensive Plan.

Staff recommends that the Plan Commission adopt the facts and findings of the staff report and recommends approval of the requested amendment to the text of Chapter 3 of the City's Comprehensive Plan for the subject text amendment in Exhibit 2.

IX. LIST OF EXHIBITS

1. Description of General Commercial Land Use Plan Map Designations
2. Proposed Policy Text
3. Application Materials
4. SEPA Checklist
5. SEPA Determination of Non-Significance
6. Agency Comment
7. Public Comment
8. Applicable Comprehensive Plan Policies

EXHIBIT 1 LAND USE CHANGE HISTORY TO GENERAL COMMERCIAL**General Commercial
Amendments since 2001****Private or agency applications to add General Commercial approved since 2001:**

Map Key	Ordinance Number	Year	Acres	Nature of Amendment
1	C33287	2003	2.60	Land Use plan map change re 2.61 acres @ NE corner of Nevada & Lyons, from "Office" to "General Commercial."
2	C33587	2005	12.23	Land use map change lots at 4200 S. Cheney-Spokane Road from "Residential 4-10" to "General Commercial". Zoning will be B2-L.
3	C33588	2005	0.77	Land use map change for one parcel at 7404 N. Division from "Office" to "General Commercial". Zoning will be C1-1L.
4	C33589	2005	0.28	Land use map change for one parcel at 1809 N. Ash from "R15-30" to "General Commercial". Zoning will be B2-1L.
5	C34262	2008	0.68	Application Z2006-084-LU amending the Land Use Plan Map of the City's Comprehensive Plan from "Office" to "Commercial" for two parcels located at 1505 West Northwest Boulevard. Wollenberg/Penlube.

Map Key	Ordinance Number	Year	Acres	Nature of Amendment
6	C34495	2009	0.81	Z2007-064LU: Change from R4-10 & Commercial on one parcel located at 3024 E. Fairview Ave. to Commercial – rezoned from “RSF” and “GC-70” to “GC-70” for entire parcel.
7	C34930	2012	0.73	Application Z1100056COMP: Spokane Transit Authority two parcels from R10-20 to Institutional and one parcel from R10-20 to GC
8	C35307	2015	0.17	Application Z1400062COMP: R4-10 to GC located at 2829 N. Market.
9	C35689	2017	13.03	Application Z17-627COMP U-Haul: Office to GC
10	C35690	2017	1.05	Application Z17-621COMP Clanton Family: Office to GC

Total: 32.35

Source: City of Spokane GIS

Subarea planning actions and annexations to add General Commercial since 2001:

Map Key	Ordinance Number	Year	Acres	Nature of Amendment
A	C33246	2003	>1.0	Land Use Plan Map amendment to include land use changes for the Holy Family Employment Center.
B	C33727	2005	5.36	Adoption of proposed changes in vicinity of Maxwell and Elm Employment Center located in West Central Neighborhood as recommended by the City Plan Commission following a neighborhood planning process.
C	C33884 (C33967, C34042)	2005	58.10	Park Place Annexation (Costco) – Land Use Plan amendments in northwest Spokane.
D	C33945	2007	29.07	Land Use Plan Map changes for East Central area.
E	C35359	2016	23.54	Spokane Housing Ventures (53rd Ave) annexation.

Total: >116

Source: City of Spokane GIS

Exhibit 2–Proposed Amendments to Policy LU 1.8

The following changes are proposed to Policy LU 1.8. Changes are shown with new text underlined and omitted text in ~~strikethrough~~.

LU 1.8 General Commercial Uses

~~Contain~~ Direct new General Commercial ~~areas within the boundaries occupied by existing business designations and within the boundaries of designated uses to~~ Centers and Corridors designated on the Land Use Plan Map.

Discussion: General Commercial areas provide locations for a wide range of commercial uses. Typical development in these areas includes freestanding business sites and larger grouped businesses (shopping centers). Commercial uses that are auto-oriented and include outdoor sales and warehousing are also allowed in this designation. Land designated for General Commercial use is usually located at the intersection of or in strips along principal arterial streets. In many areas such as along Northwest Boulevard, this designation is located near residential neighborhoods.

To address conflicts that may occur in these areas, zoning categories should be implemented that limit the range of uses, and site development standards should be adopted to minimize detrimental impacts on the residential area. New General Commercial areas should not be designated in locations outside Centers and Corridors. Existing commercial strips should be contained within their current boundaries with no further extension along arterial streets allowed.

~~Recognizing existing investments by both the City of Spokane and private parties, and given deference to existing land use patterns, an exception to the containment policy may be allowed by means of a comprehensive plan amendment to expand an existing commercial designation, (Neighborhood Retail, Neighborhood Mini-Center, or General Commercial) at the intersection of two principal arterial streets or onto properties which are not designated for residential use at a signalized intersection of at least one principal arterial street which as of September 2, 2003, has traffic at volumes greater than 20,000 vehicular trips a day. Expansion of the commercial designation under this exception shall be limited to property immediately adjacent to the arterial street and the subject intersection and may not extend more than 250 feet from the center of the intersection unless a single lot, immediately adjacent to the subject intersection and in existence at the time this comprehensive plan was initially adopted, extends beyond 250 feet from the center of the intersection. In this case the commercial designation may extend the length of that lot but in no event should it extend farther than 500 feet or have an area greater than three acres.~~

~~If a commercial designation (Neighborhood Retail, Neighborhood Mini-Center, or General Commercial) exists at the intersection of two principal arterials, a zone change to allow the commercial use to be extended to the next street that runs parallel to the principal arterial street may be allowed. If there is not a street that runs parallel to the principal arterial, the maximum depth of commercial development extending from the arterial street shall not exceed 250 feet.~~

However, recognizing existing investments, and given deference to existing land-use patterns, exceptions to the containment policy may be allowed for limited expansions adjacent to existing General Commercial areas located outside Centers and Corridors. The factors to consider in such adjacent expansions include: maintaining the minimum depth from an arterial street necessary for the establishment or expansion of a general commercial neighborhood business; avoiding intrusion where

incompatible into established neighborhoods; and confining any such expansion within physical boundaries such as streets or alleys.

Areas designated General Commercial within Centers and Corridors are encouraged to be developed in accordance with the policies for Centers and Corridors. Through a neighborhood planning process for the Center, these General Commercial areas will be designated in a land use category that is appropriate in the context of a Center and to meet the needs of the neighborhood.

Residential uses are permitted in these areas. Residences may be in the form of single-family homes on individual lots, upper-floor apartments above business establishments, or other higher density residential uses.

BRIEFING PAPER
City of Spokane
City Council Ad Hoc Committee
Setting the 2019 Annual Comprehensive Plan Amendment Work
Program
January 2019

Subject

During deliberations on November 19, 2018, the City Council directed staff bring forth a proposal to amend Policy LU 1.8 General Commercial in the City's Comprehensive Plan, Land Use Chapter. This policy was significantly amended in 2003 (ORD C33287) to add references to specific situations and traffic count numbers and is at times unclear.

The policy needed interpretation by the Plan Commission in two instances in the 2017/2018 amendment review. Council Member Mumm is the sponsor of this proposed amendment. Staff recommend that if this item is added to the Comprehensive Plan Annual Amendment Work Program for 2019, the Plan Commission establish a process, potentially a working group, for the drafting the changes to the text of policy LU 1.8.

Background

In Chapter 3, Land Use, policies exist which describe the land use plan map categories. Under *Goal LU1 Citywide Land Use*, there are policies describing several commercial land use plan map designations, these include: General Commercial, Neighborhood Mini-Center, Neighborhood Retail, and Office. These policy descriptions provide guidance when a change to the Land Use Plan Map is contemplated.

Policy LU 1.8 General Commercial describes the General Commercial land use category and also states some instances in which this category can be expanded while recognizing that the City's adopted focused growth strategy encourages and should incentivize growth toward the centers. Similar policies exist for other commercial land use categories, such as "Office" or "Neighborhood Retail".

Historic, pre-Centers & Corridors adoption, land use patterns of commercial are recognized under the General Commercial Land Use category. The zoning categories of Community Business (CB) Zone and General Commercial (GC) zone are applied to this land use plan map category. Additionally, some Centers & Corridors (CC) zoning is applied over this land use category where "center's land use planning" has not occurred. When the City adopted the Centers & Corridors focused growth concept, new areas designated for commercial expansion were designated as "centers", not "general commercial".

Impact

This policy is important because it gives the Plan Commission and staff direction on when the Land Use Plan Map can be amended to the “General Commercial” Land Use Plan Map designation. Clarifying the policy will be useful when there is interest in pursuing a land use plan map change.

This policy is often called upon to allow adjustments to the land use plan map to areas with historic commercial development pattern history, but areas that are not “centers”. This policy allow for reinvestment and redevelopment through appropriate adjustments to the land use plan map.

This policy should be understood in the framework of the adopted “Centers and Corridors” Focused Growth planning and continue to emphasize those areas for development. Amendment to the Centers & Corridors strategy is most appropriately addressed during a “periodic update” as established by RCW 36.70A.040.

Action

Staff recommend that if this item is added to the Comprehensive Plan Annual Amendment Work Program for 2019, the Plan Commission establish a process, potentially a working group, for the drafting the changes to the text of policy LU 1.8.

Policy LU 1.8 in current version (2018) of Comprehensive Plan, Land Use Chapter 3

LU 1.8 General Commercial Uses

Contain General Commercial areas within the boundaries occupied by existing business designations and within the boundaries of designated Centers and Corridors.

Discussion: General Commercial areas provide locations for a wide range of commercial uses. Typical development in these areas includes freestanding business sites and larger grouped businesses (shopping centers). Commercial uses that are auto-oriented and include outdoor sales and warehousing are also allowed in this designation. Land designated for General Commercial use is usually located at the intersection of or in strips along principal arterial streets. In many areas such as along Northwest Boulevard, this designation is located near residential neighborhoods.

To address conflicts that may occur in these areas, zoning categories should be implemented that limit the range of uses, and site development standards should be adopted to minimize detrimental impacts on the residential area. Existing commercial strips should be contained within their current boundaries with no further extension along arterial streets allowed.

Recognizing existing investments by both the City of Spokane and private parties, and given deference to existing land use patterns, an exception to the containment policy may be allowed by means of a comprehensive plan amendment to expand an existing commercial designation, (Neighborhood Retail, Neighborhood Mini-Center, or General Commercial) at the intersection of two principal arterial streets or onto properties which are not designated for residential use at a signalized intersection of at least one principal arterial street which as of September 2, 2003, has traffic at volumes greater than 20,000 vehicular trips a day. Expansion of the commercial designation under this exception shall be limited to property immediately adjacent to the arterial street and the subject intersection and may not extend more than 250 feet from the center of the intersection unless a single lot, immediately adjacent to the subject intersection and in existence at the time this comprehensive plan was initially adopted, extends beyond 250 feet from the center of the intersection. In this case the commercial designation may extend the length of that lot but in no event should it extend farther than 500 feet or have an area greater than three acres.

If a commercial designation (Neighborhood Retail, Neighborhood Mini-Center, or General Commercial) exists at the intersection of two principal arterials, a zone change to allow the commercial use to be extended to the next street that runs parallel to the principal arterial street may be allowed. If there is not a street that runs parallel to the principal arterial, the maximum depth of commercial development extending from the arterial street shall not exceed 250 feet.

Areas designated General Commercial within Centers and Corridors are encouraged to be developed in accordance with the policies for Centers and Corridors. Through a neighborhood planning process for the Center, these General Commercial areas will be designated in a land use category that is appropriate in the context of a Center and to meet the needs of the neighborhood.

Residential uses are permitted in these areas. Residences may be in the form of single-family homes on individual lots, upper-floor apartments above business establishments, or other higher density residential uses.

(end)

**State Environmental Policy Act (SEPA)
ENVIRONMENTAL CHECKLIST**File No. Z19-002COMP**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: Attached housing, lot widths, wall height, and parking area setback text amendments to the Development Code.
2. Applicant: City of Spokane
3. Address: 808 West Spokane Falls Boulevard City/State/Zip: Spokane, WA 99201
Phone: 509-625-6893
Agent or Primary Contact: Tirrell Black, Associate Planner
Address: Same as applicant City/State/Zip: _____ Phone: _____
4. Date checklist prepared: March 28, 2019
5. Agency requesting checklist: City of Spokane Planning & Development
6. Proposed timing or schedule (including phasing, if applicable): Adoption expected fall 2019.
7. a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. None that are directly related to this proposal. This policy will guide future decisions about the Land Use Plan Map of the Comprehensive Plan, which is typically amended as frequently as each year as part of the annual Comprehensive Plan amendment cycle. Any such potential change would require separate, additional amendment applications and environmental checklists.
b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain.

No, this is a non-project text amendment.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. A draft and final EIS were prepared for the City of Spokane Comprehensive Plan adopted in 2001. Environmental checklists have been prepared for each non-exempt amendment to the City of Spokane Comprehensive Plan.
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. In 2018, the City received an early threshold review application for a potential Comprehensive Plan amendment request to change two adjacent parcels from Residential 4-10 to General Commercial land use under File Z18-881COMP (located at 6204 N Nevada St and 1015 E Decatur Ave). Under Resolution 2019-

0011, the City Council suspended this application for consideration until the docketing decision for the 2020 application cycle, pending potential changes to the policy under this proposal.

10. List any government approvals or permits that will be needed for your proposal, if known.

The proposed text amendments require approval of the Spokane City Council and Mayor.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. The proposal would amend the Comprehensive Plan Policy LU 1.8 General Commercial Uses. The changes are intended to clarify the policy which serves as guidance to the Plan Commission and staff when reviewing proposed Land Use Plan Map amendments.

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. The proposal would have effect city-wide. Please see the City's MapSpokane interactive website, in the Planning group of layers under Landuse Plan, for locations of existing General Commercial and other designations on the Land Use Plan Map. [Maps.SpokaneCity.org](https://maps.spokane.org)

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).

None that are directly related to this proposal. Systems designed for stormwater disposal would be included in new development projects. These are reviewed on a project basis and mitigated as required under chapter 17D.060 SMC.

- (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. This is a non-project action. 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. This is a non-project action.

- (4) Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater?

Not applicable. This is a non-project action.

b. Stormwater

- (1) What are the depths on the site to groundwater and to bedrock (if known)?

The depth to groundwater and to bedrock varies depending on location in the city of Spokane.

- (2) Will stormwater be discharged into the ground? If so, describe any potential impacts.

Not applicable. This is a non-project action.

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: Not applicable. This is a non-project action.

Evergreen tree: ☐ fir ☐ cedar ☐ pine

Other: Not applicable. This is a non-project action.

☐ Shrubs ☐ Grass ☐ Pasture ☐ Crop or grain

☐ Orchards, vineyards or other permanent crops

Wet soil plants: ☐ cattail ☐ buttercup ☐ bullrush ☐ skunk cabbage

Other: Not applicable. This is a non-project action.

Water plants: ☐ water lily ☐ eelgrass ☐ milfoil

Other: Not applicable. This is a non-project action.

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: Not applicable. This is a non-project action.
- Mammals: ☐ deer ☐ bear ☐ elk ☐ beaver
- Other: Not applicable. This is a non-project action.
- Fish: ☐ bass ☐ salmon ☐ trout ☐ herring ☐ shellfish
- Other: Not applicable. This is a non-project action.
- 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. Changes to the policy are expected to be limited to guidance related to containment of existing designated areas, and future changes to the land use plan map designation on nearby or adjacent properties would require amendment applications and additional, non-project review under SEPA.
- 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.

- c. Describe any structures on the site. Not applicable. This is a non-project action.
- d. Will any structures be demolished? If so, which? Not applicable. This is a non-project action.
- e. What is the current zoning classification of the site? This is a non-project action affecting multiple parcels. A variety of commercial and Center and Corridor zoning classifications exist on existing areas designated General Commercial.
- f. What is the current comprehensive plan designation of the site? The proposal is a text amendment that would be applied citywide. This is a non-project action that will affect multiple parcels in multiple land use plan map designations.
- 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. Height limits are set depending on location and zoning district, and is subject to transition requirements near residential zones, height restrictions within overlay zones, and generally ranges from 40 to 150 feet in other locations.
- 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. There are registered historic buildings and districts within the city of Spokane. This action would not change or affect historic designations.
- 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 Yes. Spokane Transit Authority serves most of the affected geographic area. More than 84 percent of the city is within ½ mile of an existing STA route.

- 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. Not applicable. This is a non-project action.
- 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: April 3, 2019 Signature: Tirrell Black

Tirrell Black, AICP

Please Print or Type:

Proponent: City of Spokane Address: 808 West Spokane Falls Boulevard

Phone: (509) 625-6300 Spokane, WA 99201

Person completing form (if different from proponent): Nathan Gwinn

Phone: (509) 625-6300 Address: 808 West Spokane Falls Boulevard

Spokane, WA 99201

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: Tirrell Black, AICP

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 discharge to water, emissions to air, the production and storage of toxic or hazardous substances or noise.

Proposed measures to avoid or reduce such increases are: No such measures are proposed.

2. How would the proposal be likely to affect plants, animals, fish or marine life?

This proposal is unlikely to directly affect plants and animals.

Proposed measures to protect or conserve plants, animals, fish or marine life are: The Spokane Municipal Code includes standards related to protection of critical areas and habitat. No additional measures are proposed to specifically address the conservation of plants and animals in this proposal.

3. How would the proposal be likely to deplete energy or natural resources? The proposed code amendments will not directly affect energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are: The proposed code amendments do not directly address energy and natural resource conservation.

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? The proposed text amendments will not directly affect environmentally sensitive areas. New development would be subject to the critical area standards of the SMC.

Proposed measures to protect such resources or to avoid or reduce impacts are: No additional measures are proposed. Project impacts will be addressed at the

time of permit application in accordance with the standards of the SMC.

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 amendments are intended to be consistent with and implement other policies of the City's Comprehensive Plan. New projects that are allowed under the proposed amendments are required to meet the shoreline development standards.

Proposed measures to avoid or reduce shoreline and land use impacts are: No additional measures are proposed. This action will not supersede the regulations of the Shoreline Master Program SMC 17E.060.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? This is a non-project action. Demands on transportation or public services and utilities will be addressed at the time of development permit approval as required by existing regulations. The existing designated commercial areas are generally located near planned urban growth centers with existing facilities and services.

Proposed measures to reduce or respond to such demand(s) are: No additional measures are proposed.

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 does not conflict with local, state, or federal laws or requirements for 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: April 3, 2019Signature: Tirrell Black

Tirrell Black, AICP

Please Print or Type:Proponent: City of SpokaneAddress: 808 West Spokane Falls BoulevardPhone: (509) 625-6300Spokane, WA 99201Person completing form (if different from proponent): Nathan GwinnPhone: (509) 625-6893Address: 808 West Spokane Falls BoulevardSpokane, WA 99201**FOR STAFF USE ONLY**Staff member(s) reviewing checklist: Tirrell Black, AICP

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.

NONPROJECT DETERMINATION OF NONSIGNIFICANCE**FILE NO(S):** Z19-002COMP**PROPOSER:** City of Spokane

DESCRIPTION OF PROPOSAL: This application, sponsored by Council Member Candace Mumm and initiated by the Spokane City Council, requests to change the text of Policy LU 1.8 General Commercial Uses in Chapter 3, Land Use, of the Comprehensive Plan. The changes clarify the description of appropriate areas for expansion of the General Commercial designation on Map LU 1, the Land Use Plan Map.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:

The proposed policy modifications would affect any general commercial districts, new or existing, within the City of Spokane.

Legal Description: n/a

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.
- ☒ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5 p.m. on September 10, 2019 if they are intended to alter the DNS.

Responsible Official: Heather Trautman**Position/Title:** Director, Planning Services **Phone:** (509) 625-6300**Address:** 808 W. Spokane Falls Blvd., Spokane, WA 99201**Date Issued:** August 27, 2019**Signature:** 

APPEAL OF THIS DETERMINATION, after it has become final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane WA 99201. The appeal deadline is Noon on September 18, 2019 (21 days from the date of the signing of this 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.

MEMORANDUM



DEVELOPMENT SERVICES CENTER

DATE: April 30, 2019

TO: Tirrell Black, Assistant Planner

FROM: *Eub*
Eldon Brown, P.E., Principal Engineer – Development Services Center

File No: Z19-002COMP

SUBJECT: Comprehensive Plan Text Amendment – Policy LU 1.8 General Commercial Uses

APPLICANT: City Council, City of Spokane

Comp Plan Amendment Comments

1. Conflicts with city utilities (sewer, water, stormwater) cannot be foreseen at this time by the proposed Comprehensive Plan Text Amendment for General Commercial Uses. Future expansion of General Commercial zones will need to be evaluated for infrastructure capacity, including but not limited to, water, sewer, stormwater, and traffic. Compliance to Spokane Municipal Code requirements for infrastructure will be reviewed at the time of development application(s).

cc: Development Services File
Kris Becker, P.E., Manager, Development Services
Mike Nilsson, P.E., Senior Engineer, Development Services
Patty Kells, Traffic Engineering Assistant, Development Services

From: [Carol Tomsic](#)
To: [Black, Tirrell](#); [Gwinn, Nathan](#); [Freibott, Kevin](#)
Cc: [DOUGLAS & MARILYN LLOYD](#); [Sally Phillips](#); [Wittstruck, Melissa](#); [Beggs, Breean](#); [Kinnear, Lori](#); [Stuckart, Ben](#); [Greg Francis](#)
Subject: Comment on 2018/2019 Comprehensive Plan Updates
Date: Wednesday, July 24, 2019 10:02:50 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Transit Supported Development - Text Amendment

The Lincoln Heights Neighborhood will be affected by the text amendment. The Monroe/Regal High Performance Transit will connect the South Hill with North Spokane. Our neighborhood will benefit from the proposed mixed-use, transit supported development. The Lincoln Heights Neighborhood District plan supports a pedestrian friendly and walkable economically vibrant neighborhood. Encouraging transit ridership will positively affect pedestrian safety on the traffic-congested 29th Ave.

I support the text amendment and discussion; "mixed use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors." However, the benefits of the proposed text amendment is contrary to the existing Corridor and District Center Type 2 zoning which sadly allows auto-oriented businesses such as drive thru-coffee shops, tire shops and retail auto parts stores on the auto-congested intersection of Regal/29th. I would like an additional text added stating any inappropriate "transit-supported development" adversely affecting a neighborhood and not supported by neighborhood councils be addressed and favorably rectified.

General Commercial Uses Comprehensive Plan Update

I agree that it's necessary to add clarification against establishing new General Commercial areas outside of centers and establish limited exceptions. I'd like to see a text addition that supports a neighborhood council's objection to any development that is contrary their district plans.

Thank you

Carol Tomsic
resident

Exhibit 8–Related Comprehensive Plan Goals and Policies

Goal LU 1 CITYWIDE LAND USE

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

Policy LU 1.8 General Commercial Uses

Contain General Commercial areas within the boundaries occupied by existing business designations and within the boundaries of designated Centers and Corridors.

Discussion: General Commercial areas provide locations for a wide range of commercial uses. Typical development in these areas includes freestanding business sites and larger grouped businesses (shopping centers). Commercial uses that are auto-oriented and include outdoor sales and warehousing are also allowed in this designation. Land designated for General Commercial use is usually located at the intersection of or in strips along principal arterial streets. In many areas such as along Northwest Boulevard, this designation is located near residential neighborhoods.

To address conflicts that may occur in these areas, zoning categories should be implemented that limit the range of uses, and site development standards should be adopted to minimize detrimental impacts on the residential area. Existing commercial strips should be contained within their current boundaries with no further extension along arterial streets allowed.

Recognizing existing investments by both the City of Spokane and private parties, and given deference to existing land use patterns, an exception to the containment policy may be allowed by means of a comprehensive plan amendment to expand an existing commercial designation, (Neighborhood Retail, Neighborhood Mini-Center, or General Commercial) at the intersection of two principal arterial streets or onto properties which are not designated for residential use at a signalized intersection of at least one principal arterial street which as of September 2, 2003, has traffic at volumes greater than 20,000 vehicular trips a day. Expansion of the commercial designation under this exception shall be limited to property immediately adjacent to the arterial street and the subject intersection and may not extend more than 250 feet from the center of the intersection unless a single lot, immediately adjacent to the subject intersection and in existence at the time this comprehensive plan was initially adopted, extends beyond 250 feet from the center of the intersection. In this case the commercial designation may extend the length of that lot but in no event should it extend farther than 500 feet or have an area greater than three acres.

If a commercial designation (Neighborhood Retail, Neighborhood Mini-Center, or General Commercial) exists at the intersection of two principal arterials, a zone change to allow the commercial use to be extended to the next street that runs parallel to the principal arterial street may be allowed. If there is not a street that runs parallel to the principal arterial, the maximum depth of commercial development extending from the arterial street shall not exceed 250 feet.

Areas designated General Commercial within Centers and Corridors are encouraged to be developed in accordance with the policies for Centers and Corridors. Through a

neighborhood planning process for the Center, these General Commercial areas will be designated in a land use category that is appropriate in the context of a Center and to meet the needs of the neighborhood.

Residential uses are permitted in these areas. Residences may be in the form of single-family homes on individual lots, upper-floor apartments above business establishments, or other higher density residential uses.

GOAL LU 3 EFFICIENT LAND USE

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.

Policy 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.

Discussion: Suggested Centers are designated where the potential for Center development exists. Final determination is subject to a sub-area planning process.

Neighborhood Center

Neighborhood Centers designated on the Land Use Plan Map have a greater intensity of development than the surrounding residential areas. Businesses primarily cater to neighborhood residents, such as convenience businesses and services. Drive-through facilities, including gas stations and similar auto-oriented uses tend to provide services to people living outside the surrounding neighborhood and should be allowed only along principal arterials and be subject to size limitations and design guidelines. Uses such as a day care center, a church, or a school may also be found in the Neighborhood Center.

Businesses in the Neighborhood Center are provided support by including housing over ground floor retail and office uses. The highest density housing should be focused in and around the Neighborhood Center. Density is high enough to enable frequent transit service to a Neighborhood Center and to sustain neighborhood businesses. Housing density should decrease as the distance from the Neighborhood Center increases. Urban design guidelines for Centers and Corridors, located in the Spokane Municipal Code, are used to guide architectural and site design to promote compatible, mixed land uses, and to promote land use compatibility with adjoining neighborhoods.

Buildings in the Neighborhood Center are oriented to the street. This encourages walking by providing easy pedestrian connections, by bringing activities and visually interesting features closer to the street, and by providing safety through watchful eyes and activity day and night. Parking lots should not dominate the frontage of these pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding neighborhoods. Parking lots should be located behind or on the side of buildings as a rule.

To promote social interaction and provide a focal point for the center, a central gathering place, such as a civic green, square, or park, should be provided. To identify the Center as the major activity area of the neighborhood, it is important to encourage buildings in the core area of the Neighborhood Center to be taller. Buildings up to three stories are encouraged in this area.

Attention is given to the design of the circulation system so pedestrian access between residential areas and the Neighborhood Center is provided. To be successful, Centers need to be integrated with transit. Transit stops should be conveniently located near commercial and higher density residential uses, where transit service is most viable.

The size and composition of Neighborhood Centers, including recreation areas, vary by neighborhood, depending upon location, access, neighborhood character, local desires, and market opportunities. Neighborhood Centers should be separated by at least one mile (street distance) or as necessary to provide economic viability. As a general rule, the amount of commercial space and percent devoted to office and retail should be proportional to the number of housing units in the neighborhood. The size of individual commercial business buildings should be limited to assure that the business is truly neighborhood serving. The size of the Neighborhood Center, including the higher density housing surrounding the Center, should be approximately 15 to 25 square blocks. The density of housing should be about 32 units per acre in the core of the Neighborhood Center and may be up to 22 units per acre at the perimeter.

The following locations are designated as Neighborhood Centers on the Land Use Plan Map:

- Indian Trail and Barnes;
- South Perry;
- Grand Boulevard/12th to 14th;
- Garland;
- West Broadway;
- Lincoln and Nevada; and
- Fort George Wright Drive and Government Way.

District Center

District Centers are designated on the Land Use Plan Map. They are similar to Neighborhood Centers, but the density of housing is greater (up to 44 dwelling units per acre in the core area of the center) and the size and scale of schools, parks, and shopping facilities are larger because they serve a larger portion of the city. As a general rule, the size of the District Center, including the higher density housing surrounding the Center, should be approximately 30 to 50 square blocks.

As with a Neighborhood Center, new buildings are oriented to the street and parking lots are located behind or on the side of buildings whenever possible. A central gathering place, such as a civic green, square, or park is provided. To identify the District Center as a major activity area, it is important to encourage buildings in the core area of the District center to be taller. Buildings up to five stories are encouraged in this area.

The circulation system is designed so pedestrian access between residential areas and the District Center is provided. Frequent transit service, walkways, and bicycle paths link District Centers and the downtown area.

The following locations are designated as District Centers on the Land Use Plan Map:

- Shadle – Alberta and Wellesley;
- Lincoln Heights – 29th and Regal;
- Southgate;
- 57th and Regal;
- Grand District;

- Five Mile – Francis and Ash (suggested Center, with final determination subject to a sub-area planning process described in LU 3.4); and
- NorthTown – Division and Wellesley (suggested Center, with final determination subject to a sub-area planning process described in LU 3.4).

Employment Center

Employment Centers have the same mix of uses and general character features as Neighborhood and District centers but also have a strong employment component. The employment component is expected to be largely non-service related jobs incorporated into the Center or on land immediately adjacent to the Center.

Employment Centers vary in size from 30 to 50 square blocks plus associated employment areas. The residential density in the core area of the Employment Center may be up to 44 dwelling units per acre. Surrounding the Center are medium density transition areas of up to 22 dwelling units per acre.

The following locations are designated as Employment Centers on the Land Use Plan Map:

- East Sprague – Sprague and Napa;
- North Foothills Employment Center;
- Maxwell and Elm;
- Holy Family;
- North Nevada, between Westview and Magnesium; and
- Trent and Hamilton.

Corridors

Corridors are areas of mixed land use that extend no more than two blocks in either direction from the center of a transportation corridor.

Within a Corridor there is a greater intensity of development in comparison to the surrounding residential areas. Housing at a density up to 44 units per acre and employment densities are adequate to support frequent transit service. The density of housing transitions to a lower level (up to 22 units per acre) at the outer edge of the Corridor. A variety of housing styles, apartments, condominiums, row houses, and houses on smaller lots are allowed. A full range of retail services, including grocery stores serving several neighborhoods, theaters, restaurants, dry-cleaners, hardware stores, and specialty shops are also allowed. Low intensity, auto-dependent uses (e.g., lumber yards, automobile dealers, and nurseries) are prohibited.

Corridors provide enhanced connections to other Centers, Corridors, and downtown Spokane. To accomplish this, it is important to make available safe, attractive transit stops and pedestrian and bicycle ways. The street environment for pedestrians is much improved by placing buildings with multiple stories close to the street with wide sidewalks and street trees, attractive landscaping, benches, and frequent transit stops. Parking lots should not dominate the frontage of these pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding neighborhoods. Parking lots should be located behind or on the side of buildings whenever possible.

The following locations are designated as Corridors on the Land Use Plan Map:

- North Monroe Street;
- Hillyard Business Corridor; and

- Hamilton Street Corridor.

Regional Center

Downtown Spokane is the Regional Center and is the primary economic, cultural and social center of the region. With the creation and development of the University District on the east end of Downtown, it is also a major academic hub with the collaboration of multiple institutions of higher education. Downtown contains the highest density and intensity of land use, and continues to be a targeted area for additional infill housing opportunities and neighborhood amenities to create a more livable experience.

The following location is designated as the Regional Center on the Land Use Plan Map:

- Downtown Spokane

The following comment was submitted by a member of the public during the Plan Commission Hearing on September 11, 2019. Therefore, it was not originally included in the staff report as the staff report predates the hearing.

Land Use Solutions & Entitlement

Land Use Planning Services

9101 N. MT. VIEW LANE Spokane, WA 99218

509-435-3108 (V)

dhume@spokane-landuse.com

(Sent this date via email)

9-26-19

Kevin Freibott, Planner II
Planning & Development Services
3rd Floor, City Hall
808 W Spokane Falls Blvd
Spokane WA 99201

Ref: Proposed Policy Language LU 1.8

Dear Kevin:

Yesterday, I observed the Planning Commissions discussions and action on the above matter in which they recommended to the Council to approve policy language that eliminates dimensional and traffic volume criteria and replaces it with performance language requiring “transitional land uses” with the intent of protecting neighborhood character. (Emphasis mine)

My concern with this language is that it expects a reduction in land use intensity, presumably with the designation of a more restricted zone, such as Office or Multi-Family and as such it pre-empts the purpose of the LU 1.8 Policy for Commercial zone expansion.

I recognize the desire to protect “neighborhood character” but we also need to protect market forces and sustainability of commercial sites. All too often, new commercial uses seek sites of existing commercial use and find them too small to accommodate their site plan needs. With this policy language as proposed, the existing commercial site is doomed for extinction, putting more pressure on other parts of the city for market forces to work, while ignoring the very criteria the new use wants, namely drive-by traffic volume.

Therefore, I recommend that the City modify the current LU 1.8 language that allows expansion to the next street parallel to the existing arterial frontage. In addition, we

should restore the provision for parking within a more restricted zone by Special Permit. This would ensure that the commercial use is left within the current zone and limits the "intrusion" into the neighborhood as parking.

On that point, the history of those special permit parking lots has demonstrated that they do not adversely affect the rest of the neighborhood, so why not allow them without the need for annual amendments? It is certainly a more efficient way of accommodating future commercial uses, in-lieu-of the 12-15 months walk through the annual amendment process.

In conclusion, the proposed language prevents commercial expansion while LU 1.8 is supposed to accommodate new commercial expansion. Traffic volume thresholds are not as important as designating expansion limits, such as the next street parallel to the arterial. We should rely upon the performance language of the adopted Development Code as the standard imposed on all commercial sites and new commercial development. Change of zones as a transitional land use pattern such as is currently proposed ignores market demand and we need a balance between market forces and neighborhood forces, not just the latter.

Thank you for considering my comments. Please feel free to forward to each planning commission and council member as well.

Respectfully Submitted

A handwritten signature in cursive script that reads "Dwight J Hume".

Dwight J Hume

Land Use Solutions and Entitlement

ORDINANCE NO. C35842

AN ORDINANCE RELATING TO APPLICATION Z19-002COMP, AMENDING POLICY LU 1.8, GENERAL COMMERCIAL USES, IN CHAPTER 3 OF THE COMPREHENSIVE PLAN AS IT RELATES TO DIRECTING NEW COMMERCIAL GROWTH TO CENTERS AND CORRIDORS.

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A); and

WHEREAS, the City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act; and

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

WHEREAS, application Z19-002COMP seeks to amend policy LU 1.8, General Commercial Uses, to guide the designation of appropriate areas for general commercial uses clarifying while updating situations wherein general commercial might be considered outside of Centers and Corridors; and

WHEREAS, policy LU 1.8 was previously amended by Ordinance ORD C33287 in 2003, adding exception language to the policy that is proposed to be removed by application Z19-002COMP; and

WHEREAS, the proposed amendments to policy LU 1.8 were developed via a Plan Commission Subcommittee/Working Group which met in April 2019 to formulate the proposal; and

WHEREAS, staff requested comments from agencies and departments on April 5, 2019, and a public comment period ran from May 28, 2019 to July 29, 2019; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on August 29, 2019; and

WHEREAS, the Spokane Plan Commission held substantive workshops regarding the proposed Comprehensive Plan amendment on May 8, May 22, and July 10, 2019; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance ("DNS") was issued on August 27, 2019 for the proposed text amendments.

The public comment period for the SEPA determination ended on September 10, 2019; and

WHEREAS, notice of the SEPA Checklist and Determination, the proposed amendments, and announcement of the September 11, 2019 Plan Commission Public Hearing was published on August 28, 2019 and September 4, 2019; and

WHEREAS, the staff report for Application Z19-002COMP reviewed all the criteria relevant to consideration of the application; and

WHEREAS, the Spokane Plan Commission conducted a public hearing on September 11 and deliberated on September 25, 2019 for Application Z19-002COMP and other proposed amendments; and

WHEREAS, the Spokane Plan Commission amended the proposal during their deliberations to strike the consideration of streets or alleys as boundaries to general commercial uses and to add consideration of transitional land uses; and

WHEREAS, the Spokane Plan Commission found that Application Z19-002COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Plan Commission voted 6 to 0 to recommend approval of Application Z19-002COMP; and

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

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of the Application. Application Z19-002COMP is approved.
2. Amendment of Chapter 3, Land Use, of the Comprehensive Plan. Policy LU 1.8, General Commercial Uses, is amended as follows:

LU 1.8 General Commercial Uses

~~((Contain))~~ Direct new General Commercial ~~((areas within the boundaries occupied by existing business designations and within the boundaries of designated))~~ uses to Centers and Corridors designated on the Land Use Plan Map.

Discussion: General Commercial areas provide locations for a wide range of commercial uses. Typical development in these areas includes freestanding business sites and larger grouped businesses (shopping centers). Commercial uses that are auto-oriented and include outdoor sales and warehousing are also

allowed in this designation. Land designated for General Commercial use is usually located at the intersection of or in strips along principal arterial streets. In many areas such as along Northwest Boulevard, this designation is located near residential neighborhoods.

To address conflicts that may occur in these areas, zoning categories should be implemented that limit the range of uses, and site development standards should be adopted to minimize detrimental impacts on the residential area. New General Commercial areas should not be designated in locations outside Centers and Corridors. Existing commercial strips should be contained within their current boundaries with no further extension along arterial streets allowed.

~~((Recognizing existing investments by both the City of Spokane and private parties, and given deference to existing land use patterns, an exception to the containment policy may be allowed by means of a comprehensive plan amendment to expand an existing commercial designation, (Neighborhood Retail, Neighborhood Mini-Center, or General Commercial) at the intersection of two principal arterial streets or onto properties which are not designated for residential use at a signalized intersection of at least one principal arterial street which as of September 2, 2003, has traffic at volumes greater than 20,000 vehicular trips a day. Expansion of the commercial designation under this exception shall be limited to property immediately adjacent to the arterial street and the subject intersection and may not extend more than 250 feet from the center of the intersection unless a single lot, immediately adjacent to the subject intersection and in existence at the time this comprehensive plan was initially adopted, extends beyond 250 feet from the center of the intersection. In this case the commercial designation may extend the length of that lot but in no event should it extend farther than 500 feet or have an area greater than three acres.))~~

~~((If a commercial designation (Neighborhood Retail, Neighborhood Mini-Center, or General Commercial) exists at the intersection of two principal arterials, a zone change to allow the commercial use to be extended to the next street that runs parallel to the principal arterial street may be allowed. If there is not a street that runs parallel to the principal arterial, the maximum depth of commercial development extending from the arterial street shall not exceed 250 feet.))~~

However, recognizing existing investments, and given deference to existing land-use patterns, exceptions to the containment policy may be allowed for limited expansions adjacent to existing General Commercial areas located outside Centers and Corridors. The factors to consider in such adjacent expansions include: maintaining the minimum depth from an arterial street necessary for the establishment or expansion of a general commercial neighborhood business; avoiding intrusion where incompatible into established neighborhoods; and implementing transitional land uses with the intent of protecting neighborhood character.

Areas designated General Commercial within Centers and Corridors are encouraged to be developed in accordance with the policies for Centers and Corridors. Through a neighborhood planning process for the Center, these General Commercial areas will be designated in a land use category that is appropriate in the context of a Center and to meet the needs of the neighborhood.

Residential uses are permitted in these areas. Residences may be in the form of single-family homes on individual lots, upper-floor apartments above business establishments, or other higher density residential uses.

PASSED BY THE CITY COUNCIL ON _____, 2019.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**Spokane Plan Commission Findings of Fact, Conclusions,
and Recommendations on the Comprehensive Plan Land Use
Plan Map Amendment File No. Z19-002COMP
(LU 1.8 – General Commercial Uses)**

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Comprehensive Plan Amendment application seeking to amend the text of policy LU 1.8, General Commercial Uses, in Chapter 3, Land Use, as it relates to directing new commercial growth to Centers and Corridors.

FINDINGS OF FACT:

- A. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act (GMA).
- B. Under GMA, comprehensive plans generally may be amended no more frequently than once a year, and all amendment proposals must be considered concurrently in order to evaluate for their cumulative effect.
- C. During deliberations on November 1, 2018 the City Council asked staff to bring forth a proposal to amend Policy LU 1.8 General Commercial Uses (the “proposal”).
- D. The proposal is to amend policy LU 1.8 General Commercial Uses. This policy guides the designation of appropriate areas for general commercial uses and was previously amended in 2003 (ORD C33287), clarifying and updating situations wherein general commercial might be considered outside of Centers and Corridors.
- E. On February 25, 2019 the City Council adopted Resolution RES 2019-0011 establishing the 2019 Comprehensive Plan Amendment Work Program, and including the proposal in the Work Program.
- F. On March 27, 2019 the Plan Commission established a working subcommittee to propose amendments to Policy LU 1.8.
- G. Thereafter, on April 5, 2019 staff requested comments from agencies and departments. No adverse comments were received from agencies or departments regarding the proposal.
- H. During the Plan Commission’s May 8 and 22, 2019 workshops, the subcommittee’s proposed amendments to Policy LU 1.8 were presented to the Plan Commission. During the workshops the Plan Commission finalized the language of the proposal for consideration at a public hearing, held on September 11 and 25, 2019.
- I. A public comment period ran from May 28, 2019 to July 29, 2019 which provided a 60-day public comment period. The City received one written comment in general support of the proposal.

- J. On June 6, 2019 the Community Assembly received a presentation regarding the 2019 Comprehensive Plan Amendment Work Program and the proposal, and has been provided with information regarding the dates of Plan Commission workshops and hearings.
- K. On July 10, 2019 the Spokane City Plan Commission held a final workshop to study the proposal.
- L. On August 27, 2019 a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were issued for the Comprehensive Land Use Plan Map and Zoning Map changes, including the proposal. The deadline to appeal the SEPA determination was September 10, 2019. No comments on the SEPA determination were received.
- M. On August 29, 2019 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- N. On August 28 and September 4, 2019 the City caused notice to be published in the Spokesman Review providing notice of the SEPA Checklist and Determination of Non-Significance, the Comprehensive Plan Land Use Map amendment, and announcing the September 11, 2019 Plan Commission Public Hearing.
- O. Prior to the Plan Commission hearing, staff prepared a report addressing SEPA and providing staff's analysis of the merits of the proposal, copies of which were circulated as prescribed by SMC 17G.020.060B.8. Staff's analysis of the proposal recommended approval of the application.
- P. On September 11, 2019 the Plan Commission held a public hearing on the proposal, and closed the public record but continued its deliberations until the next hearing date on September 25, 2019.
- Q. During the public hearing, the Plan Commission received testimony in favor of minor modifications to the proposal relating to the inclusion of transitional land uses when considering general commercial uses outside a center.
- R. During the deliberations held on September 25, 2019, the Plan Commission voted to modify the proposal to strike the consideration of streets or alleys as boundaries to general commercial uses and to add the consideration of transitional land uses.
- S. As a result of the City's efforts, pursuant to the requirements of SMC 17G.020.070, the public has had extensive opportunities to participate throughout the process and persons desiring to comment on the proposal were given ample opportunity to do so.
- T. Except as otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the proposal (the "Staff Report").
- U. Comprehensive Plan Chapter 2, Implementation, Section 2.3 provides:

This section establishes a process to ensure the Plan functions as a living document, advancing the long range vision for the community, while also being responsive to changing conditions. The intended outcomes of these matrices are:

....

Ensure the Plan is a living document, capable of responding to changing conditions and expanding information.

- V. The Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan, most specifically as it relates to the Comprehensive Plan vision for concentrated density and use intensity in Centers and Corridors.
- W. The Plan Commission finds that the proposal meets the demonstration of need described in SMC 17G.020.030.K as it relates to policy adjustments, in that the proposal would provide correction and additional guidance as to the implementation of the policies and vision provided by the Comprehensive Plan.
- X. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), SEPA review, agency and public comments received, and public testimony presented regarding the proposal File No. Z19-958COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

1. The proposal was included in the 2019 Annual Comprehensive Plan Amendment Work Program.
2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
3. The proposal is consistent with the goals and purposes of GMA.
4. Any potential infrastructure implications associated with the proposal will either be mitigated through projects reflected in the City's relevant six-year capital improvement plans or through enforcement of the City's development regulations at time of development.

5. As outlined in above in the Findings of Fact, the proposal is internally consistent within the meaning of SMC 17G.020.030E.
6. The proposal is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
7. The proposal has been considered simultaneously with the other proposals included in the 2019 Annual Comprehensive Plan Amendment Work Program in order to evaluate the cumulative effect of all the proposals.
8. SEPA review was completed for the proposal, and pursuant to SEPA, any adverse environmental impacts associated with the proposal will be mitigated by enforcement of the City's development regulations.
9. The proposal will not adversely affect the City's ability to provide the full range of urban public facilities and services citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.
10. The proposal represents an amendment to the text of a policy and is in conformance with the appropriate demonstration of need identified for amendments to the comprehensive plan.

RECOMMENDATIONS:

In the matter of Z19-002COMP, a request by the Spokane City Council to amend policy LU 1.8, General Commercial Uses, in Chapter 3, Land Use, of the Comprehensive Plan, as based upon the above listed findings and conclusions, by a vote of 6 to 0, the Plan Commission recommends to City Council the APPROVAL of the requested amendment to Chapter 3, Policy LU 1.8, as amended during the Plan Commission's deliberations, and authorized the President to prepare and sign on the Commission's behalf a written decision setting forth the Commission's findings, conclusions, and recommendation on the proposal.

DocuSigned by:

DF6D3C2836764CA...

**Greg Francis, Vice President in lieu of
Todd Beyreuther, President
Spokane Plan Commission**

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

12/02/2019

Date Rec'd	11/20/2019
Clerk's File #	ORD C35855
Renews #	

Submitting Dept	PLANNING	Cross Ref #	
Contact Name/Phone	CHRISTOPHER 6194	Project #	
Contact E-Mail	CGREEN@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0650 ORDINANCE APPROVING THE 2020 EAST SPRAGUE BID ASSESSMENT		

Agenda Wording

An Ordinance approving and confirming the 2020 assessments and assessment roll for the East Sprague Parking and Business Improvement Area, prepared under Ordinance No. C35377 as codified and amended in Chapter 4.31C SMC.

Summary (Background)

The East Sprague Business Improvement District (BID) collects an annual assessment from property owners within the district to provide funding for programs and services. The Assessment Roll is prepared annually by staff from the City and the BID manager, based on formulas established in Chapter 4.31C SMC. The proposed ordinance approves and confirms the 2020 East Sprague BID Assessment Roll, allowing for billing and collecting payment of annual assessments from ratepayers within the BID.

<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>	MEULER, LOUIS	<u>Study Session</u>	
<u>Division Director</u>	CORTRIGHT, CARLY	<u>Other</u>	Sustainable Resources
<u>Finance</u>	ORLOB, KIMBERLY	Distribution List	
<u>Legal</u>	PICCOLO, MIKE	mpiccolo@spokanecity.org	
<u>For the Mayor</u>	ORMSBY, MICHAEL	jahensley@spokanecity.org	
Additional Approvals		marvoreg.esba@gmail.com	
<u>Purchasing</u>		jim@tinrooffurniture.com	

ORDINANCE NO. C35855

AN ORDINANCE APPROVING AND CONFIRMING THE 2020 ASSESSMENTS AND ASSESSMENT ROLL FOR THE EAST SPRAGUE PARKING AND BUSINESS IMPROVEMENT AREA, PREPARED UNDER ORDINANCE C-35377 AS CODIFIED AND AMENDED IN CHAPTER 4.31C SMC.

WHEREAS, the Spokane City Council on September 30, 2019 passed Resolution 2019 - 0077, which provided notice and set a date for hearing on the assessments to be levied under the above identified ordinance; and

WHEREAS, pursuant to Resolution No. 2019 - 0077, a public hearing was held on December 9, 2019 to take public testimony regarding the assessments and assessment roll for the East Sprague Parking and Business Improvement Area; and

WHEREAS, the assessment roles have been on file in the Office of the City Clerk for public review and inspection; and

WHEREAS, the City Council, through this ordinance, intends to levy assessments in the East Sprague Business Improvement District to provide programs and services, which will specifically benefit the businesses and properties in the District; and

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. The 2020 assessments and the assessment roll of the East Sprague Parking and Business Improvement Area, established under Ordinance C-35377, as codified and amended in Chapter 4.31C SMC, are hereby approved and confirmed. The assessments and assessment roll are attached hereto, available in the Office of the City Clerk and City Treasurer.

Section 2. Each of the businesses, as described in RCW 35.87A.020, lots, tracts, and parcels of land and other property, including improvements thereon, multi-family residential, mixed-use projects (as described in RCW 35.87A.020(3), hotels, motels, government, and others, shown upon said rolls are hereby declared to be specially benefited by the programs authorized in Ordinance C-35377, as amended, in at least the amount levied against the same. The method of assessment is based upon the Special Assessment Formula in Appendix A.

Section 3. Pursuant to SMC 4.31C.100, the projects, programs, activities and budget for the 2020 East Sprague Parking and Business Improvement Area as presented to the City Council are hereby approved and may be revised by the City Council pursuant to a subsequent motion.

Section 4. The City Clerk is hereby directed to certify and transmit the assessment roll to the City Treasurer for collection, pursuant to City Ordinance and state law.

Section 5. That the assessments shown in the roll on file in the Office of the City Clerk may be paid in two installments with the first half of the assessment due and payable on the 31st day of January, 2020, and the second half of the assessment due and payable on the 31st day of July, 2020. Prior to the due date, ratepayers shall be sent a bill stating the amount of the assessment due and payable. If the assessment is not paid within thirty (30) days after its due date, a delinquency charge shall be added in the amount of ten percent (10%) of the assessment, not to exceed one hundred dollars (\$100) in addition to the processing fee. All assessments, or part thereof, shall also bear interest at the rate of twelve percent (12%) per annum, or part thereof, of delinquency. Within thirty (30) days of the due date(s), the City Treasurer or his/her designee shall send a late notice of the unpaid assessment including the assessment of appropriate interest, penalty and fees. Interest, penalties and other fees will be collected on any unpaid balance or portions thereof from the date the account became due.

Any ratepayer, aggrieved by the amount of an assessment or delinquency charge, shall request, within sixty (60) days of the assessment or charge, a meeting and/or hearing before the Ratepayer Board, and, if not satisfied with the decision of the Ratepayer Board, appeal within ten (10) days from the date of the decision, the matter de novo, to the City's Hearing Examiner, in the manner provided for in the City's Municipal Code. Failure to request a hearing shall result in a waiver of the right to challenge the assessment.

Section 6. This ordinance shall take effect and be in full force from and after the date of its passage.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

APPENDIX A – 2020

EAST SPRAGUE BUSINESS IMPROVEMENT DISTRICT Special Assessment Matrix

Estimated Annual Revenue	% Assessment based on Land Square Footage (LSF)		% Assessment based on Taxable Assessed Value (TAV)	Total Parcels
\$58,638.32	75%		25%	228
Benefit Area by Zone	Minimums	Maximums	Rate per LSF	Rate per \$1,000 TAV
Center and Corridor (Commercial)	\$200	\$1,000	2.5 cents	60 cents
General Commercial	\$100	\$500	1.3 cents	30 cents
Industrial	\$50	\$250	0.6 cents	15 cents

2020 represents the fifth assessment year and the second year in the second three year assessment cycle for the East Sprague BID. As per section 4.31C.040.C.2.b. of the Spokane Municipal Code, for the fifth assessment year (2020), the assessments will equal the fourth year assessments multiplied by a CPI factor that is the lesser of 3 percent or the percentage change in CPI for All Urban Consumers (CPI-U) West Region between June 2018 and June 2019.

The CPI for All Urban Consumers (CPI-U): West Region between June 2018 and June 2019 was 2.7 percent. Therefore, 2019 assessments were increased by 2.7 percent for 2020 assessment year.

Briefing Paper and Staff Report

Finance and Administration Committee

Division & Department:	BDS - Long Range Planning
Subject:	2020 East Sprague Business Improvement District (BID) Assessment Process
Date:	October 10, 2019
Contact (email & phone):	Chris Green (509-625-6194) cgreen@spokanecity.org
City Council Sponsor:	Lori Kinnear
Executive Sponsor:	Gavin Cooley
Committee(s) Impacted:	Finance and Administration
Type of Agenda item:	<input checked="" type="checkbox"/> Hearing <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)	Comprehensive Plan Sprague Targeted Investment Pilot (TIP)
Strategic Initiative:	Invest in key neighborhoods and business centers; especially PDAs and small businesses
Deadline:	<ul style="list-style-type: none"> The draft Assessment Roll will be made available for public viewing at the City Clerk's office on November 8, 2019. An assessment formula for the BID must be adopted annually; Resolution 2019-0077 set December 9, 2019 as the Assessment Roll Hearing date. Per Chapter 4.31C SMC, the next due date for payment of assessments is January 31, 2020.
Outcome: (deliverables, delivery duties, milestones to meet)	On December 9, 2019 the Council will hold an annual assessment hearing and take action on an ordinance approving and confirming the 2020 East Sprague BID Assessment Roll. Additionally, East Spokane Business Association, the contracted manager of the BID, will present the BID management plan and budget for the upcoming year.
Background/History: <ul style="list-style-type: none"> <i>The East Sprague business improvement district (BID) was established in 2016 to provide a variety of programs and services in the East Sprague/Sprague Union business district, including cleaning and greening, neighborhood beautification, district branding and marketing, safety and security, and administration. The BID collects an annual assessment from property owners within the district to provide funding for these programs and services.</i> <i>East Sprague Business Association (ESBA) administers and operates these programs through a contract with the City of Spokane.</i> <i>Chapter 4.31C SMC sets forth the annual process for assessing and collecting assessments from ratepayers within the district. In summary, the annual process includes the following steps:</i> <ul style="list-style-type: none"> <i>City Council sets an assessment roll hearing date by resolution;</i> <i>Staff from the City and the BID manager prepare the annual assessment roll based on tax assessment information from the Spokane County Assessor's Office and formulas established in Chapter 4.31C SMC;</i> <i>City staff provide mailed notice to property owners and businesses identified on the assessment roll at least fifteen days prior to the hearing;</i> 	

- *The City Council approves an assessment roll at the hearing;*
- *City staff carry out billing and collection of annual assessment payments.*

Executive Summary:

The East Sprague Business Improvement District (BID) collects an annual assessment from property owners within the district to provide funding for these programs and services. The Assessment Roll is prepared annually by staff from the City and the BID manager, based on formulas set forth in Chapter 4.31C SMC. The proposed ordinance approves and confirms the 2020 East Sprague BID Assessment Roll, allowing for billing and collecting payment of annual assessments from ratepayers within the BID.

Budget Impact:

Approved in current year budget? ☐ Yes ☐ No ☒ N/A

Annual/Reoccurring expenditure? ☐ Yes ☐ No ☒ N/A

If new, specify funding source:

Other budget impacts: Generates revenue in the form of an annual assessment within the BID; this assessment contributes the majority of the annual operating budget for the BID.

Operations Impact:

Consistent with current operations/policy? ☒ Yes ☐ No ☐ N/A

Requires change in current operations/policy? ☐ Yes ☒ No ☐ N/A

Specify changes required: N/A

Known challenges/barriers: None

Attachment: Ordinance Approving and Confirming the 2020 Assessments and Assessment Roll for the East Sprague Parking and Business Improvement Area

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

12/02/2019

<u>Date Rec'd</u>	11/20/2019
<u>Clerk's File #</u>	ORD C35856
<u>Renews #</u>	

Submitting Dept	PLANNING	Cross Ref #	
Contact Name/Phone	CHRISTOPHER 6194	Project #	
Contact E-Mail	CGREEN@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0650 ORDINANCE APPROVING THE 2020 DOWNTOWN SPOKANE BID		

Agenda Wording

An Ordinance approving and confirming the 2020 assessments and assessment roll for the Downtown Spokane Parking and Business Improvement Area, prepared under Ordinance No. C35377 as codified and amended in Chapter 4.31C SMC.

Summary (Background)

The Downtown Business Improvement District (BID) collects an annual assessment from business and property owners within the district to provide funding for programs and services. The Assessment Roll is prepared annually by staff from the City and the BID manager, based on formulas established in Chapter 4.31 SMC. The proposed ordinance approves and confirms the 2020 Downtown BID Assessment Roll, allowing for billing and collecting payment of annual assessments from ratepayers within the BID.

<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>	MEULER, LOUIS	<u>Study Session</u>	
<u>Division Director</u>	CORTRIGHT, CARLY	<u>Other</u>	Sustainable Resources
<u>Finance</u>	ORLOB, KIMBERLY	Distribution List	
<u>Legal</u>	PICCOLO, MIKE	mpiccolo@spokanecity.org	
<u>For the Mayor</u>	ORMSBY, MICHAEL	jahensley@spokanecity.org	
Additional Approvals		ghankal@downtownspokane.net	
<u>Purchasing</u>		mrichard@downtownspokane.net	

ORDINANCE NO. C35856

AN ORDINANCE APPROVING AND CONFIRMING THE 2020 ASSESSMENTS AND ASSESSMENT ROLL FOR THE DOWNTOWN SPOKANE PARKING AND BUSINESS IMPROVEMENT AREA, PREPARED UNDER ORDINANCE C-32923 AS CODIFIED AND AMENDED IN CHAPTER 4.31 SMC.

WHEREAS, the Spokane City Council on September 30, 2019 passed Resolution 2019 – 0076, which provided notice and set a date for hearing on the assessments to be levied under the above identified ordinance; and

WHEREAS, pursuant to Resolution No. 2019 - 0076, a public hearing was held on December 9, 2019 to take public testimony regarding the assessments and assessment roll for the Downtown Spokane Parking and Business Improvement Area; and

WHEREAS, the assessment roles have been on file in the Office of the City Clerk for public review and inspection; and

WHEREAS, the City Council, through this ordinance, intends to levy assessments in the Downtown Spokane Business Improvement District to provide programs and services, which will specifically benefit the businesses and properties in the District; and

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. The 2020 assessments and the assessment roll of the Downtown Spokane Parking and Business Improvement Area, established under Ordinance C-32923, as codified and amended in Chapter 4.31 SMC, are hereby approved and confirmed. The assessments and assessment roll are attached hereto, available in the Office of the City Clerk and City Treasurer.

Section 2. Each of the businesses, as described in RCW 35.87A.020, lots, tracts, and parcels of land and other property, including improvements thereon, multi-family residential, mixed-use projects (as described in RCW 35.87A.020 (3), hotels, motels, government, and others, shown upon said rolls are hereby declared to be specially benefited by the programs authorized in Ordinance C-32923, as amended, in at least the amount levied against the same. The method of assessment is based upon the Special Assessment Formula in Appendix A.

Section 3. Pursuant to SMC 4.31.100, the projects, programs, activities and budget for the 2020 Downtown Parking and Business Improvement Area as presented to the City Council are hereby approved and may be revised by the City Council pursuant to a subsequent motion.

Section 4. The City Clerk is hereby directed to certify and transmit the assessment roll to the City Treasurer for collection, pursuant to City Ordinance and state law.

Section 5. That the assessments shown in the roll on file in the Office of the City Clerk may be paid in two installments with the first half of the assessment due and payable on the 31st day of January, 2020, and the second half of the assessment due and payable on the 31st day of July, 2020. Prior to the due date, ratepayers shall be sent a bill stating the amount of the assessment due and payable. If the assessment is not paid within thirty (30) days after its due date, a delinquency charge shall be added in the amount of ten percent (10%) of the assessment, not to exceed one hundred dollars (\$100) in addition to the processing fee. All assessments, or part thereof, shall also bear interest at the rate of twelve percent (12%) per annum, or part thereof, of delinquency. Within thirty (30) days of the due date(s), the City Treasurer or his/her designee shall send a late notice of the unpaid assessment including the assessment of appropriate interest, penalty and fees. Interest, penalties and other fees will be collected on any unpaid balance or portions thereof from the date the account became due.

Any ratepayer, aggrieved by the amount of an assessment or delinquency charge, shall request, within sixty (60) days of the assessment or charge, a meeting and/or hearing before the Ratepayer Board, and, if not satisfied with the decision of the Ratepayer Board, appeal within ten (10) days from the date of the decision, the matter de novo, to the City's Hearing Examiner, in the manner provided for in the City's Municipal Code. Failure to request a hearing shall result in a waiver of the right to challenge the assessment.

Section 6. This ordinance shall take effect and be in full force from and after the date of its passage.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Appendix A - 2020

DOWNTOWN SPOKANE BUSINESS IMPROVEMENT DISTRICT Special Assessment Matrix

I. TENANT ASSESSMENT FORMULA

All tenant assessments are based upon square footage of space per lease except where noted. *There is an annual minimum assessment of \$110.00 per tenant.*

<u>Type of Tenant</u>	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>	<u>Zone 4*</u>
Retail Tenants -Ground floor and skywalk	\$ 0.28	\$ 0.16	\$ 0.13	-0-
Office Tenants -Ground floor and skywalk	\$ 0.16	\$ 0.15	\$ 0.12	-0-
Office and Retail Tenants -Upper floors and basement	\$ 0.12	\$ 0.11	\$ 0.10	-0-
Manufacturing Tenants -outside a C-1 zoning district	\$ 0.12	\$ 0.11	\$ 0.10	-0-
-within a C-1 zoning district	\$ 0.05	\$ 0.05	\$ 0.05	-0-
Commercial Parking -per space assessment	\$ 3.82	\$ 3.18	\$ 2.55	-0-
Commercial Theaters -per seat assessment	\$ 3.18	\$ 2.42	\$ 2.04	-0-
Apartments -per unit assessment	\$ 5.09	\$ 4.45	\$ 3.82	-0-

<u>Combined Tenant/Owner</u>	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>	<u>Zone 4</u>
Hotels and Motels	\$ 25.43	\$ 25.43	\$ 25.43	-0-

II. PROPERTY OWNER ASSESSMENT FORMULA

Property owner assessments are based upon current values for land plus improvements, no exemptions, and are calculated at a rate per \$1,000 of total assessed value. Each property including its tenants shall be assessed under both the tenant and property owner formulas. *There is an annual minimum assessment of \$110.00 per property parcel.*

<u>Type of Owner</u>	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>	<u>Zone 4</u>
Private Property	\$ 1.12	\$ 1.12	\$ 0.72	-0-
Government	\$ 0.82	\$ 0.82	\$ 0.62	-0-
Residential/Condominiums -per unit assessment	\$ 0.62 up to a max of \$215	\$ 0.62 up to a max of \$215	\$ 0.41 up to a max of \$215	-0-
Public Facilities District	\$ 0.32	\$ 0.32	\$ 0.32	-0-

III. GOVERNMENT PARK PROPERTY ASSESSMENT FORMULA

<u>Type</u>	<u>Zone 4*</u>
Public parks	\$ 152.55 per acre

IV. GENERAL EXEMPTIONS

The following will be exempt from special assessments:

1. Organizations and property owners recognized under Section 501 (c) (3) of the Internal Revenue Code as a tax exempt non-profit charitable organization;
2. Government agencies exempt from taxation pursuant to state or federal law;
3. Organizations conducting business in the BID less than 30 days per year.

V. TENANT EXEMPTIONS

The following tenants will be exempt from special assessments:

1. Businesses in the district less than 30 days per year.

ASSESSMENT GUIDELINES

Chapter 4.31 of the Spokane Municipal Code (SMC), as originally adopted in Ordinance No. C-32923 and as subsequently amended by the City Council, provides for the levy of special assessments upon businesses and properties within the area designated as the Downtown Business Improvement District (BID). The Ratepayer Advisory Board of Directors submits to City Council an annual BID Management Plan including a proposed budget and special assessment matrix. In early December, City Council holds a public hearing to hear all protests and receives evidence for or against the proposed action.

The following guidelines are provided as a supplement to the assessment matrix:

- Assessment rates are annual and are based upon gross leasable space (including storage) except where noted. If a ratepayer elects to pay the assessment in two installments there will be a \$10.00 service charge levied on each installment.
- A pro-rated assessment shall be available to tenant ratepayers upon request.
 - The pro-rated assessment shall be based on a full month, i.e. If a ratepayer leaves the district March 15th they will be invoiced for three full months.
 - A pro-rated assessment shall be available only to tenant ratepayers who move out of the district. When a tenant moves within the district, that tenant will be responsible for the assessment based on their previous location until the change is made for the next year's assessment roll.
- Assessments are based upon four "benefit zones", each of which pays a different level of assessment based upon the services it receives.
- A minimum assessment of \$110.00 is levied for each tenant and/or property parcel.
- The following will be exempt from assessment: Organizations and property owners recognized under Section 501 (c)(3) of the Internal Revenue Code as a tax exempt non-profit charitable organization; Governmental agencies exempt from taxation pursuant to State and Federal law, and organizations conducting business in the BID less than 30 days per year.
- No historic tax credit or other exemptions that would decrease the assessed value of land or improvements will be used to calculate the annual property assessment.
- The Downtown Spokane Partnership office should be contacted immediately to discuss any situations not covered in the above guidelines.
- Manufacturing businesses should have their businesses classified, and assessments applied, consistent with other uses in the District. Business classifications (i.e., office/manufacturing) should not be prorated for a single business operation. Per Section 4, Part E, "if multiple activities or uses are undertaken in a single business space, the predominant activity or usage shall determine the business classification. The predominant usage is that use that has the greatest proportional square footage of a building compared to other uses.

DISPUTES

The majority of assessment questions are quickly resolved by the billing agency or the Downtown Spokane Partnership office. If a satisfactory conclusion is not reached, a ratepayer aggrieved by the amount of an assessment or delinquency charge, shall request, **within sixty (60) days of the assessment or charge**, a hearing before the Ratepayer Advisory Board. An Assessment Resolution Policy, which fully outlines the appeal process, is available from the Downtown Spokane Partnership office.

SPECIAL ASSESSMENTS

The City of Spokane will levy a special assessment on each business, organization, building and a property within the area by applying an assessment rate according to the current assessment formula approved by City Council.

Assessment Rate Increases

Proposals with regards to assessment rate changes (including minimums, maximums, exemptions and increases) are all subject to approval by City Council per RCW 35.87A.

Subsequent increases of the amount of the special assessments for all flat-fee assessments will be adjusted based on the increase, if any, of the Consumer Price Index of the U.S. City Average for all urban consumers (CPI-U). The percentage increase in the assessment formula shall be computed as follows:

$$[(\text{Ending CPI-U} - \text{Beginning CPI-U}) \div \text{Beginning CPI-U}] \times 100 = \text{Percentage Increase}$$

$$[(\text{September Present Year} - \text{September Previous Year}) \div \text{September Previous Year}] \times 100 = \text{Percentage Increase}$$

Assessment Policies

1. Hotels and motels will be assessed for both property and tenancy at one rate per number of rooms.
2. All parking that is open and accessible to the public, including hotel lots and garages, for which a fee is charged shall be assessed on the same basis as commercial parking. For purposes of this assessment, commercial parking is defined as a parking space that is open and accessible to the public for which a charge is assessed for the privilege of parking a vehicle in the parking space for a set period of time.
3. Public parks will be assessed for both property and tenancy at one rate per number of acres.
4. A minimum assessment of one hundred and ten dollars (\$110.00) will be applied to every business or property parcel within the boundaries.
5. Square footage will be combined for office or retail tenants occupying multiple spaces in one building.

Briefing Paper and Staff Report

Finance and Administration Committee

Division & Department:	BDS - Long Range Planning
Subject:	2020 Downtown Spokane Business Improvement District (BID) Assessment Process
Date:	October 10, 2019
Contact (email & phone):	Chris Green (509-625-6194) cgreen@spokanecity.org
City Council Sponsor:	Lori Kinnear
Executive Sponsor:	Gavin Cooley
Committee(s) Impacted:	Finance and Administration
Type of Agenda item:	<input checked="" type="checkbox"/> Hearing <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)	Comprehensive Plan Downtown Plan
Strategic Initiative:	Advance downtown as the region's largest and strongest center
Deadline:	<ul style="list-style-type: none"> The draft Assessment Roll will be made available for public viewing at the City Clerk's office on November 8, 2019. An assessment formula for the BID must be adopted annually; Resolution 2019-0076 set December 9, 2019 as the Assessment Roll Hearing date. Per Chapter 4.31 SMC, the next due date for payment of assessments is January 31, 2020.
Outcome: (deliverables, delivery duties, milestones to meet)	On December 9, 2019 the Council will hold an annual assessment hearing and take action on an ordinance approving and confirming the 2020 Downtown BID Assessment Roll. Additionally, Downtown Spokane Partnership, the contracted manager of the BID, will present the BID management plan and budget for the upcoming year.
Background/History: <ul style="list-style-type: none"> <i>The Downtown Spokane business improvement district (BID) was established in 2001 to provide a variety of programs and services in the downtown district, including security ambassadors, marketing and promotions, parking and transportation programs, maintenance services, special events, and economic development support. The BID collects an annual assessment from business and property owners within the district to provide funding for these programs and services.</i> <i>Downtown Spokane Partnership administers and operates these programs through a contract with the City of Spokane.</i> <i>Chapter 4.31 SMC sets forth the annual process for assessing and collecting assessments from ratepayers within the district. In summary, the annual process includes the following steps:</i> <ul style="list-style-type: none"> <i>City Council sets an assessment roll hearing date by resolution;</i> <i>Staff from the City and the BID manager prepare the annual assessment roll based on tax assessment information from the Spokane County Assessor's Office and formulas established in Chapter 4.31 SMC;</i> <i>City staff provide mailed notice to property owners and businesses identified on the assessment roll at least fifteen days prior to the hearing;</i> <i>The City Council approves an assessment roll at the hearing;</i> 	

- *City staff carry out billing and collection of annual assessment payments.*

Executive Summary:

The Downtown Business Improvement District (BID) collects an annual assessment from business and property owners within the district to provide funding for these programs and services. The Assessment Roll is prepared annually by staff from the City and the BID manager, based on formulas established in Chapter 4.31 SMC. The proposed ordinance approves and confirms the 2020 Downtown BID Assessment Roll, allowing for billing and collecting payment of annual assessments from ratepayers within the BID.

Budget Impact:

Approved in current year budget? ☐ Yes ☐ No ☒ N/A

Annual/Reoccurring expenditure? ☐ Yes ☐ No ☒ N/A

If new, specify funding source:

Other budget impacts: Generates revenue in the form of an annual assessment within the BID; this assessment contributes the majority of the annual operating budget for the BID.

Operations Impact:

Consistent with current operations/policy? ☒ Yes ☐ No ☐ N/A

Requires change in current operations/policy? ☐ Yes ☒ No ☐ N/A

Specify changes required: N/A

Known challenges/barriers: None

Attachment: Ordinance Approving and Confirming the 2020 Assessments and Assessment Roll for the Downtown Spokane Parking and Business Improvement Area



Agenda Sheet for City Council Meeting of:
10/28/2019

Date Rec'd	10/15/2019
Clerk's File #	OPR 2019-0911
Renews #	

Submitting Dept	DEVELOPER SERVICES CENTER	Cross Ref #	
Contact Name/Phone	ALI BRAST 6638	Project #	
Contact E-Mail	ABRAST@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	
Agenda Item Name	4700- MFTE FOR 107 S HOWARD ST		

Agenda Wording

Multiple Family Housing Property Tax Exemption Agreement with Black Enterprises, LP for 50 new multi-family housing units located at 107 S Howard St, Parcel Number 35191.2401.

Summary (Background)

RCW Chapter 84.14 authorized the City to create a multiple family housing property tax exemption program and to certify qualified property owners for that property tax exemption. The City Council Enacted Ordinance No. C-32575, which provides for the property tax exemption program for multiple housing in residential targeted areas. Pursuant to Ordinance No. C-33079, the City Council expanded the residential targeted areas.

<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>	BECKER, KRIS	<u>Study Session</u>	UE 10/14/19
<u>Division Director</u>	CORTRIGHT, CARLY	<u>Other</u>	
<u>Finance</u>	ORLOB, KIMBERLY	<u>Distribution List</u>	
<u>Legal</u>	PICCOLO, MIKE	abrast@spokanecity.org	
<u>For the Mayor</u>	ORMSBY, MICHAEL	kbecker@spokanecity.org	
<u>Additional Approvals</u>		jwest@spokanecity.org	
<u>Purchasing</u>		ccortright@spokanecity.org	
		dnorman@spokanecity.org	
		korlob@spokanecity.org	

MULTIPLE FAMILY HOUSING PROPERTY
TAX EXEMPTION AGREEMENT

THIS AGREEMENT is between the City of Spokane, a Washington State municipal corporation, as "City", and Black Enterprises LP, as "Owner" whose business address is 801 W Riverside Ave Ste 300, Spokane, WA 99201.

W I T N E S S E T H:

WHEREAS, The City has, pursuant to the authority granted to it by Chapter 84.14 RCW, designated various residential targeted areas for the provision of a limited property tax exemption for new and rehabilitated multiple family residential housing; and

WHEREAS, The City has, through SMC Chapter 8.15, enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the Spokane County Assessor that the Owner is eligible to receive the multiple family housing property tax exemption; and

WHEREAS, The Owner is interested in receiving the multiple family property tax exemption for new multiple family residential housing units in a residential targeted area; and

WHEREAS, The Owner has submitted to the City a complete application form for no fewer than a total of four new multiple family permanent residential housing units to be constructed on property legally described as:

RAILROAD ADD L1-2 B13

Assessor's Parcel Number(s) 35191.2401, commonly known as 107 S Howard St.

WHEREAS, The City has determined that the improvements will, if completed as proposed, satisfy the requirements for a Final Certificate of Tax Exemption; -- NOW, THEREFORE,

The City and the Owner do mutually agree as follows:

1. The City agrees to issue the Owner a Conditional Certificate of Acceptance of Tax Exemption subsequent to the City Council's approval of this agreement.

2. The project must comply with all applicable zoning requirements, land use requirements, design review recommendations and all building, fire, and housing code requirements contained in the Spokane Municipal Code at the time a complete application for a building permit is received. However, if the proposal includes rehabilitation or demolition in preparation for new construction, the residential portion of the building shall fail to comply with one or more standards of applicable building or housing codes, and the rehabilitation improvements shall achieve compliance with the applicable building and construction codes.

3. If the property proposed to be rehabilitated is not vacant, the Owner shall provide each existing tenant with housing of comparable size, quality and price and a reasonable opportunity to relocate.

4. The Owner intends to construct on the site, approximately 50 new multiple family residential housing units substantially as described in their application filed with and approved by the City. In no event shall such construction provide fewer than a total of four multiple family permanent residential housing units.

5. The Owner agrees to complete construction of the agreed-upon improvements within three years from the date the City issues the Conditional Certificate of Acceptance of Tax Exemption or within any extension granted by the City.

6. The Owner agrees, upon completion of the improvements and upon issuance by the City of a temporary or permanent certificate of occupancy, to file with the City's Business & Development Services Department the following:

(a) a statement of the actual development cost of each multiple family housing unit, and the total expenditures made in the rehabilitation or construction of the entire property;

(b) a description of the completed work and a statement that the rehabilitation improvements or new construction of the Owner's property qualifies the property for the exemption;

(c) a statement that the project meets the affordable housing requirements, if applicable; and

(d) a statement that the work was completed within the required three-year period or any authorized extension of the issuance of the conditional certificate of tax exemption.

7. The City agrees, conditioned on the Owner's successful completion of the improvements in accordance with the terms of this Agreement and on the Owner's filing of the materials described in Paragraph 6 above, to file a Final Certificate of Tax Exemption with the Spokane County Assessor indicating that the Owner is qualified for the limited tax exemption under Chapter 84.14 RCW.

8. The Owner agrees, within 30 days following the first anniversary of the County's filing of the Final Certificate of Tax Exemption and each year thereafter for a period of twelve years, to file a declaration with the City's Business and Development Services Department, verified upon oath and indicating the following:

(a) a statement of occupancy and vacancy of the multiple family units during the previous year;

(b) a certification that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in SMC 8.15.090 since the date of the filing of the Final Certificate of Tax Exemption, and continues to be in compliance with this Agreement and the requirements of SMC Chapter 8.15; and

(c) a description of any improvements or changes to the property made after the filing of the final certificate or last declaration.

9. The parties acknowledge that the units are to be used and occupied for multifamily residential use. The parties further acknowledge that the certificate of occupancy issued by the City is for multifamily residential units. The Owner acknowledges and agrees that the units shall be used primarily for residential occupancy and any business activities shall only be incidental and ancillary to the residential occupancy.

10. If the Owner converts to another use any of the multiple family residential housing units constructed under this Agreement, or if applicable, if the owner intends to discontinue compliance with the affordable housing requirements as described in SMC 8.15.090 or any other condition to exemption, the Owner shall notify the Spokane County Assessor and the City's Business and Development Services Department within 60 days of such change in use.

11. The Owner will have the right to assign its rights under this Agreement. The Owner agrees to notify the City promptly of any transfer of Owner's ownership interest in the Site or in the improvements made to the Site under this Agreement.

12. The City reserves the right to cancel the Final Certificate of Tax Exemption should the Owner, its successors and assigns, fail to comply with any of the terms and conditions of this Agreement or of SMC Chapter 8.15.

13. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.

14. The Owner acknowledges its awareness of the potential tax liability involved if and when the property ceases to be eligible for the incentive provided pursuant to this agreement. Such liability may include additional real property tax, penalties and interest imposed pursuant to RCW 84.14.110. The Owner further acknowledges its awareness and understanding of the process implemented by the Spokane County Assessor's Office for the appraisal and assessment of property taxes. The Owner agrees that the City is not responsible for the property value assessment imposed by Spokane County at any time during the exemption period.

15. In the event that any term or clause of this Agreement conflicts with applicable law, such conflict shall not affect other terms of this Agreement, which can be given effect without the conflicting term or clause, and to this end, the terms of this Agreement are declared to be severable.

16. Nothing in this Agreement shall permit or be interpreted to permit either party to violate any provision of Chapter 84.14 RCW or SMC Chapter 8.15.

17. This Agreement is subject to approval by the City Council.

DATED this 25th day of September, 2019

CITY OF SPOKANE

By: _____

Mayor, David A. Condon

Attest:

City Clerk

Black Enterprises LP

By: _____

Its: General Partner

Approved as to form:

Assistant City Attorney

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this _____ day of _____, 2019, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared DAVID A. CONDON and TERRI L. PFISTER, to me known to be the Mayor and the City Clerk, respectively, of the CITY OF SPOKANE, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2019.

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

My commission expires _____

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this 25th day of September, 2019, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared David R Black, to me known to be the person who executed the within and foregoing instrument, and acknowledged the said instrument to be his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 25th day of September, 2019.



Marti Bezdicek

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

My commission expires 7/29/22

Briefing Paper

Urban Experience Committee

Division & Department:	Development Services Center
Subject:	MFTE Conditional Contract
Date:	October 14, 2019
Contact (email & phone):	Ali Brast (abrast@spokanecity.org , 625-6638)
City Council Sponsor:	TBD
Executive Sponsor:	Teresa Sanders
Committee(s) Impacted:	Urban Experience
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)	SMC 08.15 Multi-Family Housing Property Tax Exemption
Strategic Initiative:	
Deadline:	Will file for Council consideration following committee meeting
Outcome: (deliverables, delivery duties, milestones to meet)	Approval of Conditional Multi-Family Tax Exemption contract
<p>Background/History: Chapter 84.14 RCW authorizes the City to create a multiple family housing property tax exemption program and to certify qualified property owners for that property tax exemption. The City Council enacted Ordinance No. C-32575, which provides for the property tax exemption program for multiple housing in residential targeted areas. Pursuant to Ordinance No. C-33079, the City Council expanded the residential targeted areas. Pursuant to Ordinance No. C-35524, the regulations were revised, allowing for rental rates of up to 115% AMI. The State statute and the City ordinance require the City to approve the application regarding the tax exemption and the necessary construction requirements. This contract authorizes the appropriate city official to enter into the Multiple Family Housing Property Tax Exemption Agreement, which will ultimately result in the issuance of a final certificate of tax exemption to be filed with the Spokane County Assessor's Office.</p>	
<p>Executive Summary:</p> <ul style="list-style-type: none"> Applicant applying for a conditional contract to convert an existing office building at 107 S Howard to 50 residential units. Property is zoned DTG, so use is allowed 	
<p>Budget Impact:</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>If new, specify funding source:</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
<p>Operations Impact:</p> <p>Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Specify changes required:</p> <p>Known challenges/barriers:</p>	

Tax Abatement Information:

2019 Multi-Family Tax Exemption MFTE Property Tax Forgone & Savings Calculator	
Project Name: 107 S Howard Apartments	
Number of units in the project	50
*Average Property Value Exempt per unit	\$121,094
Estimated City Property Tax forgone annually per unit	\$2,604
Estimated Property Tax saved per project annually	\$82,344
Enter the number of years of MFTE (8 or 12)	12
Estimated Property Tax saved during the term of exemption	\$988,129
Estimated City Tax forgone during the term of exemption per unit	\$31,242
Estimated City Tax forgone during the term of exemption all units	\$374,908
<p><i>Once a project has met programmatic criteria the owner can expect to save approximately \$1,600 on their tax bill for every \$120,000 of Exempt Assessed Value on the housing portions of the property.</i></p> <p><small>*Average Property Value Exempt per unit is based upon the average of all properties currently in the MFTE Program and 2017 Property value assessments</small></p>	

Site Map:





Agenda Sheet for City Council Meeting of:
10/28/2019

Date Rec'd	10/15/2019
Clerk's File #	OPR 2019-0912
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	DEVELOPER SERVICES CENTER
Contact Name/Phone	ALI BRAST 6638
Contact E-Mail	ABRAST@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	4700- MFTE FOR 509 APARTMENTS

Agenda Wording

Multiple Family Housing Property Tax Exemption Agreement with M & J Scott St, LLC 9 new multi-family housing units located at 509, 515, and 521 S Scott, Parcel Numbers 35201.5357, 35201.5356, and 35201.5355.

Summary (Background)

RCW Chapter 84.14 authorized the City to create a multiple family housing property tax exemption program and to certify qualified property owners for that property tax exemption. The City Council Enacted Ordinance No. C-32575, which provides for the property tax exemption program for multiple housing in residential targeted areas. Pursuant to Ordinance No. C-33079, the City Council expanded the residential targeted areas.

<u>Fiscal Impact</u>	Grant related? NO Public Works? NO	<u>Budget Account</u>
Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	BECKER, KRIS	<u>Study Session</u> UE 10/14/19
<u>Division Director</u>	CORTRIGHT, CARLY	<u>Other</u>
<u>Finance</u>	ORLOB, KIMBERLY	<u>Distribution List</u>
<u>Legal</u>	PICCOLO, MIKE	abrast@spokanecity.org
<u>For the Mayor</u>	ORMSBY, MICHAEL	kbecker@spokanecity.org
<u>Additional Approvals</u>		jwest@spokanecity.org
<u>Purchasing</u>		ccortright@spokanecity.org
		dnorman@spokanecity.org
		korlob@spokanecity.org

**MULTIPLE FAMILY HOUSING PROPERTY
TAX EXEMPTION AGREEMENT**

THIS AGREEMENT is between the City of Spokane, a Washington State municipal corporation, as "City", and M & J Scott St, LLC, as "Owner" whose business address is 1214 W Chaucer Ave, Spokane, WA 99208.

WITNESSETH:

WHEREAS, The City has, pursuant to the authority granted to it by Chapter 84.14 RCW, designated various residential targeted areas for the provision of a limited property tax exemption for new and rehabilitated multiple family residential housing; and

WHEREAS, The City has, through SMC Chapter 8.15, enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the Spokane County Assessor that the Owner is eligible to receive the multiple family housing property tax exemption; and

WHEREAS, The Owner is interested in receiving the multiple family property tax exemption for new multiple family residential housing units in a residential targeted area; and

WHEREAS, The Owner has submitted to the City a complete application form for no fewer than a total of four new multiple family permanent residential housing units to be constructed on property legally described as:

HARTSON & TOWNSEND'S HIGHLAND PARK ADD: TRACT 'F' OF LOT 4 BLK 3
HARTSON & TOWNSEND'S HIGHLAND PARK ADD: TRACT 'E' OF LOT 4 BLK 3
HARTSON & TOWNSEND'S HIGHLAND PARK ADD: TRACT 'D' OF LOT 4 BLK 3

Assessor's Parcel Number(s) 35201.5357, 35201.5356, 35201.5355, commonly known as 509, 515, 521 S Scott St.

WHEREAS, The City has determined that the improvements will, if completed as proposed, satisfy the requirements for a Final Certificate of Tax Exemption; -- NOW, THEREFORE,

The City and the Owner do mutually agree as follows:

1. The City agrees to issue the Owner a Conditional Certificate of Acceptance of Tax Exemption subsequent to the City Council's approval of this agreement.
2. The project must comply with all applicable zoning requirements, land use requirements, design review recommendations and all building, fire, and housing code requirements contained in the Spokane Municipal Code at the time a complete application for a building permit is received. However, if the proposal includes rehabilitation or demolition in preparation for new construction, the residential portion of the building shall

fail to comply with one or more standards of applicable building or housing codes, and the rehabilitation improvements shall achieve compliance with the applicable building and construction codes.

3. If the property proposed to be rehabilitated is not vacant, the Owner shall provide each existing tenant with housing of comparable size, quality and price and a reasonable opportunity to relocate.

4. The Owner intends to construct on the site, approximately 9 new multiple family residential housing units substantially as described in their application filed with and approved by the City. In no event shall such construction provide fewer than a total of four multiple family permanent residential housing units.

5. The Owner agrees to complete construction of the agreed-upon improvements within three years from the date the City issues the Conditional Certificate of Acceptance of Tax Exemption or within any extension granted by the City.

6. The Owner agrees, upon completion of the improvements and upon issuance by the City of a temporary or permanent certificate of occupancy, to file with the City's Business & Development Services Department the following:

(a) a statement of the actual development cost of each multiple family housing unit, and the total expenditures made in the rehabilitation or construction of the entire property;

(b) a description of the completed work and a statement that the rehabilitation improvements or new construction of the Owner's property qualifies the property for the exemption;

(c) a statement that the project meets the affordable housing requirements, if applicable; and

(d) a statement that the work was completed within the required three-year period or any authorized extension of the issuance of the conditional certificate of tax exemption.

7. The City agrees, conditioned on the Owner's successful completion of the improvements in accordance with the terms of this Agreement and on the Owner's filing of the materials described in Paragraph 6 above, to file a Final Certificate of Tax Exemption with the Spokane County Assessor indicating that the Owner is qualified for the limited tax exemption under Chapter 84.14 RCW.

8. The Owner agrees, within 30 days following the first anniversary of the County's filing of the Final Certificate of Tax Exemption and each year thereafter for a period of twelve years, to file a declaration with the City's Business and Development Services Department, verified upon oath and indicating the following:

(a) a statement of occupancy and vacancy of the multiple family units during the previous year;

(b) a certification that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in SMC 8.15.090 since the date of the filing of the Final Certificate of Tax Exemption, and continues to be in compliance with this Agreement and the requirements of SMC Chapter 8.15; and

(c) a description of any improvements or changes to the property made after the filing of the final certificate or last declaration.

9. The parties acknowledge that the units are to be used and occupied for multifamily residential use. The parties further acknowledge that the certificate of occupancy issued by the City is for multifamily residential units. The Owner acknowledges and agrees that the units shall be used primarily for residential occupancy and any business activities shall only be incidental and ancillary to the residential occupancy.

10. If the Owner converts to another use any of the multiple family residential housing units constructed under this Agreement, or if applicable, if the owner intends to discontinue compliance with the affordable housing requirements as described in SMC 8.15.090 or any other condition to exemption, the Owner shall notify the Spokane County Assessor and the City's Business and Development Services Department within 60 days of such change in use.

11. The Owner will have the right to assign its rights under this Agreement. The Owner agrees to notify the City promptly of any transfer of Owner's ownership interest in the Site or in the improvements made to the Site under this Agreement.

12. The City reserves the right to cancel the Final Certificate of Tax Exemption should the Owner, its successors and assigns, fail to comply with any of the terms and conditions of this Agreement or of SMC Chapter 8.15.

13. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.

14. The Owner acknowledges its awareness of the potential tax liability involved if and when the property ceases to be eligible for the incentive provided pursuant to this agreement. Such liability may include additional real property tax, penalties and interest imposed pursuant to RCW 84.14.110. The Owner further acknowledges its awareness and understanding of the process implemented by the Spokane County Assessor's Office for the appraisal and assessment of property taxes. The Owner agrees that the City is not responsible for the property value assessment imposed by Spokane County at any time during the exemption period.

15. In the event that any term or clause of this Agreement conflicts with applicable law, such conflict shall not affect other terms of this Agreement, which can be

given effect without the conflicting term or clause, and to this end, the terms of this Agreement are declared to be severable.

16. Nothing in this Agreement shall permit or be interpreted to permit either party to violate any provision of Chapter 84.14 RCW or SMC Chapter 8.15.

17. This Agreement is subject to approval by the City Council.

DATED this _____ day of _____, 2019

CITY OF SPOKANE

By: _____

Mayor, David A. Condon

Attest:

City Clerk

M & J Scott St, LLC

By:  _____

Its: Member _____

Approved as to form:

Assistant City Attorney

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this 30 day of _____, 2019, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared DAVID A. CONDON and TERRI L. PFISTER, to me known to be the Mayor and the City Clerk, respectively, of the CITY OF SPOKANE, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2019.

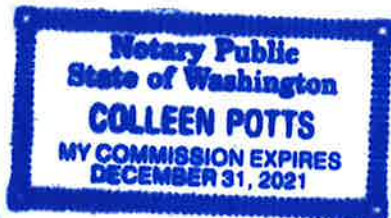
Notary Public in and for the State
of Washington, residing at Spokane

My commission expires _____

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this 30 day of September, 2019, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared Joseph Davis, to me known to be the person who executed the within and foregoing instrument, and acknowledged the said instrument to be his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 30 day of September, 2019.



Colleen Potts

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

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

My commission expires Dec. 31, 2021

Briefing Paper

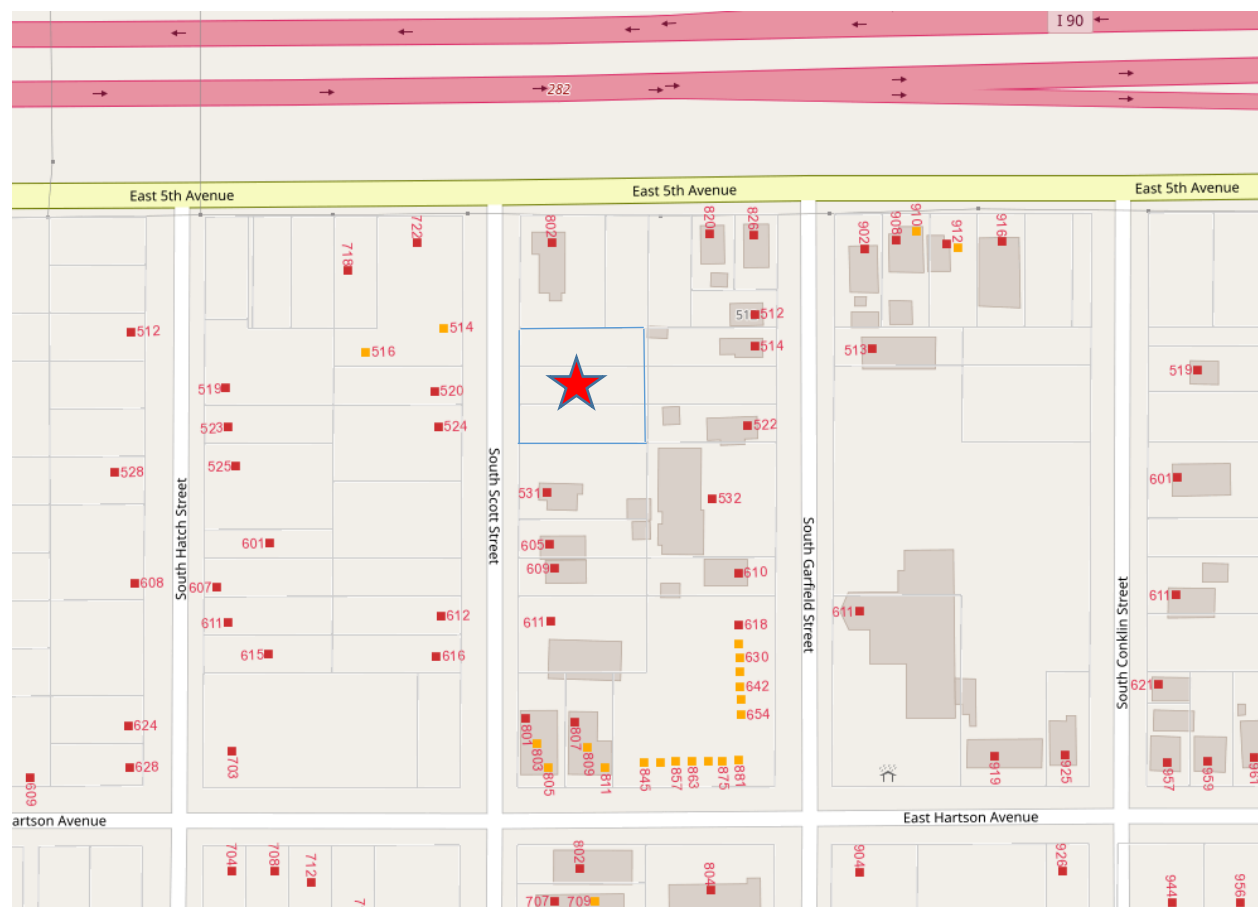
Urban Experience Committee

Division & Department:	Development Services Center
Subject:	MFTE Conditional Contract
Date:	October 14, 2019
Contact (email & phone):	Ali Brast (abrast@spokanecity.org , 625-6638)
City Council Sponsor:	TBD
Executive Sponsor:	Teresa Sanders
Committee(s) Impacted:	Urban Experience
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)	SMC 08.15 Multi- Family Housing Property Tax Exemption
Strategic Initiative:	
Deadline:	Will file for Council consideration following committee meeting
Outcome: (deliverables, delivery duties, milestones to meet)	Approval of Conditional Multi-Family Tax Exemption contract
<p>Background/History: Chapter 84.14 RCW authorizes the City to create a multiple family housing property tax exemption program and to certify qualified property owners for that property tax exemption. The City Council enacted Ordinance No. C-32575, which provides for the property tax exemption program for multiple housing in residential targeted areas. Pursuant to Ordinance No. C-33079, the City Council expanded the residential targeted areas. Pursuant to Ordinance No. C-35524, the regulations were revised, allowing for rental rates of up to 115% AMI. The State statute and the City ordinance require the City to approve the application regarding the tax exemption and the necessary construction requirements. This contract authorizes the appropriate city official to enter into the Multiple Family Housing Property Tax Exemption Agreement, which will ultimately result in the issuance of a final certificate of tax exemption to be filed with the Spokane County Assessor's Office.</p>	
<p>Executive Summary:</p> <ul style="list-style-type: none"> Applicant applying for a conditional contract to build a new 9 unit apartment building at 509, 515, 521 S Scott St. Property is zoned RMF, so use is allowed 	
<p>Budget Impact:</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>If new, specify funding source:</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
<p>Operations Impact:</p> <p>Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Specify changes required:</p> <p>Known challenges/barriers:</p>	

Tax Abatement Information:

2019 Multi-Family Tax Exemption MFTE Property Tax Forgone & Savings Calculator	
Project Name: 509 Apartments	
Number of units in the project	9
*Average Property Value Exempt per unit	\$121,094
Estimated City Property Tax forgone annually per unit	\$469
Estimated Property Tax saved per project annually	\$14,822
Enter the number of years of MFTE (8 or 12)	12
Estimated Property Tax saved during the term of exemption	\$177,863
Estimated City Tax forgone during the term of exemption per unit	\$5,624
Estimated City Tax forgone during the term of exemption all units	\$67,483
<i>Once a project has met programmatic criteria the owner can expect to save approximately \$1,600 on their tax bill for every \$120,000 of Exempt Assessed Value on the housing portions of the property.</i>	
*Average Property Value Exempt per unit is based upon the average of all properties currently in the MFTE Program and 2017 Property value assessments	

Site Map:



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

10/21/2019

Date Rec'd

10/9/2019

Clerk's File #

FIN 2019-0001

Renews #Submitting Dept

FINANCE & ADMIN

Contact Name/Phone

PAUL INGIOSI 625-6061

Contact E-Mail

PINGIOSI@SPOKANECITY.ORG

Agenda Item Type

Hearings

Agenda Item Name

0410 - SET BUDGET HEARINGS

Cross Ref #Project #Bid #Requisition #Agenda Wording

Setting the Hearings for review of the 2020 Proposed Budget beginning Monday, November 4, 2019 and continuing thereafter at the regular Council meetings through December 2, 2019.

Summary (Background)

As part of the annual budget process, the City Council will hold public Hearings on the 2020 Proposed Budget for the City of Spokane. Public testimony is welcome on all sections of the Budget at each Hearing. The first Hearing will be held on November 4, 2019 and are currently scheduled to continue each Monday through December 2, 2019. The Council may continue the Hearing up to the 25th day prior to the beginning of the next fiscal year.

Fiscal Impact

Grant related? NO

Budget Account

Public Works? NO

Select \$

#

Select \$

#

Select \$

#

Select \$

#

ApprovalsCouncil NotificationsDept Head

HUGHES, MICHELLE

Study SessionDivision Director

BROWN, SKYLER

OtherFinance

HUGHES, MICHELLE

Distribution List

Legal

DALTON, PAT

pingiosi@spokanecity.org

For the Mayor

ORMSBY, MICHAEL

lwilliams@spokanecity.org

Additional ApprovalsPurchasing

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

12/02/2019

Date Rec'd

11/19/2019

Clerk's File #

ORD C35857

Renews #**Submitting Dept**

FINANCE & ADMIN

Cross Ref #**Contact Name/Phone**

PAUL INGIOSI 625-6061

Project #**Contact E-Mail**

PINGIOSI@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Final Reading Ordinance

Requisition #**Agenda Item Name**

0410 - 2020 BUDGET ADOPTION

Agenda Wording

Adopting the Annual Budget of the City of Spokane for 2020, making appropriations to the various funds of the City of Spokane for the year ending December 31, 2020, providing it shall take effect immediately upon passage.

Summary (Background)

The City of Spokane is a first-class city with a population of less than 300,000 persons and is required, pursuant to RCW 35.33.075, to adopt a final budget prior to the close of the current fiscal year at midnight, December 31, 2019.

Fiscal Impact

Grant related? NO

Budget Account

Public Works? NO

Select

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

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

HUGHES, MICHELLE

Study Session**Division Director**

STOPHER, SALLY

Other**Finance**

HUGHES, MICHELLE

Distribution List**Legal**

PICCOLO, MIKE

lwilliams@spokanecity.org

For the Mayor

ORMSBY, MICHAEL

pingiosi@spokanecity.org

Additional Approvals

gcooley@spokanecity.org

Purchasing

ORDINANCE NO. C35857

An ordinance adopting the Annual Budget of the City of Spokane for 2020, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2020, and providing it shall take effect immediately upon passage.

WHEREAS, the City of Spokane is a first-class city with a population of less than 300,000 persons and is required, pursuant to RCW 35.33.075 to adopt a final budget prior to the close of the current fiscal year at midnight, December 31, 2019; and

WHEREAS, all appropriations in the final budget must be limited to the total estimated revenues therein including the amount to be raised by all municipal revenue sources and the unencumbered fund balances estimated to be available at the close of the current fiscal year; and

WHEREAS, pursuant to RCW 35.33.121 the expenditures as classified and itemized by fund in the final budget adopted by the City Council shall constitute the City of Spokane's appropriations for the fiscal year commencing after midnight, December 31, 2019, subject to later adjustments as provided therein;

NOW, THEREFORE,

The City of Spokane does ordain:

Section 1.

A. That the revenues to be generated by the revenue sources set forth in the final budget are required for the continuation of the existing essential municipal programs and services of the City of Spokane.

B. That without said essential municipal programs and services, the public health, safety and welfare of the citizens of the City of Spokane would be seriously impaired.

C. That the following Annual Budget of the City of Spokane for 2020 reflects a continuation of said essential municipal services and programs provided by the City of Spokane for the public health, safety and welfare of the citizens of the City of Spokane as required by the constitution and laws of the State of Washington, the City Charter, ordinances, other legislative enactments and lawful obligations of the City of Spokane.

Section 2. That the Annual Budget of the City of Spokane for the fiscal year ending December 31, 2020, as set forth in the document attached hereto and entitled, "2020 Adopted Budget, City of Spokane, Washington," hereinafter referred to as the 2020 Annual Budget, be and the same is, hereby fixed, determined and adopted; and that the amounts set forth in said budget are hereby appropriated for the use of the several funds as specified.

Section 3. That the foregoing appropriations are to be paid from the respective funds

as specifically indicated in the 2020 Annual Budget and the salaries and wages therein set forth in detail as prescribed by RCW 35.33.051 shall be paid on a biweekly basis, payable every other Friday of such fiscal year.

Section 4. That because this ordinance adopts the Annual Budget, as provided by Section 19 of the City Charter, it shall take effect immediately upon its passage.

Passed the City Council_____.

Council President

Mayor

Attest: _____
City Clerk

Approved as to form:

Assistant City Attorney