

CITY OF SPOKANE



NOTICE

REGARDING CITY COUNCIL MEETINGS

Notice is hereby given that, pursuant to Governor Jay Inslee's **Revised Proclamation 20-28.15**, dated **January 19, 2021**, all public meetings subject to the Open Public Meetings Act, Chapter 42.30 RCW, are to be held remotely and that the in-person attendance requirement in RCW 42.30.030 has been suspended until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first. Proclamations 20-28, et seq, were amended by the Washington State Legislature to recognize the extension of statutory waivers and suspensions therein until termination of the state of emergency pursuant to RCW 43.06.210 or until rescinded.

While all public meetings must continue to be held remotely, an option for an additional in-person meeting component is permitted in Phase 3 regions consistent with the business meetings requirements contained in the Miscellaneous Venues guidance incorporated into Proclamation 20-25, et seq. At this time, the City Council has decided to continue its meetings with remote access only and to not include an in-person attendance component.

Temporarily and until further notice, the public's ability to attend City Council meetings is by remote access only. In-person attendance is not permitted at this time. The public is encouraged to tune in to the meeting as noted below.

Public comment will be taken virtually on legislative items during the 6:00 p.m. Legislative Session on **October 25, 2021**.

The regularly scheduled Spokane City Council 3:30 p.m. Briefing Session and 6:00 p.m. Legislative Session will be held virtually and streamed live online and airing on City Cable 5. Some members of the City Council and City staff will be attending virtually. The public is encouraged to tune in to the meeting live on Channel 5, at **<https://my.spokanecity.org/citycable5/live>**, or by calling **1-408-418-9388** and entering the access code **146 396 3105** for the 3:30 p.m. Briefing Session or **146 209 3578** for the 6:00 p.m. Legislative Session when prompted; meeting password is **0320**.

To participate in virtual public comment:

Sign up to give testimony at **<https://forms.gle/RtciKb2tju6322BB7>**. You must sign up in order to be called on to testify. The form will be **open at 5:00 p.m. on Monday, October 25, 2021, and will close at 6:00 p.m.** At 6:00 p.m., you will call in to the meeting using the information above. When it is your turn to testify, Council President will call your name and direct you to hit *3 on your phone to ask to be unmuted. The system will alert you when you have been unmuted and you can begin giving your testimony. When you are done, you will need to hit *3 again.

To participate in Open Forum:

Open Forum will take place at the end of the City Council Legislative Session unless the meeting lasts past 9:30 p.m., which may be extended by motion. Each speaker is limited to no more than three minutes. In order to participate in Open Forum, you must sign up here: **<https://forms.gle/WtfGZ3HqQuXCipcX9>**. The form will **open at 5:00 p.m. on Monday, October 25, and will close at 6:00 p.m.** Instructions for participating are available on the form. 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 of interest not relating to 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.

**CITY COUNCIL MEETINGS
RULES – PUBLIC DECORUM**

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

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

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

Further, keep the following City Council Rules in mind:

Rule 2.2 OPEN FORUM

- A. At each meeting, after the conclusion of the legislative agenda, the Council shall hold an open public comment period until 9:30 pm, which may be extended by motion.
- B. At the beginning of the 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 no more than three minutes.
- C. No action, other than a statement of Councilmembers' intent to address the matter in the future, 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 included on that week's current agenda or the next week's 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.

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.

Rule 2.15 PARTICIPATION OF MEMBERS OF THE PUBLIC IN COUNCIL MEETINGS

- A. Members of the public may address the Council regarding the following items on the Council's legislative agenda: first and final readings of regular and special budget ordinances, emergency ordinances, special consideration items, hearing items, and other items before the City Council requiring Council action, except those that are adjudicatory or solely 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. Council members must be recognized by the Chair for the purpose of obtaining the floor.
- C. Each person speaking in a public Council meeting 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, shall refrain from remarks directed personally to any Council Member, 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's Policy Director 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 2.16 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS – TIME LIMITS

- A. The City Council shall take public testimony on all matters included on its legislative agenda as described at Rule 2.16(A), with those exceptions stated in Rule 2.17(B). Public testimony shall be limited to the final Council action, except that public testimony shall be allowed at the first reading of ordinances. 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 solely 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 at the discretion of the Council President:
 - 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 may 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 may 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.

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, OCTOBER 25, 2021

MISSION STATEMENT

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

MAYOR NADINE WOODWARD

COUNCIL PRESIDENT BREEAN BEGGS

COUNCIL MEMBER KATE BURKE

COUNCIL MEMBER LORI KINNEAR

COUNCIL MEMBER KAREN STRATTON

COUNCIL MEMBER MICHAEL CATHCART

COUNCIL MEMBER CANDACE MUMM

COUNCIL MEMBER BETSY WILKERSON

**CITY COUNCIL CHAMBERS
CITY HALL**

**808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201**

LAND ACKNOWLEDGEMENT

We acknowledge that we are on the unceded land of the Spokane people. And that these lands were once the major trading center for the Spokanes as they shared this place and welcomed other area tribes through their relations, history, trade, and ceremony. We also want to acknowledge that the land holds the spirit of the place, through its knowledge, culture, and all the original peoples Since Time Immemorial.

As we take a moment to consider the impacts of colonization may we also acknowledge the strengths and resiliency of the Spokanes and their relatives. As we work together making decisions that benefit all, may we do so as one heart, one mind, and one spirit.

We are grateful to be on the shared lands of the Spokane people and ask for the support of their ancestors and all relations. We ask that you recognize these injustices that forever changed the lives of the Spokane people and all their relatives.

We agree to work together to stop all acts of continued injustices towards Native Americans and all our relatives. It is time for reconciliation. We must act upon the truths and take actions that will create restorative justice for all people.

Adopted by Spokane City Council on the 22nd day of March, 2021
via Resolution 2021-0019

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 during the Open Forum at the beginning and the conclusion of the Legislative Agenda on any issue not relating to the Current or Advance Agendas, pending hearing items, or initiatives or referenda in a pending election.

ADDRESSING THE COUNCIL

- 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.
- Each person speaking at the public microphone shall verbally identify themselves by name, city of residency 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, no modes of expression including but not limited to demonstrations, banners, signs, applause, profanity, vulgar language or personal insults will 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. Contract Amendment No. 2 with Jacob Engineering Group Inc. (Spokane) to add additional funds to contingency amount and extension for the On-Call Sewer Model Support project—\$250,000. (Council Sponsor: Council President Beggs)
Beryl Fredrickson | Approve | OPR 2019-1078
ENG 2017090 |
| 2. Low Bid of Halme Construction, Inc. (Spokane) for the Hatch Bridge Deck Replacement—\$1,931,822. An administrative reserve of \$193,182.20, which is 10% of the contract price, will be set aside. (Latah/Hangman Neighborhood) (Council Sponsor: Council President Beggs and Council Member Cathcart)
Dan Buller | Approve | OPR 2021-0674
ENG 2018085 |
| 3. Contract Amendments with Etter, McMahon, Van Wert & Oreskovich, P.C., for Outside Counsel services in the legal matters of: | Approve
All | |
| a. West Terrace Golf, LLC v. City of Spokane—increase of \$25,000. Total Contract Amount: \$375,000. | | OPR 2017-0501 |

- b. John Durgan, et. al., v. City of Spokane—increase of \$50,000. Total Contract Amount: \$610,000.

OPR 2017-0546

(Council Sponsor: Council President Beggs)

Sam Faggiano

4. Recommendation to list the following on the Spokane Register of Historical Places:

Approve
All

- a. The Framingham Building, 1722 E. Sprague Avenue;

OPR 2021-0675

- b. The Armour Building, 123 S. Wall Street.

OPR 2021-0676

Megan Duvall

5. Multiple Family Housing Property Tax Exemption Conditional Agreements with:

Approve
All

- a. NoDo Spokane, LLC for the construction of 256 housing units at Parcel No. 35181.0201 commonly known as 127 W. Mission Avenue.

OPR 2021-0677

- b. NoDo Spokane, LLC for the construction of 24 housing units at Parcel Nos. 35181.0501, 35181.0502, and 35181.0503 commonly known as 1335, 1331, and 1325 N. Normandie Street.

OPR 2021-0678

- c. Broadway Apartments, LLC for the construction of 22 housing units at Parcel No. 35182.4811 commonly known as 1324 W. Broadway Avenue.

OPR 2021-0679

These Conditional Agreements will ultimately result in the issuance of a final certificate of tax exemption to be filed with the Spokane County Assessor's Office post construction. (Council Sponsors: Council Members Mumm and Stratton)

Teri Stripes

6. Report of the Mayor of pending:

Approve &
Authorize
Payments

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2021, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____.

CPR 2021-0002

- b. Payroll claims of previously approved obligations through_____, 2021: \$_____.

CPR 2021-0003

7. City Council Meeting Minutes: _____, 2021.

Approve
All

CPR 2021-0013

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)

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)

LEGISLATIVE AGENDA

NO SPECIAL BUDGET ORDINANCES

NO EMERGENCY ORDINANCES

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

- RES 2021-0086 Revising the “School Zone Speed Schedule”. (Council Sponsor: Council President Beggs)
Inga Note
- RES 2021-0087 Adopting the City of Spokane Sustainability Action Plan. (Council Sponsors: Council President Beggs and Council Member Kinnear)
Kara Odegard
- RES 2021-0088 Approving settlement of Stephen Kessler arising out of an incident occurring on May 9, 2019, in the City of Spokane, as more fully described in the claim for damages—\$60,000. (Council Sponsor: Council Member Wilkerson)
Michael Ormsby
- RES 2021-0089 Approving settlement of Erin Stacey arising out of an incident occurring June 30, 2019, in the City of Spokane, as more fully described in the claim for damages—\$62,500. (Council Sponsor: Council Member Wilkerson)
Michael Ormsby
- ORD C36116 (To be considered under Hearings Item H2.)
- ORD C36117 (To be considered under Hearings Item H3.)
- ORD C63118 (To be considered under Hearings Item H4.)

FIRST READING ORDINANCES

- ORD C36120 (To be considered under Hearings Item H1.b.)
- ORD C36121 Relating to the Parking Advisory Committee amending SMC section 07.08.130; adding a new chapter 04.38 to title 04; adopting new sections 04.38.010, 04.38.020, 04.38.030, 04.38.040, 04.38.050, 04.38.060, 04.38.070, and 04.38.080 to chapter 04.38 of the Spokane Municipal Code; and setting an effective date. (Council Sponsors: Council Members Kinnear and Stratton)
Jesten Ray

- ORD C36123** Approving an amendment to the Riverpoint Village PUD that will remove Unit 12 from the boundaries of the PUD so that it may be developed independent of the PUD, in accordance with the standards of the existing zoning regulations. The parcel number is 35173.3003, located in the City and County of Spokane, State of Washington, by amending the Official Zoning Map. (Council Sponsor: Council Member Stratton)

Tami Palmquist

FURTHER ACTION DEFERRED

NO SPECIAL CONSIDERATIONS

HEARINGS

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

RECOMMENDATION

- | | | | |
|-----|---|-------------------------------------|------------|
| H1. | a. Hearing on vacation of Adams Street and the nearby alley between Third, I-90, Adams, and Jefferson, as requested by the Volunteers of America Hope House. | Approve
Subject to
Conditions | |
| | b. First Reading Ordinance C36121 vacating the east 55 feet of Adams Street from the south line of Third Avenue to the north line of I-90, together with the alley between Third Avenue and I-90, from the east line of Adams Street to the west line of Jefferson Street. | Further
Action
Deferred | ORD C36121 |
| | Eldon Brown | | |
| H2. | Final Reading Ordinance C36116 Relating to Stormwater Facilities; amending SMC sections 17D.060.030; 17D.060.050, 17D.060.140, 17D.060.190, 17D.090.030, 17D.090.070; 17D.090.110; 17D.090.210; chapter 17D of the Spokane Municipal Code and setting an effective date. (Council Sponsor: Council President Beggs) | Pass Upon
Roll Call
Vote | ORD C36116 |
| | Trey George | | |
| H3. | Final Reading Ordinance C36117 Relating to Administration Definitions; amending Spokane Municipal Code (SMC) Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, 17A.020.140, and 17A.020.190. (Council Sponsor: Council Member Kinnear) | Pass Upon
Roll Call
Vote | ORD C36117 |
| | Amanda Beck | | |

- | | | |
|--|---|--|
| <p>H4. Final Reading Ordinance C36118 Relating to Floodplain Management amending Spokane Municipal Code (SMC) Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170. (Council Sponsor: Council Member Kinnear)
 Amanda Beck</p> <p>H5. Public Hearing before City Council for possible revenue sources for the 2022 Budget.
 Paul Ingiosi</p> | <p>Pass Upon
Roll Call
Vote</p> <p>Hold
Hearing/
Council
Decision</p> | <p>ORD C36118</p> <p>FIN 2021-0001</p> |
|--|---|--|

Motion to Approve Advance Agenda for October 25, 2021
(per Council Rule 2.1.2)

OPEN FORUM

At each meeting after the conclusion of the legislative agenda, the Council shall hold an open public comment period until 9:30 p.m., which may be extended by motion. Each speaker is limited to no more than three minutes. In order to participate in Open Forum, you must sign up here: <https://forms.gle/WtfGZ3HqQuXCipcX9>. The form will open at 5:00 p.m. on Monday, October 25, and will close at 6:00 p.m. Instructions for participating are available on the form. 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 of interest not relating to 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.

ADJOURNMENT

The October 25, 2021, Regular Legislative Session of the City Council is adjourned to November 1, 2021.



Agenda Sheet for City Council Meeting of: 10/25/2021

<u>Date Rec'd</u>	10/13/2021
<u>Clerk's File #</u>	OPR 2019-1078
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	2017090
<u>Bid #</u>	
<u>Requisition #</u>	

<u>Submitting Dept</u>	INTEGRATED CAPITAL MANAGEMENT
<u>Contact Name/Phone</u>	BERYL 625-6008 FREDRICKSON
<u>Contact E-Mail</u>	BFREDRICKSON@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Contract Item
<u>Agenda Item Name</u>	4250- JACOB ENGINEERING CONTRACT AMENDMENT FOR ON-CALL SEWER MODEL SUPPORT

Agenda Wording

Contract Amendment No. 2 with Jacob Engineering Group Inc. to add additional contingency amount of \$250,000 and extension for the On-Call Sewer Model Support project.

Summary (Background)

During the initial work to calibrate the model, it became apparent that additional work would be needed to ensure the model accurately captures the complexities of the actual system. While the original contract amount helped identify the additional calibration issues, the amended contract amount being sought will fund and address the issues in completing the needed calibration work. The City's sewer model is not functional without complete calibration.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense	\$ 250,000.00	<u>Budget Account</u>	# 4250-43387-94350-56501-14398
Select	\$	#	
Select	\$	#	
Select	\$	#	

Approvals

<u>Dept Head</u>	MILLER, KATHERINE E
<u>Division Director</u>	FEIST, MARLENE
<u>Finance</u>	WALLACE, TONYA
<u>Legal</u>	ODLE, MARI
<u>For the Mayor</u>	ORMSBY, MICHAEL

Council Notifications

<u>Study Session\Other</u>	PIES 09/27/21
<u>Council Sponsor</u>	Beggs

Distribution List

kelly.Irving@jacobs.com
eraea@spokanecity.org

Additional Approvals

<u>Purchasing</u>	bfredrickson@spokanecity.org
	icmaccounting@spokanecity.org
	ddaniels@spokanecity.org
	mdavis@spokanecity.org

Briefing Paper

Public Infrastructure, Environment, and Sustainability Committee

Division & Department:	Public Works Division / Integrated Capital Management
Subject:	Engineering Consultant Contract for On-Call Sewer Model Support Amendment
Date:	09/01/21
Author (email & phone):	bfredrickson@spokanecity.org & 625-6008
City Council Sponsor:	
Executive Sponsor:	Marlene Feist
Committee(s) Impacted:	Public Infrastructure, Environment, and Sustainability
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)	Capital Facilities Plan update for the City's Comprehensive Plan
Strategic Initiative:	Innovative Infrastructure
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	Approval of continued work within contract with Jacobs
Background/History: As part of the 20-year capital facility update for sewer, the existing sewer model needs to be extended and updated. The model, is used to estimate sewer requirements for future growth and identify system vulnerabilities and deficits. During the initial work to calibrate the model, it became apparent that additional work would be needed to ensure the model accurately captures the complexities of the actual system. While the original contract amount (\$150,000) helped identify the additional calibration issues, the amended contract amount being sought (\$250,000) will fund and address the issues in completing the needed of calibration work. The City's sewer model is not functional without complete calibration.	
Executive Summary: <ul style="list-style-type: none"> <i>The contract will be amended for an additional \$250,000 to complete this work.</i> <i>Finish calibration model effort and additional facility needs.</i> <i>Work will continue on this contract and the expiration will be extended until December 2022.</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: (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:	



City of Spokane

CONTRACT AMENDMENT / EXTENSION

Title: **ON-CALL SEWER MODEL SUPPORT**

This Contract Amendment / Extension is made and entered into by and between the **CITY OF SPOKANE** as ("City"), a Washington municipal corporation, and **JACOB ENGINEERING GROUP, INC.**, whose address is 999 West Riverside Avenue, Suite 500, Spokane, Washington 99201, as ("Consultant"), individually hereafter referenced as a "party", and together as the "parties".

WHEREAS, the parties entered into a Contract wherein the Consultant agreed to provide On-Call Sewer Model Support for the City; and

WHEREAS, a change or revision of the Work has been requested, and the Contract time for performance needs to be extended, thus, the original Contract needs to be formally Amended and Extended by this written document; and

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

1. CONTRACT DOCUMENTS.

The Contract, dated December 19, 2019, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE DATE.

This Contract Amendment / Extension shall become effective on April 30, 2021 and shall run through December 31, 2022.

3. ADDITIONAL WORK.

The Scope of Work in the original Contract is expanded to include the additional calibration work.

4. COMPENSATION.

The City shall pay an additional amount not to exceed **TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$250,000.00)**, and applicable sales tax, for everything furnished and done under this Contract Amendment / Extension. This is the maximum amount to be paid under this Amendment / Extension, and shall not be exceeded without the prior written authorization of the City, memorialized with the same formality as the original Contract and this document.

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

JACOB ENGINEERING GROUP, 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



Agenda Sheet for City Council Meeting of: 10/25/2021

Date Rec'd	10/13/2021
Clerk's File #	OPR 2021-0674
Renews #	
Cross Ref #	
Project #	2018085
Bid #	
Requisition #	CR22954 + 2022 FUNDS

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 – HALME CONSTRUCTION

Agenda Wording

Low Bid of Halme Construction, Inc. of Spokane, WA for the Hatch Bridge Deck Replacement in the amount of \$1,931,822. An administrative reserve of \$193,182.20, which is 10% of the contract price, will be set aside. (Latah/Hangman Neighborhood)

Summary (Background)

On October 4, 2021 bids were opened for the above project. The low bid was from Halme Construction, Inc. in the amount of \$1,931,822, which is \$88,380.02 or 4.37% under the Engineer's Estimate; two other bids were received as follows: N.A. Degerstrom - \$2,162,113.50 and Razz Construction - \$2,178,073.50.

Lease? NO Grant related? YES Public Works? YES

Fiscal Impact

Expense	\$ \$ 1,981,720.95	# 3200 95140 95300 56501 99999
Expense	\$ \$ 143,283.25	# 3200 95140 95300 56501 21996
Select	\$	#
Select	\$	#

Budget Account

Approvals

Dept Head	TWOHIG, KYLE
Division Director	FEIST, MARLENE
Finance	ORLOB, KIMBERLY
Legal	PICCOLO, MIKE
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	PIES 3/23/20 9/27/21
Council Sponsor	Beggs/Cathcart

Distribution List

eraea@spokanecity.org
publicworksaccounting@spokanecity.org
kgoodman@spokanecity.org

Additional Approvals

Purchasing	WAHL, CONNIE	jgraff@spokanecity.org
GRANTS, CONTRACTS & PURCHASING	AGA, LAURA	ddaniels@spokanecity.org

Briefing Paper

PIES

Division & Department:	Public Works, Engineering
Subject:	Hatch Br. Deck Replacement
Date:	9-27-21
Contact (email & phone):	Dan Buller (dbuller@spokanecity.org 625-6391)
City Council Sponsor:	Breean Beggs
Executive Sponsor:	Marlene Feist
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)	This project is in the 6 year street 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"> This briefing paper originally appeared on the November 2020 Urban Experience committee agenda when it was planned to construct this project in 2021. Because of market conditions and delays, the decision was made to construct this project in 2022. The remainder of this paper is a repeat of briefing paper previously submitted. The Hatch Rd. bridge over Latah Cr. was constructed in 1919 originally as an earth filled arch. In 1964 the bridge was rehabilitated with new pier walls and a steel floor system overlain by a corrugated metal deck. The existing bridge deck is 56 years old and due for a deck replacement. The existing arch will be thoroughly inspected but is believed to be in good condition. 	
Executive Summary: <ul style="list-style-type: none"> The City has obtained a federal grant which will cover most of the deck replacement cost. While widening the bridge is not feasible with the existing funds, the addition of a turn pocket between the bridge and Hwy 195 will be included if sufficient funding is available. This project is on ad now with construction planned for summer 2022. It will be necessary to close this bridge for duration of construction, approx. 4 months. The detour will be High Dr. to I-90 to Hwy 195. 	
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: **HATCH BRIDGE DECK REPLACEMENT**

This Contract is made and entered into by and between the **CITY OF SPOKANE** as ("City"), a Washington municipal corporation, and **HALME CONSTRUCTION, INC.**, whose address is 8727 West Highway 2, #100, 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 **HATCH BRIDGE DECK REPLACEMENT 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 2021, 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**. This is a unit price contract, and upon full and complete performance by the Contractor, the City will pay only the amount set forth in Schedule A-1 for the actual quantities furnished for each bid item.
7. **TAXES**. Bid items in Schedule A-1 will include sales tax.

8. PAYMENT. The Contractor will send its applications for payment to the Engineering Services Department – Construction Management, 1225 East Marietta Avenue, Spokane, Washington 99207-2751. All invoices should include the City Clerk File No. “OPR 2021-0674” 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.

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.

11. 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.

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

13. WAGES. Contractor will comply with the Davis Bacon Act (40 USC 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). Minimum wages paid by the Contractor will be those determined by the Secretary of Labor under the Davis Bacon Act, 40 USC 276(a). In the event that a state minimum wage rate exceeds a Department of Labor rate, the conflict will be resolved by applying the higher rate. The Contractor and all subcontractors will submit a "Statement of Intent to Pay Prevailing Wages" certified by the industrial statistician of the State 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 rate of wage for each classification of workers entitled to 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.

Under 40 USC 3702 of the Act, contractor is required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. No laborer or mechanic may be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous.

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. Contractor will comply with

the Copeland "Anti-Kickback" Act (40 USC 3145), as supplemented by Department of Labor Regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States").

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 www.dor.wa.gov or 360-705-6741 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. OFF SITE PREFABRICATED ITEMS. In accordance with RCW 39.04.370, the Contractor shall submit certain information about off-site, prefabricated, nonstandard, project specific items produced under the terms of the Contract and produced outside Washington as a part of the "Affidavit of Wages Paid" form filed with the State Department of Labor and Industries.

31. 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.

32. CLEAN AIR ACT. Contractor must comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 USC 7401-7671q) and the Federal Water Pollution Control Act as amended (33 USC 1251-1387). Violations will be reported.

33. USE OF PROJECT MANAGEMENT SOFTWARE. The Contractor shall transmit all submittal documentation for proposed project materials by uploading it to the City's web based construction management software. A City representative will be available to assist in learning this process.

HALME CONSTRUCTION, 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
Exhibit A – Certification Regarding Debarment
Schedule A-1

PAYMENT BOND

We, **HALME CONSTRUCTION, INC.**, as principal, and _____, as surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **ONE MILLION NINE HUNDRED THIRTY-ONE THOUSAND EIGHT HUNDRED TWENTY-TWO AND NO/100 DOLLARS (\$1,931,822.00)**, 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 **HATCH BRIDGE DECK REPLACEMENT 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 _____.

HALME CONSTRUCTION, 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 _____

PERFORMANCE BOND

We, **HALME CONSTRUCTION, INC.**, as principal, and _____, as Surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **ONE MILLION NINE HUNDRED THIRTY-ONE THOUSAND EIGHT HUNDRED TWENTY-TWO AND NO/100 DOLLARS (\$1,931,822.00)**, 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 **HATCH BRIDGE DECK REPLACEMENT 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 _____

HALME CONSTRUCTION, 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 _____

EXHIBIT A

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.

<hr/> Name of Subrecipient / Contractor / Consultant (Type or Print)	<hr/> Program Title (Type or Print)
<hr/> Name of Certifying Official (Type or Print)	<hr/> Signature
<hr/> Title of Certifying Official (Type or Print)	<hr/> Date (Type or Print)

SCHEDULE A-1
Tax Classification: Sales tax shall be included in unit prices

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITIES	UNIT PRICE	TOTAL
1	RECORD DRAWINGS	1.00 LS	\$ 6,000.00	\$ 6,000.00
2	REIMBURSEMENT OF THIRD PARTY DAMAGE	1.00 EST	\$ 1.00	\$ 1.00
3	SPCC PLAN	1.00 LS	\$ 600.00	\$ 600.00
4	ARCHAEOLOGICAL AND HISTORICAL SALVAGE	1.00 EST	\$ 20,000.00	\$ 20,000.00
5	POTHOLING	6.00 EA	\$ 900.00	\$ 5,400.00
6	PUBLIC LIAISON REPRESENTATIVE	1.00 LS	\$ 17,000.00	\$ 17,000.00
7	MOBILIZATION	1.00 LS	\$ 166,500.00	\$ 166,500.00
8	PROJECT TEMPORARY TRAFFIC CONTROL	1.00 LS	\$ 70,000.00	\$ 70,000.00
9	SPECIAL SIGNS	190.00 SF	\$ 15.00	\$ 2,850.00
10	SEQUENTIAL ARROW SIGNS	400.00 HR	\$ 2.00	\$ 800.00
11	PORTABLE CHANGEABLE MESSAGE SIGN	700.00 HR	\$ 4.00	\$ 2,800.00
12	TYPE III BARRICADE	16.00 EA	\$ 50.00	\$ 800.00

13	CLEARING AND GRUBBING	1.00 LS	\$	7,000.00	\$	7,000.00
14	TREE PROTECTION ZONE	2.00 EA	\$	600.00	\$	1,200.00
15	TREE PRUNING	1.00 EA	\$	1,000.00	\$	1,000.00
16	REMOVING PORTION OF EXISTING BRIDGE	1.00 LS	\$	70,000.00	\$	70,000.00
17	CONTAINMENT AND DISPOSAL OF LEAD BASED PAINT	1.00 LS	\$	40,000.00	\$	40,000.00
18	SAWCUTTING FLEXIBLE PAVEMENT	1,800.00 LFI	\$	0.28	\$	504.00
19	REMOVE EXISTING GUARDRAIL	339.00 LF	\$	14.00	\$	4,746.00
20	ROADWAY EXCAVATION INCL. HAUL	335.00 CY	\$	30.00	\$	10,050.00
21	REMOVE UNSUITABLE FOUNDATION MATERIAL	40.00 CY	\$	30.00	\$	1,200.00
22	REPLACE UNSUITABLE FOUNDATION MATERIAL	40.00 CY	\$	90.00	\$	3,600.00
23	COMMON BORROW INCL. HAUL	120.00 CY	\$	40.00	\$	4,800.00
24	PREPARATION OF UNTREATED ROADWAY	985.00 SY	\$	8.00	\$	7,880.00
25	CRUSHED SURFACING TOP COURSE	55.00 CY	\$	100.00	\$	5,500.00
26	CRUSHED SURFACING BASE COURSE	140.00 CY	\$	70.00	\$	9,800.00
27	HMA CL. 1/2 IN. HEAVY TRAFFIC, 6 INCH THICK	985.00 SY	\$	42.00	\$	41,370.00

28	SOIL RESIDUAL HERBICIDE	542.00 SY	\$	1.50	\$	813.00
29	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1.00 EST	\$	(1.00)	\$	(1.00)
30	COMPACTION PRICE ADJUSTMENT	1,235.00 EST	\$	1.00	\$	1,235.00
31	WORK ACCESS - HATCH BRIDGE	1.00 LS	\$	50,000.00	\$	50,000.00
32	CONCRETE CLASS 4000 FOR BRIDGE	6.00 CY	\$	2,200.00	\$	13,200.00
33	BRIDGE DECK - HATCH BRIDGE	1.00 LS	\$	720,000.00	\$	720,000.00
34	PRECAST CONCRETE CROSSBEAMS	1.00 LS	\$	230,000.00	\$	230,000.00
35	SPANDRAL WALL REPAIR	450.00 SF	\$	110.00	\$	49,500.00
36	PIGMENTED SEALER	400.00 SY	\$	35.00	\$	14,000.00
37	STEEL REINFORCING BAR FOR BRIDGE	500.00 LBS	\$	14.00	\$	7,000.00
38	EPOXY-COATED ST. REINF. BAR FOR BRIDGE	200.00 LBS	\$	20.00	\$	4,000.00
39	DEFICIENT STRENGTH CONCRETE PRICE ADJUSTMENT	1.00 EST	\$	(1.00)	\$	(1.00)
40	BRIDGE SUPPORTED UTILITIES	1.00 LS	\$	10,000.00	\$	10,000.00
41	BRIDGE RAILING TYPE - STEEL 2-TUBE CURB-MOUNTED	321.00 LF	\$	330.00	\$	105,930.00
42	MODIFIED CONCRETE OVERLAY	555.00 CF	\$	11.00	\$	6,105.00

43	FURNISHING AND CURING MODIFIED CONCRETE OVERLAY	500.00 SY	\$	150.00	\$	75,000.00
44	STRUCTURE SURVEYING	1.00 LS	\$	12,000.00	\$	12,000.00
45	PLUGGING EXISTING PIPE	2.00 EA	\$	700.00	\$	1,400.00
46	ESC LEAD	1.00 LS	\$	600.00	\$	600.00
47	INLET PROTECTION	2.00 EA	\$	3,000.00	\$	6,000.00
48	STREET CLEANING	15.00 HR	\$	500.00	\$	7,500.00
49	SILT FENCE	420.00 LF	\$	9.00	\$	3,780.00
50	HYDROSEEDING	250.00 SY	\$	5.00	\$	1,250.00
51	EXTRUDED CURB	287.00 LF	\$	70.00	\$	20,090.00
52	FLEXIBLE GUIDE POST	6.00 EA	\$	70.00	\$	420.00
53	BEAM GUARDRAIL TYPE 31	330.00 LF	\$	120.00	\$	39,600.00
54	REFERENCE AND REESTABLISH SURVEY MONUMENT	1.00 EA	\$	3,000.00	\$	3,000.00
55	QUARRY SPALLS	1.00 CY	\$	2,000.00	\$	2,000.00
56	ILLUMINATION SYSTEM RETROFIT	1.00 LS	\$	34,000.00	\$	34,000.00
57	SIGNING, PERMANENT - CONTRACTOR MANUFACTURED SIGNS	1.00 LS	\$	6,000.00	\$	6,000.00

58	PAVEMENT MARKING - DURABLE HEAT APPLIED	600.00 SF	\$	10.00	\$	6,000.00
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Schedule A-1 Subtotal	\$	<u>1,931,822.00</u>
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Summary of Bid Items	Bid Total	\$	<u>1,931,822.00</u>
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City Of Spokane
Engineering Services Department
*****Bid Tabulation*****

Project Number **2018085**

Project Description Hatch Rd Bridge Deck Replacement (Hatch & Hwy 195)

Original Date

10/4/2021 2:16:00 PM

Project Number: 2018085			Engineer's Estimate		HALME CONSTRUCTION INC		N A DEGERSTROM		RAZZ CONSTRUCTION	
Item No	Bid Item Description	Est Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Tax Classification

Sales tax shall be included in unit prices

1	RECORD DRAWINGS	1 LS	5,000.00	5,000.00	6,000.00	\$6,000.00	5,000.00	\$5,000.00	2,500.00	\$2,500.00
2	REIMBURSEMENT OF THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	\$1.00	1.00	\$1.00	1.00	\$1.00
3	SPCC PLAN	1 LS	1,500.00	1,500.00	600.00	\$600.00	5,000.00	\$5,000.00	1,000.00	\$1,000.00
4	ARCHAEOLOGICAL AND HISTORICAL SALVAGE	1 EST	20,000.00	20,000.00	20,000.00	\$20,000.00	20,000.00	\$20,000.00	20,000.00	\$20,000.00
5	POTHOLING	6 EA	400.00	2,400.00	900.00	\$5,400.00	275.00	\$1,650.00	750.00	\$4,500.00
6	PUBLIC LIAISON REPRESENTATIVE	1 LS	5,000.00	5,000.00	17,000.00	\$17,000.00	2,500.00	\$2,500.00	10,000.00	\$10,000.00
7	MOBILIZATION	1 LS	184,456.02	184,456.02	166,500.00	\$166,500.00	215,000.00	\$215,000.00	218,000.00	\$218,000.00
8	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	80,000.00	80,000.00	70,000.00	\$70,000.00	75,000.00	\$75,000.00	125,000.00	\$125,000.00
9	SPECIAL SIGNS	190 SF	20.00	3,800.00	15.00	\$2,850.00	26.00	\$4,940.00	80.00	\$15,200.00
10	SEQUENTIAL ARROW SIGNS	400 HR	5.00	2,000.00	2.00	\$800.00	2.00	\$800.00	3.00	\$1,200.00
11	PORTABLE CHANGEABLE MESSAGE SIGN	700 HR	7.00	4,900.00	4.00	\$2,800.00	5.00	\$3,500.00	5.00	\$3,500.00
12	TYPE III BARRICADE	16 EA	50.00	800.00	50.00	\$800.00	110.00	\$1,760.00	75.00	\$1,200.00
13	CLEARING AND GRUBBING	1 LS	5,000.00	5,000.00	7,000.00	\$7,000.00	5,000.00	\$5,000.00	15,000.00	\$15,000.00
14	TREE PROTECTION ZONE	2 EA	400.00	800.00	600.00	\$1,200.00	550.00	\$1,100.00	400.00	\$800.00
15	TREE PRUNING	1 EA	300.00	300.00	1,000.00	\$1,000.00	1,000.00	\$1,000.00	5,000.00	\$5,000.00
16	REMOVING PORTION OF EXISTING BRIDGE	1 LS	90,000.00	90,000.00	70,000.00	\$70,000.00	75,000.00	\$75,000.00	150,000.00	\$150,000.00
17	CONTAINMENT AND DISPOSAL OF LEAD BASED PAINT	1 LS	40,000.00	40,000.00	40,000.00	\$40,000.00	70,000.00	\$70,000.00	60,000.00	\$60,000.00
18	SAWCUTTING FLEXIBLE PAVEMENT	1800 LFI	1.00	1,800.00	0.28	\$504.00	0.50	\$900.00	1.00	\$1,800.00
19	REMOVE EXISTING GUARDRAIL	339 LF	10.00	3,390.00	14.00	\$4,746.00	16.00	\$5,424.00	12.00	\$4,068.00

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

<i>Project Number: 2018085</i>			<i>Engineer's Estimate</i>		HALME CONSTRUCTION INC		N A DEGERSTROM		RAZZ CONSTRUCTION	
<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>
20	ROADWAY EXCAVATION INCL. HAUL	335 CY	20.00	6,700.00	30.00	\$10,050.00	40.00	\$13,400.00	75.00	\$25,125.00
21	REMOVE UNSUITABLE FOUNDATION MATERIAL	40 CY	20.00	800.00	30.00	\$1,200.00	30.00	\$1,200.00	60.00	\$2,400.00
22	REPLACE UNSUITABLE FOUNDATION MATERIAL	40 CY	35.00	1,400.00	90.00	\$3,600.00	40.00	\$1,600.00	73.00	\$2,920.00
23	COMMON BORROW INCL. HAUL	120 CY	35.00	4,200.00	40.00	\$4,800.00	115.00	\$13,800.00	70.00	\$8,400.00
24	PREPARATION OF UNTREATED ROADWAY	985 SY	2.00	1,970.00	8.00	\$7,880.00	3.50	\$3,447.50	1.50	\$1,477.50
25	CRUSHED SURFACING TOP COURSE	55 CY	50.00	2,750.00	100.00	\$5,500.00	135.00	\$7,425.00	125.00	\$6,875.00
26	CRUSHED SURFACING BASE COURSE	140 CY	50.00	7,000.00	70.00	\$9,800.00	70.00	\$9,800.00	125.00	\$17,500.00
27	HMA CL. 1/2 IN. HEAVY TRAFFIC, 6 INCH THICK	985 SY	25.00	24,625.00	42.00	\$41,370.00	37.00	\$36,445.00	50.00	\$49,250.00
28	SOIL RESIDUAL HERBICIDE	542 SY	1.00	542.00	1.50	\$813.00	1.50	\$813.00	3.50	\$1,897.00
29	JOB MIX COMPLIANCE PRICE ADJUSTMENT	1 EST	(1.00)	(1.00)	(1.00)	(\$1.00)	(1.00)	(\$1.00)	(1.00)	(\$1.00)
30	COMPACTION PRICE ADJUSTMENT	1235 EST	1.00	1,235.00	1.00	\$1,235.00	1.00	\$1,235.00	1.00	\$1,235.00
31	WORK ACCESS - HATCH BRIDGE	1 LS	75,000.00	75,000.00	50,000.00	\$50,000.00	135,000.00	\$135,000.00	30,000.00	\$30,000.00
32	CONCRETE CLASS 4000 FOR BRIDGE	6 CY	3,000.00	18,000.00	2,200.00	\$13,200.00	2,750.00	\$16,500.00	5,622.00	\$33,732.00
33	BRIDGE DECK - HATCH BRIDGE	1 LS	860,000.00	860,000.00	720,000.00	\$720,000.00	800,000.00	\$800,000.00	750,000.00	\$750,000.00
34	PRECAST CONCRETE CROSSBEAMS	1 LS	270,000.00	270,000.00	230,000.00	\$230,000.00	305,000.00	\$305,000.00	202,000.00	\$202,000.00
35	SPANDRAL WALL REPAIR	450 SF	40.00	18,000.00	110.00	\$49,500.00	50.00	\$22,500.00	180.00	\$81,000.00
36	PIGMENTED SEALER	400 SY	25.00	10,000.00	35.00	\$14,000.00	27.00	\$10,800.00	17.00	\$6,800.00
37	STEEL REINFORCING BAR FOR BRIDGE	500 LBS	10.00	5,000.00	14.00	\$7,000.00	20.00	\$10,000.00	10.50	\$5,250.00
38	EPOXY-COATED ST. REINF. BAR FOR BRIDGE	200 LBS	20.00	4,000.00	20.00	\$4,000.00	50.00	\$10,000.00	12.00	\$2,400.00
39	DEFICIENT STRENGTH CONCRETE PRICE ADJUSTMENT	1 EST	(1.00)	(1.00)	(1.00)	(\$1.00)	(1.00)	(\$1.00)	(1.00)	(\$1.00)

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

<i>Project Number: 2018085</i>			<i>Engineer's Estimate</i>		HALME CONSTRUCTION INC		N A DEGERSTROM		RAZZ CONSTRUCTION	
<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>
40	BRIDGE SUPPORTED UTILITIES	1 LS	5,100.00	5,100.00	10,000.00	\$10,000.00	10,000.00	\$10,000.00	11,000.00	\$11,000.00
41	BRIDGE RAILING TYPE - STEEL 2-TUBE CURB-MOUNTED	321 LF	320.00	102,720.00	330.00	\$105,930.00	300.00	\$96,300.00	191.00	\$61,311.00
42	MODIFIED CONCRETE OVERLAY	555 CF	75.00	41,625.00	11.00	\$6,105.00	50.00	\$27,750.00	120.00	\$66,600.00
43	FURNISHING AND CURING MODIFIED CONCRETE OVERLAY	500 SY	60.00	30,000.00	150.00	\$75,000.00	30.00	\$15,000.00	42.00	\$21,000.00
44	STRUCTURE SURVEYING	1 LS	10,000.00	10,000.00	12,000.00	\$12,000.00	15,000.00	\$15,000.00	18,000.00	\$18,000.00
45	PLUGGING EXISTING PIPE	2 EA	400.00	800.00	700.00	\$1,400.00	675.00	\$1,350.00	108.00	\$216.00
46	ESC LEAD	1 LS	1,000.00	1,000.00	600.00	\$600.00	500.00	\$500.00	5,000.00	\$5,000.00
47	INLET PROTECTION	2 EA	100.00	200.00	3,000.00	\$6,000.00	150.00	\$300.00	300.00	\$600.00
48	STREET CLEANING	15 HR	200.00	3,000.00	500.00	\$7,500.00	150.00	\$2,250.00	288.00	\$4,320.00
49	SILT FENCE	420 LF	5.00	2,100.00	9.00	\$3,780.00	7.50	\$3,150.00	9.00	\$3,780.00
50	HYDROSEEDING	250 SY	5.00	1,250.00	5.00	\$1,250.00	12.00	\$3,000.00	12.00	\$3,000.00
51	EXTRUDED CURB	287 LF	30.00	8,610.00	70.00	\$20,090.00	65.00	\$18,655.00	14.00	\$4,018.00
52	FLEXIBLE GUIDE POST	6 EA	35.00	210.00	70.00	\$420.00	45.00	\$270.00	50.00	\$300.00
53	BEAM GUARDRAIL TYPE 31	330 LF	50.00	16,500.00	120.00	\$39,600.00	105.00	\$34,650.00	118.00	\$38,940.00
54	REFERENCE AND REESTABLISH SURVEY MONUMENT	1 EA	600.00	600.00	3,000.00	\$3,000.00	1,000.00	\$1,000.00	3,000.00	\$3,000.00
55	QUARRY SPALLS	1 CY	120.00	120.00	2,000.00	\$2,000.00	400.00	\$400.00	660.00	\$660.00
56	ILLUMINATION SYSTEM RETROFIT	1 LS	25,000.00	25,000.00	34,000.00	\$34,000.00	30,000.00	\$30,000.00	58,000.00	\$58,000.00
57	SIGNING, PERMANENT - CONTRACTOR MANUFACTURED SIGNS	1 LS	3,000.00	3,000.00	6,000.00	\$6,000.00	7,000.00	\$7,000.00	7,700.00	\$7,700.00
58	PAVEMENT MARKING - DURABLE HEAT APPLIED	600 SF	10.00	6,000.00	10.00	\$6,000.00	5.00	\$3,000.00	6.00	\$3,600.00
Bid Total			\$2,020,202.02		\$1,931,822.00		\$2,162,113.50		\$2,178,073.50	

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

SCHEDULE SUMMARY

	<i>Sched 1</i>	<i>Sched 2</i>	<i>Sched 3</i>	<i>Sched 4</i>	<i>Sched 5</i>	<i>Sched 6</i>	<i>Total</i>
ENGINEER'S ESTIMATE	2,020,202.02	0.00	0.00	0.00	0.00	0.00	2,020,202.02
HALME CONSTRUCTION INC	1,931,822.00	0.00	0.00	0.00	0.00	0.00	1,931,822.00
N A DEGERSTROM	2,162,113.50	0.00	0.00	0.00	0.00	0.00	2,162,113.50
RAZZ CONSTRUCTION	2,178,073.50	0.00	0.00	0.00	0.00	0.00	2,178,073.50

Low Bid Contractor: HALME CONSTRUCTION INC

	<i>Contractor's Bid</i>	<i>Engineer's Estimate</i>	<i>% Variance</i>
<i>Schedule 01</i>	1,931,822.00	2,020,202.02	4.37 % Under Estimate
<i>Schedule 03</i>	0.00	0.00	% Under Estimate
<i>Bid Totals</i>	<u>1,931,822.00</u>	<u>2,020,202.02</u>	<u>4.37 % Under Estimate</u>



Agenda Sheet for City Council Meeting of: 10/25/2021

<u>Date Rec'd</u>	10/13/2021
<u>Clerk's File #</u>	OPR 2017-0501
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	PAID BY CLAIMS

<u>Submitting Dept</u>	CITY ATTORNEY
<u>Contact Name/Phone</u>	SAM FAGGIANO 6818
<u>Contact E-Mail</u>	SFAGGIANO@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Contract Item
<u>Agenda Item Name</u>	0500 SPECIAL COUNSEL CONTRACT AMENDMENT

Agenda Wording

Amendment to contract with Etter, McMahon, Van Wert & Oreskovich, P.C., for outside counsel services in the legal matter West Terrace Golf, LLC v. City of Spokane. Increase of \$25,000 for total contract amount of \$375,000

Summary (Background)

The City entered into contract with the above firm for outside legal counsel services regarding the above matter. Additional funds are necessary.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense	\$ 25,000	<u>Budget Account</u>	# 5800-78100-14780-54601
Select	\$		#
Select	\$		#
Select	\$		#

Approvals

<u>Dept Head</u>	PICCOLO, MIKE
<u>Division Director</u>	
<u>Finance</u>	BUSTOS, KIM
<u>Legal</u>	PICCOLO, MIKE
<u>For the Mayor</u>	ORMSBY, MICHAEL

Council Notifications

<u>Study Session\Other</u>	PIES October 25, 2021
<u>Council Sponsor</u>	CP - Breean Beggs

Distribution List

<u>Additional Approvals</u>	eschoedel@spokanecity.org
<u>Purchasing</u>	rhulvey@spokanecity.org
	sdhansen@spokanecity.org
	james.scott@ascrisk.com



City of Spokane
SPECIAL COUNSEL
CONTRACT AMENDMENT

This Contract Amendment is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **ETTER, MCMAHON, LAMBERSON, VAN WERT & ORESKOVICH, P.C.**, whose address is 618 West Riverside Avenue, Suite 210, Spokane, WA 99201, as ("Firm"), Individually hereafter referenced as a "party", and together as the "parties".

*WHEREAS, the parties entered into a Contract wherein the Firm agreed to provide legal services and advice to the City of Spokane, and its officers and employees regarding the matter of **WEST TERRACE GOLF, L.L.C. v. CITY OF SPOKANE**, consistent with applicable laws and this Contract.*

WHEREAS, additional funds are necessary, thus the original Contract needs to be formally Amended by this written document; and

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

1. CONTRACT DOCUMENTS.

The original Contract, dated June 27, 2017 and July 17, 2017, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE DATE.

This Contract Amendment shall become effective upon signature by both parties.

3. COMPENSATION.

The City shall pay an additional amount not to exceed **TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00)** as full compensation for everything furnished and done under this Contract Amendment. The total amount under the original Contract, any subsequent amendments, and this Contract Amendment is **THREE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$375,000.00)**.

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

**ETTER, MCMAHON, LAMBERSON,
VAN WERT & ORESKOVICH, P.C.**

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

U2021-091



Agenda Sheet for City Council Meeting of: 10/25/2021

<u>Date Rec'd</u>	10/13/2021
<u>Clerk's File #</u>	OPR 2017-0546
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	PAID BY CLAIMS

<u>Submitting Dept</u>	CITY ATTORNEY
<u>Contact Name/Phone</u>	SAM FAGGIANO 6818
<u>Contact E-Mail</u>	SFAGGIANO@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Contract Item
<u>Agenda Item Name</u>	0500 SPECIAL COUNSEL CONTRACT AMENDMENT

Agenda Wording

Amendment to contract with Etter, McMahon, Van Wert & Oreskovich, P.C., for outside counsel services in the legal matter John Durgan, et. al., v. City of Spokane. Increase of \$50,000 for total contract amount of \$610,000

Summary (Background)

The City entered into a contract with the above firm for outside legal counsel services regarding the above matter. Additional funds are necessary.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense	\$ 50,000	<u>Budget Account</u>	# 5800-78100-14780-54601
Select	\$		#
Select	\$		#
Select	\$		#

Approvals

<u>Dept Head</u>	PICCOLO, MIKE
<u>Division Director</u>	
<u>Finance</u>	BUSTOS, KIM
<u>Legal</u>	PICCOLO, MIKE
<u>For the Mayor</u>	ORMSBY, MICHAEL

Council Notifications

<u>Study Session\Other</u>	PIES October 25, 2021
<u>Council Sponsor</u>	CP - Breean Beggs

Distribution List

<u>Additional Approvals</u>	eschoedel@spokanecity.org
<u>Purchasing</u>	james.scott@ascrisk.com
	sdhansen@spokanecity.org
	rhulvey@spokanecity.org



City of Spokane
SPECIAL COUNSEL
CONTRACT AMENDMENT

This Contract Amendment is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **ETTER, MCMAHON, LAMBERSON, VAN WERT & ORESKOVICH, P.C.**, whose address is 618 West Riverside Avenue, Suite 210, Spokane, WA 99201, as ("Firm"), individually hereafter referenced as a "party", and together as the "parties".

*WHEREAS, the parties entered into a Contract wherein the Firm agreed to provide legal services and advice to the City of Spokane, and its officers and employees regarding the matter of **JOHN DURGAN, ET. AL. v. CITY OF SPOKANE**, consistent with applicable laws and this Contract.*

WHEREAS, additional funds are necessary, thus the original Contract needs to be formally Amended by this written document; and

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

1. CONTRACT DOCUMENTS.

The original Contract, dated July 28, 2017 and August 1, 2017, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE DATE.

This Contract Amendment shall become effective on December 1, 2021.

3. COMPENSATION.

The City shall pay an additional amount not to exceed **FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00)** as full compensation for everything furnished and done under this Contract Amendment. The total amount under the original Contract, any subsequent amendments, and this Contract Amendment is **SIX HUNDRED TEN THOUSAND AND NO/100 DOLLARS (\$610,000.00)**.

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

**ETTER, MCMAHON, LAMBERSON,
VAN WERT & ORESKOVICH, P.C.**

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

U2021-092



Agenda Sheet for City Council Meeting of:
10/25/2021

Date Rec'd	10/13/2021
Clerk's File #	OPR 2021-0675
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	HISTORIC PRESERVATION
Contact Name/Phone	MEGAN DUVALL 625-6543
Contact E-Mail	MDUVALL@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	0470-FRAMINGHAM BLDG NOMINATION TO THE REGISTER OF HISTORIC PLACES

Agenda Wording

Recommendation to list the Framingham Bldg, 1722 E Sprague Ave, on the Spokane Register of Historic Places.

Summary (Background)

SMC #17D.100.040 provides that the City/County Historic Landmark Commission can recommend to the City Council that certain properties be placed on the Spokane Register of Historic Places. The Framingham Bldg has been found to meet the criteria set forth for such designation, and a management agreement has been signed by the owners.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

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

Budget Account

Approvals

<u>Dept Head</u>	DUVALL, MEGAN
<u>Division Director</u>	BECKER, KRIS
<u>Finance</u>	ORLOB, KIMBERLY
<u>Legal</u>	PICCOLO, MIKE
<u>For the Mayor</u>	ORMSBY, MICHAEL

Council Notifications

<u>Study Session\Other</u>	
<u>Council Sponsor</u>	
<u>Distribution List</u>	
	mduvall@spokanecity.org
	sbishop@spokanecity.org
	lcamporeale@spokanecity.org

Additional Approvals

Purchasing

Findings of Fact and Decision for Council Review

Nomination to the Spokane Register of Historic Places

Framingham Building – 1722 E Sprague Avenue

FINDINGS OF FACT

1. **SMC 17D.100.090:** “Generally a building, structure, object, site, or district which is more than fifty years old may be designated an historic landmark or historic district if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, county, state, or nation.”
 - Originally built in 1910; the Framingham Building meets the age criteria for listing on the Spokane Register of Historic Places.
2. **SMC 17D.100.090:** The property must qualify under one or more categories for the Spokane Register (A, B, C, D).
 - The Framingham Building meets Spokane City/County Register of Historic Places **Category A** for its significance associated with broad patterns of commercial and industrial development, and as one of the first buildings to offer multi-room apartments along East Sprague Avenue in East Central Spokane.
 - Prominently sited at the southwest corner of East Sprague Avenue and South Pittsburg Street in East Central Spokane’s commercial business district, the Framingham Building is significant in the areas of “Community Planning and Development” and “Commerce/Trade/Industry/Manufacturing” from its 1910 built date to 1947 when commercial and industrial building expansion along East Sprague Avenue discontinued.
3. **SMC17D.100.090:** “The property must also possess integrity of location, design, materials, workmanship, and association.” *From NPS Bulletin 15: “Integrity is the ability of a property to convey its significance...it is not necessary for a property to retain all its historic physical features...the property must retain, however, the essential physical features that enable it to convey its historic identity.”*
 - The Framingham Building is well-preserved with period-appropriate reconstructions of storefronts and is significant for its association with the commerce and industry history of Spokane’s East Central commercial area.
4. **Once listed, this property will be eligible to apply for incentives, including:**
Special Valuation (property tax abatement), Spokane Register historical marker, and special code considerations.

RECOMMENDATION

The Spokane Historic Landmarks Commission evaluated the Framingham Building according to the appropriate criteria at a public hearing on 9/29/21 and recommends that the Framingham Building be listed on the Spokane Register of Historic Places under Categories A and C.

After Recording Return to:
City of Spokane Clerk
808 W Spokane Falls Blvd
Spokane, WA 99201

NOTICE OF MANAGEMENT AGREEMENT

NOTICE IS HEREBY GIVEN that the property legally described as:

PARCEL A:LOTS 5 AND 6, BLOCK 2, WADSWORTH AND MCDONALD'S ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME "A" OF PLATS, PAGE 71, IN THE CITY OF SPOKANE, SPOKANE COUNTY, WASHINGTON.PARCEL B:LOT 7, BLOCK 2, WADSWORTH AND MCDONALD'S ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME "A" OF PLATS, PAGE 71, IN THE CITY OF SPOKANE, SPOKANE COUNTY, WASHINGTON.PARCEL C:LOT 8, BLOCK 2, WADSWORTH AND MCDONALD'S ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME "A" OF PLATS, PAGE 71, IN THE CITY OF SPOKANE, SPOKANE COUNTY, WASHINGTON.

Parcel Number(s) 35212.0205, is governed by a Management Agreement between the City of Spokane and the Owner(s), 1724 Sprague, LLC, of the subject property.

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

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

I certify that the above is true and correct.

Spokane City Clerk

Historic Preservation Officer

Dated: _____

Dated: _____

City Clerk No. _____

MANAGEMENT AGREEMENT

The Management Agreement is entered into this **22nd** day of **September 2021**, by and between the City of Spokane (hereinafter "City"), acting through its Historic Landmarks Commission ("Commission"), and **1724 Sprague, LLC** (hereinafter "Owner(s)"), the owner of the property located at **1722 East Sprague Avenue** commonly known as the **Framingham Building** in the City of Spokane.

WHEREAS, the City of Spokane has enacted Chapter 4.35 of the Spokane Municipal Code (SMC) and Spokane has enacted Chapter 1.48 of the Spokane County Code (SCC), both regarding the establishment of the Historic Landmarks Commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the city and county is a public necessity and.

WHEREAS, both Ch. 17D.100 SMC and Ch. 1.48 SCC provide that the City/County Historic Landmarks Commission (hereinafter "Commission") is responsible for the stewardship of historic and architecturally significant properties in the City of Spokane and Spokane County; and

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

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

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

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

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

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

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

- (A) demolition;
- (B) relocation;
- (C) change in use;
- (D) any work that affects the exterior appearance of the historic landmark; or
- (E) any work affecting items described in Exhibit A.

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

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



Steve Schmautz for 1724 Sprague, LLC

CITY OF SPOKANE

HISTORIC PRESERVATION OFFICER

MAYOR

Megan M.K. Duvall

Nadine Woodward

ATTEST:

City Clerk

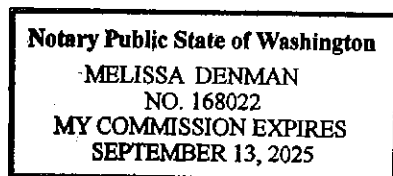
Approved as to form:

Assistant City Attorney

STATE OF Washington)
) ss.
County of Spokane)

On this 29th day of Sept, 2021, before me, the undersigned, a Notary Public in and for the State of WASHINGTON, personally appeared Steve Schmautz, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that he (he/she/they) signed the same as his (his/her/their) free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 29th day of Sept, 2021.



Melissa Denman
Notary Public in and for the State
of WA, residing at Spokane
My commission expires Sept 13, 2025

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this _____ day of _____, 2021, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared NADINE WOODWARD, MAYOR and TERRI L. PFISTER, to me known to be the Mayor and the City Clerk, respectively, of the CITY OF SPOKANE, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2021.

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

My commission expires _____

Attachment A

Secretary of The Interior's Standards

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

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

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

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

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

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color,

texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

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

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

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

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

Spokane Register of Historic Places Nomination

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

1. HISTORIC NAME

Historic Name

FRAMINGHAM BUILDING

Common Name

2. LOCATION

Street & Number

1722 E. Sprague Avenue

City, State, Zip Code

Spokane, WA 99202

Parcel Number

35212.0205

3. CLASSIFICATION

Category

☒ building

☐ site

☐ structure

☐ object

Site

☒ original

☐ moved

Ownership

☐ public

☒ private

☐ both

Public Acquisition

☐ in process

☐ being considered

Status

☒ occupied

☐ work in progress

Accessible

☒ yes, restricted

☐ yes, unrestricted

☐ no

Present Use

☐ agricultural

☒ commercial

☐ educational

☐ entertainment

☐ government

☐ industrial

☐ military

☐ museum

☐ park

☐ religious

☐ residential

☐ scientific

☐ transportation

☐ other

4. OWNER OF PROPERTY

Name

1724 Sprague LLC (Steve Schmautz)

Street & Number

108 N. Washington Street, Suite 500

City, State, Zip Code

Spokane, WA 99201

Telephone Number/E-mail

509-939-6260, steve@sdsrealty.com

5. LOCATION OF LEGAL DESCRIPTION

Courthouse, Registry of Deeds

Spokane County Courthouse

Street Number

1116 West Broadway

City, State, Zip Code

Spokane, WA 99201

County

Spokane

6. REPRESENTATION OF EXISTING SURVEYS

Title

City of Spokane Historic Landmarks Survey

Date

Federal _____ State _____ County _____ Local 2015

Location of Survey Records

Spokane Historic Preservation Office

**Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING**

7. DESCRIPTION

(continuation sheets attached)

Architectural Classification

Condition

☒ excellent

☐ good

☐ fair

☐ deteriorated

☐ ruins

☐ unexposed

Check One

☐ unaltered

☒ altered

Check One

☒ original site

☐ moved & date

8. SPOKANE REGISTER CATEGORIES & STATEMENT OF SIGNIFICANCE

(continuation sheets attached)

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

- ☒ **A** Property is associated with events that have made a significant contribution to the broad patterns of Spokane history.
- ☐ **B** Property is associated with the lives of persons significant in our past.
- ☐ **C** Property embodies the distinctive characteristics of a type, period, or method or construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ **D** Property has yielded, or is likely to yield, information important in prehistory history.
- ☐ **E** Property represents the culture and heritage of the city of Spokane in ways not adequately addressed in the other criteria, as in its visual prominence, reference to intangible heritage, or any range of cultural practices.

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Bibliography is found on one or more continuation sheets.

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

Items are found on one or more continuation sheets.

11. GEOGRAPHICAL DATA

Acreage of Property

Less than one acre.

Verbal Boundary Description

Wadsworth & McDonald Addition, Block 2,
Lots 5 and 6.

Verbal Boundary Justification

Nominated property includes entire parcel and
urban legal description.

12. FORM PREPARED BY

Name and Title

Linda Yeomans, Consultant

Organization

Historic Preservation Planning & Design

Street, City, State, Zip Code

501 West 27th Avenue, Spokane, WA 99203

Telephone Number

509-456-3828

Email Address

lindayeomans@comcast.net

Date Final Nomination Heard

September 15, 2021

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING

13. Signature of Owner(s)

14. For Official Use Only:

Date nomination application filed: 8/27/21

Date of Landmarks Commission Hearing: 9/29/21

Landmarks Commission decision: Approved

Date of City Council hearing: _____

City Council decision: _____

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

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

Date

Attest:

Approved as to form:

City Clerk

Assistant City Attorney



Framingham Building in 2021 on the southwest corner of East Sprague Avenue and South Pittsburg Street.

SECTION 7: DESCRIPTION OF PROPERTY

Summary Statement

The Framingham Building was built in 1910. A well-kept example of turn-of-the-century commercial architecture in Spokane, Washington, the property occupies a prominent corner location in East Central Spokane's historic commercial neighborhood on the southwest corner of East Sprague Avenue and South Pittsburg Street. An appellation constructed of large wood/metal letters spells FRAMINGHAM across the top of the building's north façade. Built with two stories and a single-story west wing, the Framingham Building features brick masonry construction with a flat roof, and is distinguished with contiguous rows of narrow display windows/transoms along its north and east facades. Second-floor windows punctuate the building at north and east facades with five of the windows featuring small decorative balconettes. Built in 1928, a single-story brick warehouse/shop with a flat roof was attached to the southwest rear face of the building. The property has recently undergone an extensive rehabilitation, including period-appropriate reconstruction of the first-floor storefronts. With good integrity in its original location, design, materials, workmanship, and association, the Framingham Building is eligible for listing on the Spokane Register of Historic Places under Category A.

CURRENT APPEARANCE & CONDITION

Site

The Framingham Building is sited 1.5 miles east of downtown Spokane on the corner of Sprague and Pittsburg where it faces north along the south side of East Sprague Avenue, and east along South Pittsburg Street. After the building was erected, US Post Office address numbers were assigned as 1722, 1724, 1724½, 1726, 1728, and 1730 along East Sprague Avenue, and continue in use today. The property is located on Lots 4 and 5 on Block 2 in the Wadsworth & McDonald Addition. Together Lots 4 and 5 span a distance of 100 feet along East Sprague Avenue, and measure 142 feet deep along Pittsburg Street. The property was constructed on level grade, and is surrounded at the north and east by paved city streets and sidewalks, at the south by a graveled public alley, and at the west by a separate adjacent commercial brick structure. A commercial neighborhood with mostly one- and two-story brick buildings built in the early 1900s through the 1960s surround the Framingham Building to the north, east and west. Incompatible contemporary infill around the Framingham Building includes various commercial structures, multi-family apartments, and parking/automobile sales lots with the majority of infill built along Sprague Avenue. A combination of vacant lots and historic single-family homes erected in the late 1890s and early 1900s are sited south of the Framingham Building.

1910 Two-Story Framingham Building Exterior

The Framingham Building was designed as a two-story building with a one-story wing. The property features brick masonry construction, a flat roof, and a small parapet capped with non-reflective metal coping. The surface of the roof is protected with built-up tar and vinyl membrane. The building measures 100 feet wide at its north façade along East Sprague Avenue, and 80 feet deep along South Pittsburg Street. A one-story brick warehouse/shop was built onto the west half of the south rear of the Framingham Building in 1928,¹ and extends to a graveled alley along the south border of the property. The east half of the south rear portion of the property is finished as the building's graveled parking lot.

The two-story portion of the Framingham Building is located on the southwest corner of the intersection at Sprague Avenue and Pittsburg Street. The two-story building is 66.7 feet wide and 80 feet deep, and is protected from the street by a continuous paved city sidewalk that wraps around the northeast corner of the building. The Framingham Building is built to the sidewalk with no setback. The north and east facades of the building are defined with shallow roof eaves while the south rear and west edges of the roof are flush with the building's exterior walls. The north façade and the east and west faces of the building reveal smooth red face brick laid in stretcher bond while the south rear of the building is constructed with a slightly darker red construction brick of common bond (English). The brick on the building extends from roof to level grade. No basement foundation is visible.

¹ Spokane Building Permit 31985, 10 May 1928.

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



Looking southeast at the north façade of the Framingham Building.

The north face of the Framingham Building along Sprague Avenue serves as the property's primary façade while the east face of the building along Pittsburg Street is considered a secondary façade. Together, the north facade and east face of the property feature the building's strongest focal points—an arched formal front entrance flanked by a contiguous row of 28 identical storefront display windows/transoms, second-floor windows with balconettes, and a nameplate that spells FRAMINGHAM on the building's north façade. Located west of center, the building's formal north entrance is recessed and arched, and displays a group of three glazed/metal-framed commercial entrance doors. The east door opens to a large merchandise space located at the first floor in the northeast corner of the building. The west door opens to a north-south first-floor hallway in the northwest corner of the two-story building, and the center door opens to a 40-inch-wide enclosed staircase that rises to the second floor.

Twenty-one display windows/transoms line the building's north façade and are supported by a two-foot-high bulkhead. Seven display windows/transoms line the secondary east face along Pittsburg Street and are supported by a continuation of the aforementioned bulkhead. The north end of the east façade features three narrow display windows/transoms while the south end of the east facade is marked with a group of four narrow display windows/transoms. A glazed door with a metal frame is located in the center of the south-end window group. The four windows are supported by the same bulkhead that supports all of the building's display windows. A plain exterior wall of

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING

brick masonry construction is located between the display windows at the northeast and southeast corners of the building at the first floor.

With symmetrical fenestration, the second floor is illuminated by fifteen 1/1 double-hung wood-sash windows across the north and east facades of the building. All windows have brick window sills and are capped with brick keystones and splayed lintels. A brick cornice protrudes slightly outward and is located between the shallow roof eaves and second-story windows on the north and east facades. Two windows on the north façade are supported by beveled balconettes while three windows on the east face are distinguished with beveled balconettes. Revealing Craftsman-style influence, all five balconettes display identical designs made of dark brown stained/painted wood with plain railings and closely spaced plain square vertical balusters.

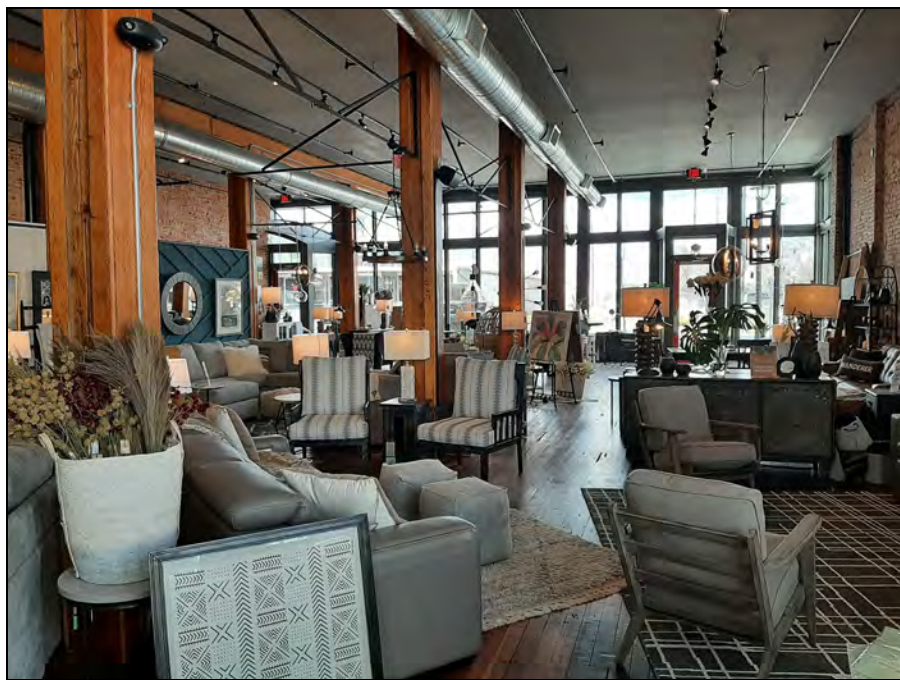


Looking northwest at the south rear face and east face of the Framingham Building.

The south rear face of the two-story building is designed with symmetrical fenestration patterns and symmetrical door placement. Two each single-entry glazed metal-frame doors open from the second floor and the first floor. The second-floor doors are protected with shallow hip roof porches supported by plain wood posts and vertical louvers. Wood staircases with narrow wood balusters descend from the two second-story porches to a landing between the first and second floors. At the landing, a third staircase descends to grade at a graveled parking lot behind the building. Like the building's balconettes, the rear porches and staircases reflect strong influence from the Craftsman style. Four 1/1 double-hung wood-sash windows are located across the second floor while two windows are located on the first floor at the rear face.

1910 Two-Story Framingham Building Interior

The interior of the two-story portion of the Framingham Building was built with a large merchandise space in the east half of the first floor between the northeast and southeast corners of the building. The interior of the north perimeter wall features thirteen narrow display/transom windows and two pedestrian doors. The east interior perimeter wall is articulated with three narrow display/transom windows at the north end of the east façade, and four display/transom windows and one glazed/metal frame pedestrian door at the south end of the east façade. The merchandise area at the first floor reveals exposed brick masonry construction on the interior north, south, east and west perimeter walls. The floor is covered with original fir planks. The exposed ceiling is defined with thick wood ceiling beams that run north-south across the ceiling and are supported by thick wood posts. The post and beam construction separates the merchandise area into three north/south merchandise bays. The bay furthest east was addressed as 1730. The center bay was addressed as 1726 and 1728, and the west bay was addressed as 1724 East Sprague Avenue. The ceiling is twelve feet high and is finished with painted drywall, exposed ceiling heat ducts, and fire suppression plumbing.



Large merchandise space in the east half of the building at the first floor, looking north.

The arched and recessed formal front entrance of the building is located west of center on the north façade, and includes three commercial single-entry front doors. The east door opens to the aforementioned merchandise space. The west door opens to a six-foot-wide, north-south hallway at the first floor. The hallway reveals original fir floor planks, an east wall with exposed brick masonry construction, and a finished twelve-foot-high

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING

ceiling with exposed heat ducts. Wood beams with scroll-sawn corbels support the hallway's ceiling. Four-foot-high paneled wainscoting is built on the hallway's exposed brick masonry east wall. The south rear hallway wall also features exposed brick masonry construction. The west wall of the hallway is finished with painted drywall and supports a contemporary elevator (installed in 2020) and a contemporary restroom (finished in 2020). The restroom is finished with a dropped ceiling, painted drywall, tile floors, lavatory stalls, a large mirror, and white porcelain fixtures.

The center front entrance door in the group of three doors at the north façade's formal front entrance is located under an exterior nameplate attached above second-story windows at the front of the building. The exterior nameplate spells FRAMINGHAM—the name of the building. The center door at the front entrance opens to a 40-inch-wide enclosed staircase that climbs to the second floor. The east and west walls that enclose the staircase reveal exposed brick masonry construction. Two round wood handrails are anchored to the brick walls. At the second floor, a fifteen-inch-high wood bulkhead anchors and surrounds the staircase on the east, west and north sides of the staircase. The staircase is surrounded and protected by a narrow square wood balustrade with square wood balusters and a square wood railing—all attached to the wood bulkhead. Interior hallways surround the staircase, extend south to the rear of the building, and lead to numerous office spaces with exterior windows and exposed brick masonry construction perimeter walls. Interior hallway walls and ceilings are finished with painted drywall, office “window walls”, and office pedestrian doors.



Staircase view, looking north from the second floor down to the front door, which opens from the building's north facade along East Sprague Avenue.

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



Framingham Building second-floor interior hallway and office “window walls”, looking west.

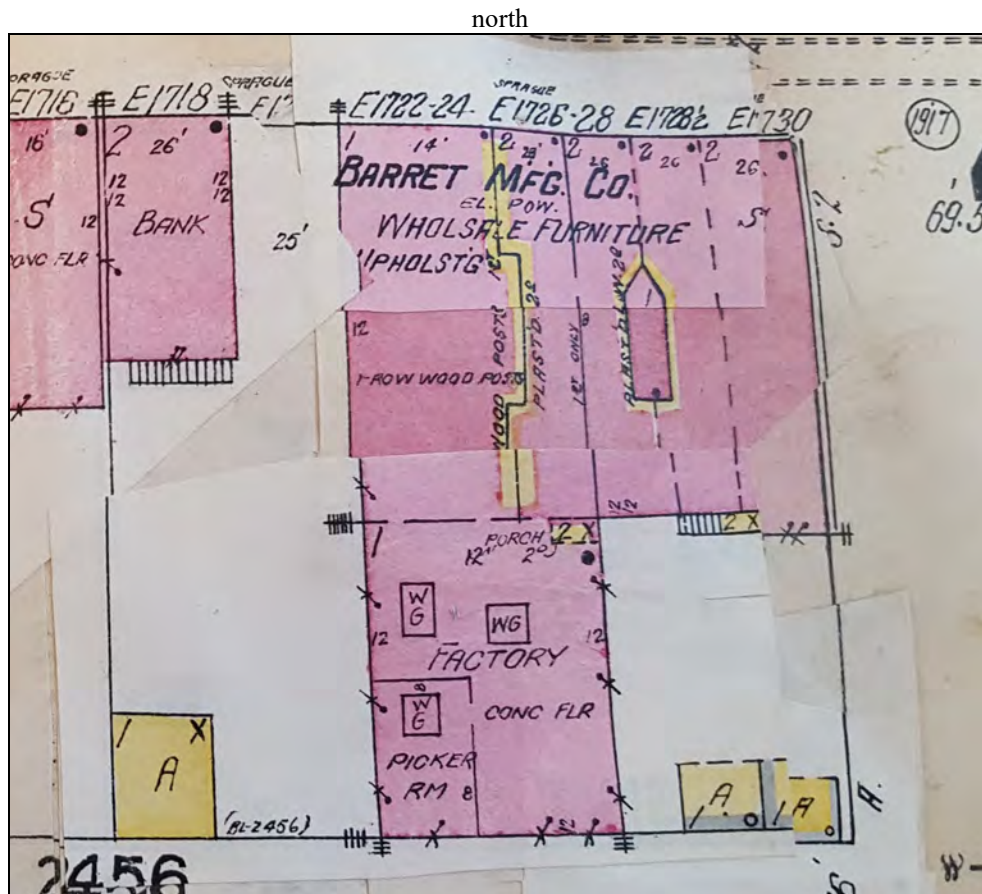


Framingham Building northeast corner room on second floor, looking northeast.

**Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING**

1910 Single-Story West Wing Construction

The Framingham Building was built in 1910 with an attached single-story west wing of brick masonry construction with smooth red face bricks laid in stretcher bond. The south rear face of the single-story wing is covered with a single-story brick warehouse/shop that was attached to the Framingham Building in 1928. The west side of the west wing is adjacent to a separate modified single-story brick commercial building.



The drawing above from a 1910 Sanborn Fire Insurance Map was updated in 1928 to include the “factory” addition built onto the Framingham Building in 1928. Notice the number “1” printed in the upper left corner of the 1928 addition, indicating the addition was built with a single story.

An irregular vertical yellow line separates the one-story west wing from the two-story portion of the Framingham Building. Shown on the map, a number “1” is printed in the upper left corner of the west wing, indicating the wing is one story in height.

The other areas of the building are printed with the number “2” which indicates two stories.

The Framingham Building’s single-story wing measures 33.3 feet wide across its north façade and 80 feet deep. The two-story portion of the Framingham Building and its single-story west wing display the property’s strongest focal point—a contiguous row of 28 narrow display windows/transoms at the north façade and east face of the building.

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING

The eight windows and corresponding transoms in the wing are supported by a bulkhead that matches the bulkhead on the two-story portion of the Framingham Building. The interior of the single-story wing is comprised of one large room. The west and south perimeter walls reveal exposed brick masonry construction. The interior east wall reveals wood framing with areas of painted and unpainted drywall. The ceiling is covered with drywall. The floor is original and is made of four-inch-wide fir planks. A massive center wood beam supported by thick wood posts supports the roof. The large room is illuminated with four skylights. The north perimeter wall faces East Sprague Avenue and is finished with eight tall display/transom windows and a center pedestrian door.



*Looking northwest at a 1928 warehouse/shop addition built on the south rear face
of the Framingham Building.*

1928 Warehouse/Shop

Completed in 1928, a single-story rectangular brick warehouse/shop was built on the west half of the south rear of the Framingham Building. The warehouse/shop measures 50 feet wide and 62 feet deep from the 1910 Framingham Building south to the alley. A glazed metal-frame pedestrian door opens into the warehouse/shop on the property's east façade. A single metal accordion-fold garage door with glazed panels is located next north of the pedestrian door. Six symmetrically placed original multi-paned metal-sash windows with metal muntins/mullions surround the pedestrian door and garage door. A

row of six matching symmetrically placed multi-paned windows extend across the south rear of the warehouse/shop. The interior of the shop is unfinished with concrete floors and exposed brick masonry walls. An interior door at the first floor opens from the warehouse/shop into the two-story building. Three skylights help illuminate the interior of the warehouse/shop with natural light.

ORIGINAL APPEARANCE & SUBSEQUENT MODIFICATIONS

After following the US Secretary of the Interior's Guidelines for Rehabilitation, the exterior of the Framingham Building is similar to a 1914 photograph and a 1923 photograph taken of the building's exterior façade (pages 18 and 20 this document). When rehabilitation of the building began in 2019, original storefront windows at the first floor were found replaced or covered with wood boards and smaller incompatible window units as seen in photographs pictured below on page 14 of this document. All original 1910 exterior storefront pedestrian doors were made with wood frames that held center glazing. After eleven decades of continual use from 1910 through 2019, the building's exterior pedestrian doors were severely weathered/damaged/deteriorated, and a few original exterior pedestrian doors were missing and replaced by modern incompatible units. The building's original concrete bulkhead that supported storefront windows along Sprague Avenue and Pittsburg Street was covered with damaged and deteriorated wood panels. Original multi-paned 12/1 wood-sash second-story windows shown in the 1914 and 1923 photographs were replaced sometime after 1923 with plain wood-sash 1/1 windows. After many years of continual use and weather, the Framingham Building's second iteration of second-story windows were found in 2019 to be damaged and deteriorated, and were replaced with new compatible 1/1 painted wood-sash units.

Rehabilitation of the Framingham Building includes:

1910 The Framingham Building was erected.

1914 Barrett Manufacturing Company installed a furniture and mattress factory manufacturing plant inside the building's single-story west wing at 1722-1724 E. Sprague Avenue (Spokane Building Permit #36620). Large advertising sign is installed over the transom windows on the west wing—see 1923 photo.

1928 Single-story brick warehouse/shop/factory was built onto the south rear of the Framingham Building (Spokane Building Permit #31985).

1965 Towne Glass Company refaced the north façade of the building at 1722 East Sprague Avenue with aluminum and glass (Spokane Building Permit B62212).

2019-2021 The Framingham Building was rehabilitated as per the US Secretary of the Interior's Guidelines for Rehabilitation with the following: new roof surface vinyl and coping installed, windows replaced on 2nd floor, balconettes rebuilt/restored/secured, exterior brick surfaces cleaned/restored, north and east façade storefront display windows/transoms restored with new storefront systems, exterior doors replaced with

**Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING**

commercial metal-framed and glazed units that match the original exterior pedestrian door style, Framingham nameplate on north façade cleaned/repainted, missing exterior light fixtures replaced with contemporary/compatible fixtures, south rear staircases and porches rebuilt/repainted, some but not all interior ceilings rebuilt/rehabbed/refinished at 1724-1730 at first floor and 1724½ at second floor, interior exposed brick perimeter walls cleaned, new HVAC with plumbing/electrical and mechanical requirements secured and installed, elevator installed, restrooms on first and second floors installed, kitchenette on second floor installed, south rear parking area behind building graded and re-graveled.



The north façade and east face of the Framingham Building in 2019 before rehabilitation in 2019-2021.

SECTION 8: STATEMENT OF SIGNIFICANCE

<i>Areas of Significance</i>	<i>Commerce/Trade/Industry/Manufacturing, Community Planning & Development</i>
<i>Period of Significance</i>	<i>1910-1971</i>
<i>Built Date</i>	<i>1910 Framingham Building 1928 Framingham Warehouse/Shop/Factory</i>
<i>Architect of 1910 building</i>	<i>Unknown</i>
<i>Engineers of 1928 warehouse</i>	<i>Alloway & George</i>

SUMMARY STATEMENT

Prominently sited at the southwest corner of East Sprague Avenue and South Pittsburg Street in East Central Spokane's commercial business district, the Framingham Building is significant in the areas of "Community Planning and Development" and "Commerce/Trade/Industry/Manufacturing" from its 1910 built date to 1947 when commercial and industrial building expansion along East Sprague Avenue discontinued. The property is eligible for listing on the Spokane Register of Historic Places under Category A for its significance associated with broad patterns of commercial and industrial development, and as one of the first buildings to offer multi-room apartments along East Sprague Avenue in East Central Spokane.

HISTORIC CONTEXT

Early Spokane

In the 1880s and 1890s, Spokane was one of the wealthiest and fastest growing communities in the region. It quickly gained popular attention as a railroad hub and center for mining, lumber, agriculture, and rail transport. The town and surrounding area attracted hundreds of pioneers and farmers, trappers and traders, miners, lumbermen, and businessmen seeking their fortunes and a way to make a better life. The Spokane region experienced phenomenal growth with a population that surged from just under 20,000 in 1890 to 36,800 in 1900, and escalated to more than 100,000 by 1910. Single-family homes were built at a rapid pace throughout the city and were also erected in outlying areas that surrounded the town. Located more than a mile east of the city's downtown business/merchant core, residential and commercial development along and around East Sprague Avenue provided suburban living within easy reach of downtown Spokane.

Mapped as US Highway 10, East Sprague Avenue in East Central Spokane became a busy thoroughfare as it stretched east from Division Street (which divides Spokane east and west) through the Spokane Valley, and eventually to the Idaho state line. Developed as a working-class neighborhood, East Central Spokane was colloquially known as "Union Park," a name that originated from the concentrated industrial settlement that developed along East Trent and East Sprague Avenues. Spokane Valley historian, Florence Boutwell, described the area as "the factory section of town" with lumber mills, flour mills, and sawmills. "The people who lived in Union Park were thrifty, hard-

working people. Many had emigrated from Italy and the Scandinavian countries. Because they couldn't speak the [English] language, the people were handicapped when job hunting. They usually had to settle for laboring or factory jobs where language skills were not important.”² Built in 1910, the Framingham Building helped the area's labor force as it offered many diverse jobs through many factories owned by industrial and commercial tenants.

HISTORIC SIGNIFICANCE

Category A

The Framingham Building is significant in the areas of community planning and development as one of the two-story brick industrial commercial buildings that was erected along East Sprague Avenue in the center of East Central Spokane's business district.

Continued growth in Spokane's population spurred the need for churches, schools, and single-family homes in East Central Spokane. Sidewalks were installed and graded roads were paved for horse-drawn buggies, automobiles, and public cable cars. As Spokane's population kept growing, brick commercial buildings were erected along East Sprague Avenue—sometimes called the “East End” by local residents. Grocery markets, retail shops, factories, manufacturing plants, automobile businesses, and hotels and apartment buildings were built along East Sprague Avenue from 1902 through 1947. The area on both sides of Sprague Avenue for four blocks from Madelia Street east to Crestline Street became a bustling commercial strip and industrial area lined with a variety of business concerns. These included service/gas stations & repairs, auto wrecker & repairs, macaroni factory, candy factory, mattress/furniture/upholstery factory, drug store, beer parlors/saloons/cafes, fruit/food/meat markets, banks and post office, radio/TV sales & service, and plumbing/heating sales & repair.

East Sprague Avenue's New Framingham Building

The intersection of Sprague Avenue and Pittsburg Street was a popular and prominent location along East Sprague Avenue in the center of East Central Spokane. Seeking speculative success, Spokane druggist Charles McNab, in 1908, purchased Lots 5 and 6 on Block 2 in the Wadsworth & McDonald Addition at the southwest corner of Sprague and Pittsburg for the construction of a large, two-story brick building. Permission was granted to McNab to install a sewer, and connect to city water. Construction commenced, the property was erected, and the new East Sprague Avenue structure was called the Framingham Building.³

The *Spokane Daily Chronicle* newspaper described the Framingham Building in an August 8, 1910 article:

² Boutwell, Florence.

³ Spokane Building Permit #2490, October 29, 1908. Unfortunately, the building permit does not indicate the architect or builder of the property. After exhaustive research, the name of the builder and/or architect remains unknown.

LARGE BUILDING FOR UNION PARK

While nearly every section of the city is taking on an attitude of prosperity through the construction of various new buildings, Union Park—the thrifty little East End business district—is not being overlooked. Union Park has been given another substantial business block.

This is the Framingham...and was recently completed at a cost between \$25,000 and \$26,000. Having a frontage of 100 feet on Sprague Avenue and a depth of 80 feet on Pittsburg Street, the Framingham has greatly improved the appearance of this section of the city. The upper floors of the place are already occupied by a neatly arranged lodging house, with hot and cold water and heated with steam, while a prosperous candy factory and shop takes up the basement and first floor at the corner. A café has been opened in the one-story [wing] portion of the building at the west. Through its lodging quarters on the second floor, this building has filled a long-standing demand for hotel facilities in the East End, as this is practically the first large lodging house that has been opened in Union Park.⁴

When it was built, the second floor of the Framingham Building was interchangeably called the Framingham Hotel and the Framingham Apartments. An enclosed staircase opened from an exterior front entrance door on the building's center north façade at 1724½ East Sprague Avenue, and rose to the second floor. Single sleeping rooms were located along the west side and south rear of the building. In contrast, the north facade and east side of the building were finished with a series of two-room apartments, called the Framingham Apartments.

In an article dated March 6, 1910, the *Spokane Press Newspaper* reported the opening of the Framingham Building's second-floor rooms and apartments:

FIRST LODGING HOUSE IN UNION PARK IS OPENED

Upper Floors in New Framingham Building Made Into Apartments

Union Park's first real apartment and lodging house—the need of which has been many times asserted in the last few years—is ready for occupancy. The building has just been completed and is one of the best in the East End of the city, being steam-heated and modern throughout. It is understood that about one-half of the upper floor will be arranged in single rooms to be conducted after the style of an ordinary lodging house, while the remainder will be fitted for general housekeeping apartments.⁵

A few years later, advertisements in the *Spokane Daily Chronicle* in 1915 and 1916 offered the following:

⁴ *Spokane Daily Chronicle*, August 1910

⁵ *The Spokane Press*, March 1910

FRAMINGHAM APARTMENTS—2 LARGE FRONT ROOMS

Pantry, closet, private bath and toilet, completely furnished, including heat, light, telephone, linen, \$17 a month.

FRAMINGHAM HOTEL—QUIET PLACE—CLEAN OUTSIDE

Sleeping room, including steam heat, bath and phone service, \$6 a month.⁶

The Framingham Building held a total of 28 single rooms on the second floor. A single “sleeping room” could be leased individually and was to be used by only one person—or two rooms could be leased together as an apartment for two people. In 1930, apartment tenants at the Framingham Building numbered thirteen in the Polk’s City Directory with nine men and four women who individually leased two rooms each for a total of thirteen apartments. By 1932, changes had been made as per popular demand, and *all* single “sleeping rooms” were joined as two-room apartments with a total of twelve two-room apartment units in the Framingham Building. The remaining rooms were joined as one apartment and were used by staff of the Framingham Apartments. By 1938, only six of the twelve apartments were leased (four men and two women)—a “sign of the times” during the Great Depression of the 1930s.



Looking west in 1914 at the Framingham Building at the southwest corner of East Sprague Avenue & South Pittsburg Street.

⁶ *Spokane Daily Chronicle*, 1915 and 1916

The Framingham Building from 1910 to 1960

The Framingham Building was designed and built with numerous deep, street-level commercial bays which provided space for shops, stores, showrooms, factories, and manufacturing plants. In 1913, the *Spokane Daily Chronicle* newspaper reported the community's increasing need and demand for commercial building storefronts and merchandise bays that could be leased by store owners. The Framingham Building offered such space and was praised in the following newspaper article:

BIG DEMAND FOR GOOD STORE ROOMS

*W. F. Maggart has leased the modern brick building at 1722 East Sprague Avenue for the accommodation of the Framingham Grocery. This is one of the best-equipped buildings on East Sprague Avenue.*⁷

In addition to W. F. Maggart's above-referenced store room lease in the Framingham Building for his grocery business at 1722 East Sprague Avenue, another individual—F. N. Strong—leased the space at 1724 in the building for his dry goods/general merchandise shop. The next year in 1914, E. H. Stanton leased the store room at 1726-1728 for a meat market, and the Burns Candy Store leased the merchandise bay next east in the building's northeast corner at 1730 East Sprague Avenue and South Pittsburg Street. During this time, Mrs. Agnes Cahill was in charge of the Framingham Apartments located upstairs on the second floor.⁸

The 1914 photograph of the Framingham Building pictured the northeast corner of the building as it abutted paved sidewalks along East Sprague Avenue and South Pittsburg Street.⁹ Advertising sign boards hanging from the north façade of the building included signs that read "Purple Ice Cream," "Burns Candy," and "Dry Goods." Sandwich boards along the sidewalk advertised "Lunch, Bakery Goods, Cream Milk, Buttermilk, and Cigars" all for sale at the building.

The Burns Candy Company did well in the corner bay at 1730 East Sprague Avenue and South Pittsburg Street. By 1917, the candy company had leased two additional storerooms in the basement and employed 20 people. The company made and manufactured candy, and planned to add the manufacture of cookies and crackers. As stated by the candy company's founder/owner Louis G. Burns, the company will make a "specialty of Grandma's Cookies, distribution rights for which have been secured covering Washington, Idaho and Montana."¹⁰ Burns planned to extend his candy business because "Spokane and the Inland Empire are commencing a long period of prosperity...and business growth."¹¹

⁷ *Spokane Daily Chronicle*, 1913

⁸ *Spokesman-Review*, May 1914

⁹ Northwest Museum of Arts & Culture, 1914 photo L87-361.379A. Spokane, WA.

¹⁰ *Spokesman-Review*, May 1916

¹¹ *Ibid.*

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



A 1923 photograph of the north façade of the Framingham Building along East Sprague Avenue.

By 1921, the Burns Candy Company was replaced by the Banner Drug Company in the Framingham Building's corner merchandise bay at 1730 East Sprague Avenue and South Pittsburg Street as pictured in a copy of the above-referenced 1923 black-and-white photograph.¹² The Banner Drug Company was owned by Spokane resident, Carey A. Neyland. Thirty years later in the 1950s, he changed his company's name to the Banner Cut-Rate Drugstore & Pharmacy.

The 1923 photograph pictured the north façade of the Framingham Building as it faced north on East Sprague Avenue. The appellation FRAMINGHAM is framed in a nameplate at the top of the building above second-story windows over the property's formal front north entrance. Signage on the building included a hanging sign that read "Banner Drug." A hanging sign at the west end of the two-story portion of the building advertised "Furniture from Factory to You." A large sign board was attached to the wall above the display windows on the single-story west wing and read, "Barrett Mattresses & Upholstered Furniture."¹³

¹² Northwest Museum of Arts & Culture, 1923 photo L90-145, Spokane, WA.

¹³ Ibid.

The Barrett Manufacturing Company

Owned and operated by Spokane manufacturing entrepreneur De Roy Barrett, the Barrett Mattress & Furniture Upholstery Manufacturing Company was located in the Framingham Building for more than 33 consecutive years from 1914 to the end of 1947, the year of Barrett's death and subsequent closure of his manufacturing business. Barrett began leasing the Framingham Building's single-story west wing at 1722-1724 East Sprague Avenue as early as 1914 when work he contracted was permitted and recorded by Spokane Building Permit #36620 on March 16, 1914.¹⁴ The construction work included finishing the interior of the building's west wing with two rooms that could accommodate a mattress factory and showroom. A front door in the center of the north façade of the west wing opened to 1722 and 1724, and a back door at the south rear of the building led to a graveled parking lot.

Barrett's business grew and by 1923, the *Spokane Daily Chronicle* newspaper described Barrett's undertaking as a \$50,000 enterprise with 12,000 square feet of space, and praised his concern as "one of the most flourishing of the East Spokane industrial plants."¹⁵ Barrett stated, "Eighty percent of our output is overstuffed or upholstered furniture. We now employ seventeen men to the one helper I had four years ago. We expect to have thirty men on the payroll by September 1st... Most of the large stores of Spokane handle our product, and we ship throughout the Inland Empire. This year...the Barrett Manufacturing Company will throw its factory open to an open-house week, and we wish visitors to come and compare our sturdy well-made furniture."¹⁶



An open house invitation in the Spokane Daily Chronicle newspaper in May 1923.

¹⁴ Spokane Building Permit #36620, March 16, 1914

¹⁵ *Spokane Daily Chronicle*, May 1923

¹⁶ Ibid.

De Roy Barrett's mattress manufacturing and furniture upholstery business flourished during the 1920s, 1930s, and early 1940s. Romanticized reproduction versions of earlier period English Tudor, Queen Anne, and Early American Colonial-style furniture from the 1800s were popular, and were upholstered and sold at Barrett's show rooms in the Framingham Building. A wide variety of fabrics and colors were offered as well as newer coverings such as leather with a fine-grained, hand-buffed hide. To help customers, interior design ideas were offered as noted in the following newspaper article dated February 27, 1935:

HOME FURNISHINGS MUST FIT SCHEME

After the remainder of the house has been modernized, determine carefully whether the furniture fits into the new surroundings, says De Roy Barrett, president of the Barrett Manufacturing Company. If it does not, call upon our interior decorators and let them lay out a new furniture scheme for your home. We manufacture our own furniture, and can fill special design needs promptly. If the homeowner cannot afford new furniture, we are equipped to do the same thing to your furniture that you did to your house—modernize it.¹⁷

With a positive spin, Barrett offered the following summary, "We're making new styles of furniture...modern neo-classical designs are employed with new covers in pastel shades...lots of color is being used...the drab room is a thing of the past."¹⁸

In 1928, Framingham Building owner Charles McNab filed for a Spokane building permit to construct a single-story addition onto the rear of the Barrett Manufacturing Company plant's west wing at 1722-24 East Sprague Avenue (see map on page 11). The permit was accepted, Alloway & George Contractors in Spokane were hired, and the cost of the construction was estimated at \$5,500.¹⁹

The Spokane firm Alloway & George officially formed in 1913 when Robert Alloway partnered with Henry George. Both structural engineers, Alloway and George practiced as general contractors and structural engineers with offices in downtown Spokane, first in the Old National Bank Building and then in the Hutton Block. Alloway & George's prominence, abilities, and experience as structural engineers and general contractors was strong. One of their most prominent works was the construction of the award-winning City Ramp Garage in 1928—the same year they built and erected the one-story brick warehouse/shop addition onto the rear of the Framingham Building for the Barrett Manufacturing Company.²⁰ When Robert Alloway died in 1940, Henry George organized a new partnership with his sons in 1946 as Henry George & Sons. In addition to the City Ramp Garage, prominent construction accomplishments for which George is

¹⁷ *Spokane Daily Chronicle*, February 1935.

¹⁸ *Spokane Daily Chronicle*, August 1936.

¹⁹ Spokane Building Permit #31985, May 10, 1928.

²⁰ Yeomans, Linda. *City Ramp Garage, Spokane & National Historic Register Nominations*, 2012.

credited include the Spokane Coliseum, the Joe Albi Veteran's Memorial Stadium, and St. John's Episcopal Cathedral (Harold Whitehouse, architect).

A 1910 Sanborn Fire Insurance Map, updated in 1928, pictured a floor plan of the brick single-story rear warehouse/shop addition built onto the south rear of the Framingham Building (see page 11). The warehouse/shop addition was constructed as factory space for the Barrett Manufacturing Company while merchandise showrooms and storage areas with mattresses and upholstered furniture were located in the north half of the Framingham Building at 1722-1724 East Sprague Avenue. Both the warehouse/shop with its mattress and furniture factory, and the storage space and show rooms in the Framingham Building's west wing were illuminated with natural light from windows and skylights.

In 1947, De Roy Barrett died suddenly at the zenith of his success in the mattress and furniture manufacturing business located in the Framingham Building. He came to Spokane in 1906 from Michigan, and lived in the city for more than 40 years. He was survived by his wife and daughter, Miss Frances Barrett, and his son, James Barrett, concert master for the Detroit Symphony Orchestra. The Barrett Manufacturing Company was terminated with the death of the company's founder, De Roy Barrett.

The Framingham Building from 1960 to 2021

By 1960 and after thirty-plus years of business, Neyland's drugstore had vacated the corner merchandise bay in the Framingham Building. Commercial space in 1722 was occupied by Mank & Son Plumbing and Heating, 1724 held Inland Sign & Silk Screen Products, and Acme TV & Electric leased 1726-28 East Sprague Avenue.

In 1971, Spokane city directories listed the show room at 1722 E. Sprague Avenue occupied by Towne Glass Company, the bay at 1726 occupied by Interior Design Service Drapery Manufacturers, and 1730 at the corner of Sprague and Pittsburg occupied by the Quality Upholstery Company. The Framingham Building's two merchandise bays at 1724 and 1728 East Sprague Avenue remained vacant.

The 1980s ushered in occupancy changes within the Framingham Building. The bay at 1722 East Sprague Avenue continued to be leased by the Towne Glass Company. However, show room space in 1724, 1726, 1728, and 1730 was leased by a new tenant—Disabled American Veterans Club & Service Office, Spokane Chapter Six. The military veterans were men who had been involved in World War II in the 1940s and the Vietnam War in the 1960s-1970s. They resided in all of the second-floor Framingham Apartments addressed as 1724½ East Sprague Avenue.

By 1995, the Framingham Building was purchased by the Spokane Tormino family, and their business known as Tormino's Sash & Glass replaced the previous tenant at 1722 East Sprague Avenue. By this time, the building's remaining four display rooms/merchandise bays at 1724, 1726, 1728 and 1730 East Sprague Avenue and the second-floor Framingham Apartments were all occupied specifically by men from

**Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING**

Spokane's Disabled American Veterans Club, and Spokane's Veterans of Foreign Wars. After more than twenty consecutive years of residential occupancy, the military veterans vacated the property in 2005. At that time, a Vietnamese restaurant called The Vien Dong purchased the Framingham Building and operated the business for fourteen years in bays 1724-1730.²¹

In 2019, Steve Schmautz, a well-known Spokane contractor/developer bought the Framingham Building, and successfully repaired, rebuilt, and rehabilitated the property per the *United States Secretary of the Interior's Guidelines for Rehabilitation*.²² Schmautz also owns two other historic properties just east of the Framingham Building in East Central Spokane—the Quality Garage at 1919 East Sprague Avenue and the Scarpelli Brothers Macaroni Factory at 2012 East Sprague Avenue. Both historic buildings were rehabilitated and listed on the Spokane Register of Historic Places, and both buildings are leased by successful business owners who offer a wide variety of antiques, collectibles, and decorative household goods for sale.²³

CONCLUSION

The Framingham Building is eligible for listing on the Spokane Register of Historic Places under Category A in the areas of significance known as community planning and development and commerce/trade/industry/manufacturing. Contributing to broad patterns of development in the East Sprague Avenue commercial hub of East Central Spokane, the Framingham Building is one of a group of eighteen commercial buildings constructed from 1902 to 1946 along East Sprague Avenue from Madelia Street east to Crestline Street. The building contributed greatly to the start and success of many commerce, trade, industry, and manufacturing concerns that located along East Sprague Avenue in East Central Spokane. The Framingham Building survives in very good condition as one of the best-preserved, historic two-story commercial structures in the commercial district.



1929 photo of a delivery truck owned by the Barrett Manufacturing Company

²¹ *Spokesman-Review*, October 2019

²² U.S. Department of the Interior, *National Register Bulletin #15*, 1995.

²³ *Spokane Historic Preservation Office*. Individual Spokane Historic Register Property Nominations.

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING

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**Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING**

Newspapers (chronological order)

“First Lodging House in Union Park is Opened.” *The Spokane Press*, 6 March 1910

“Large Building for Union Park.” *Spokane Daily Chronicle*, 8 August 1910

“Framingham Apts.” *Spokane Daily Chronicle*, 1915

“To Rent—Framingham Hotel.” *Spokane Daily Chronicle*, 30 December 1915,
and 1 January 1916.

“Spokane Plant Grows Rapidly.” *Spokane Daily Chronicle*, 29 May 1923.

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“Barrett Upholstered Furniture Manufacturing Company.” *Spokane Daily Chronicle*, 25
July 1928.

“English Period Furniture Good.” *Spokane Daily Chronicle*, 6 October 1931.

“New Colors Increase Beauty of Furniture.” *Spokane Daily Chronicle*, 26 April 1932.

“Small Hotels Are In Demand.” *Spokesman-Review*, 11 December 1932.

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“Furniture Has Brighter Tone.” *Spokane Daily Chronicle*, 19 August 1936.

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“Former Vien Dong Restaurant to be Renovated.” *Spokesman-Review*, 13 October 2019

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



Photo 1
NE corner facade of Framingham Building at East Sprague Avenue and
South Pittsburg Street in 2021



Photo 2
East façade of Framingham Building in 2021—the Framingham Building was built in
1910 as the two-story red brick building with the adjoining west single-story wing

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



Photo 3

2021 photo of east façade of Framingham Building's main center entrance—notice the name plate at the top of the building that spells FRAMINGHAM



Photo 4

A 2021 view of the Framingham Building from the sidewalk corner at East Sprague Avenue and South Pittsburg Street, looking west

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



Photo 5

2021 photograph of the southeast rear corner of the two-story Framingham Building and the attached single-story brick warehouse



Photo 6

A 2021 photograph of the south rear elevation of the two-story brick Framingham Building, looking north across a graveled parking lot

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



Photo 7
A 2021 photograph of the interior of the warehouse, looking north



Photo 8
A 2021 photograph of the interior of the warehouse, looking west

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



Photo 9

A 2021 photograph of the interior north wall of the Framingham Building at the first floor, northeast corner of the building, looking north



Photo 10

A 2021 photograph of the first-floor interior, looking southeast

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING

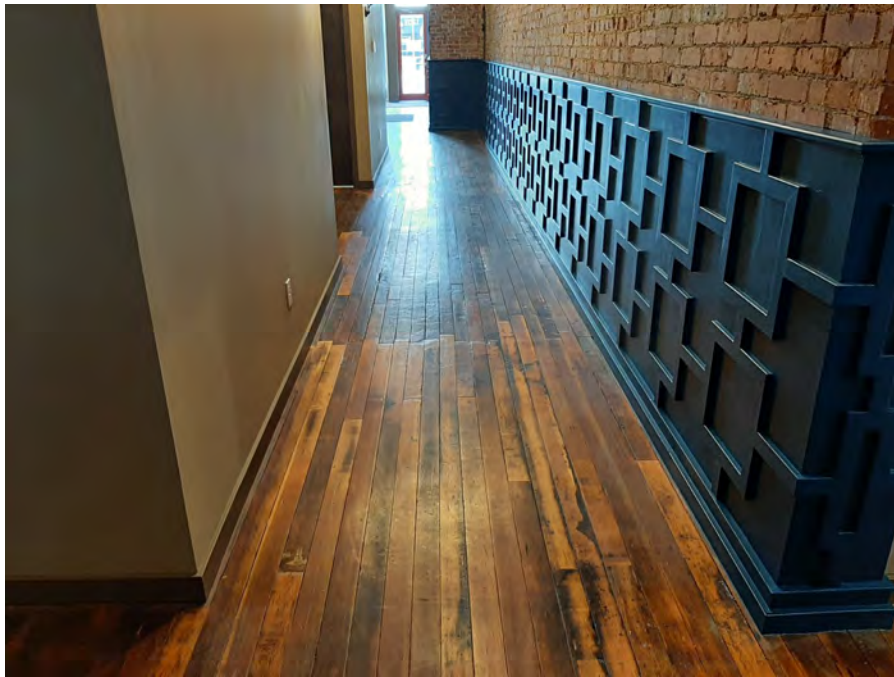


Photo 11

Looking north at the front entrance, first floor, in the Framingham Building (2021 photo)

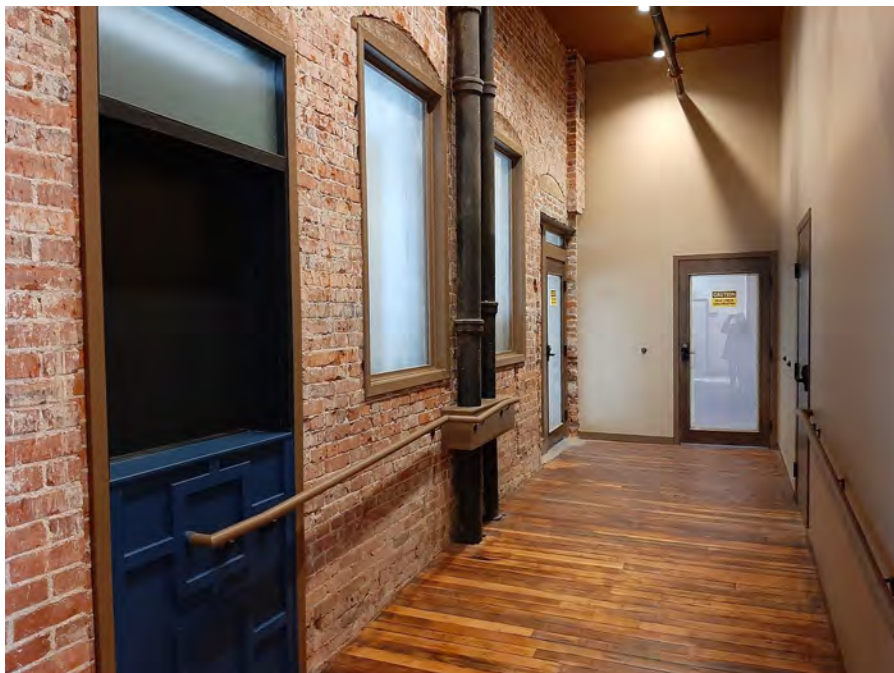


Photo 12

A 2021 photograph of the first-floor hallway, looking south

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



Photo 13

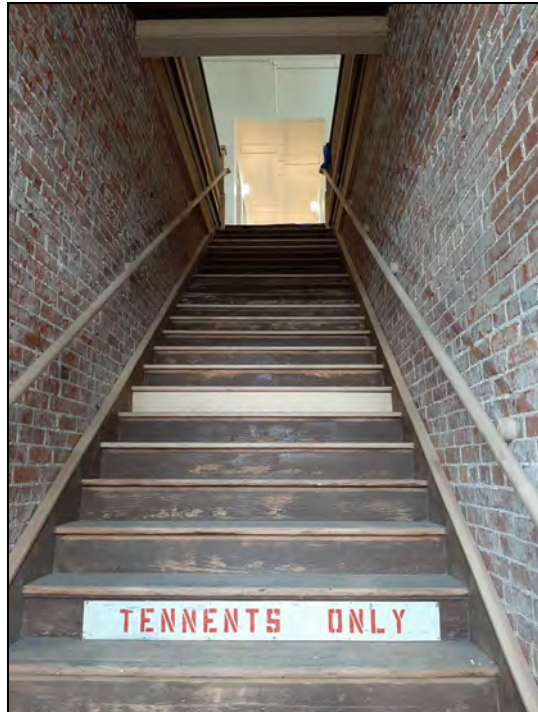
Looking north at the first floor of the attached single-story building at the west elevation of the Framingham Building



Photo 14

A 2021 photograph of the interior of the attached single-story building, looking south

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



Photos 15 and 16
2021 photographs of the center front staircase built between the 1st and 2nd floors

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



Photos 17 and 18
2021 photographs of the 2nd-floor staircase balustrade detail and interior hallways

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



Photo 19

2021 photograph of office in northeast corner of the second floor, looking northeast



Photo 20

2021 photo of a second-floor balcony, looking east



Photo 21
Looking east in 2021 at an office wall and window on the second floor

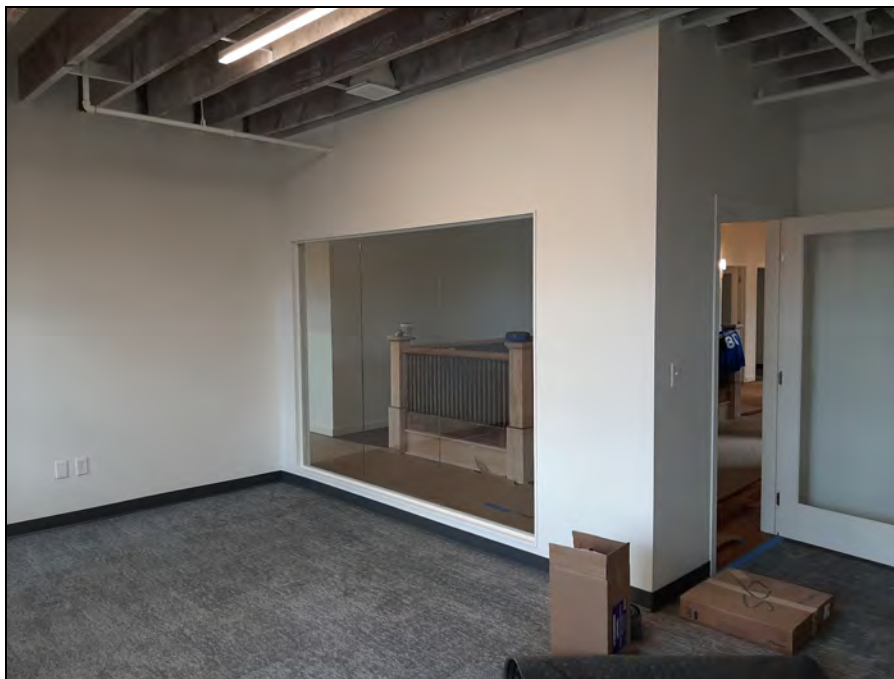


Photo 22
Looking west in 2021 through the above-pictured office on the second floor

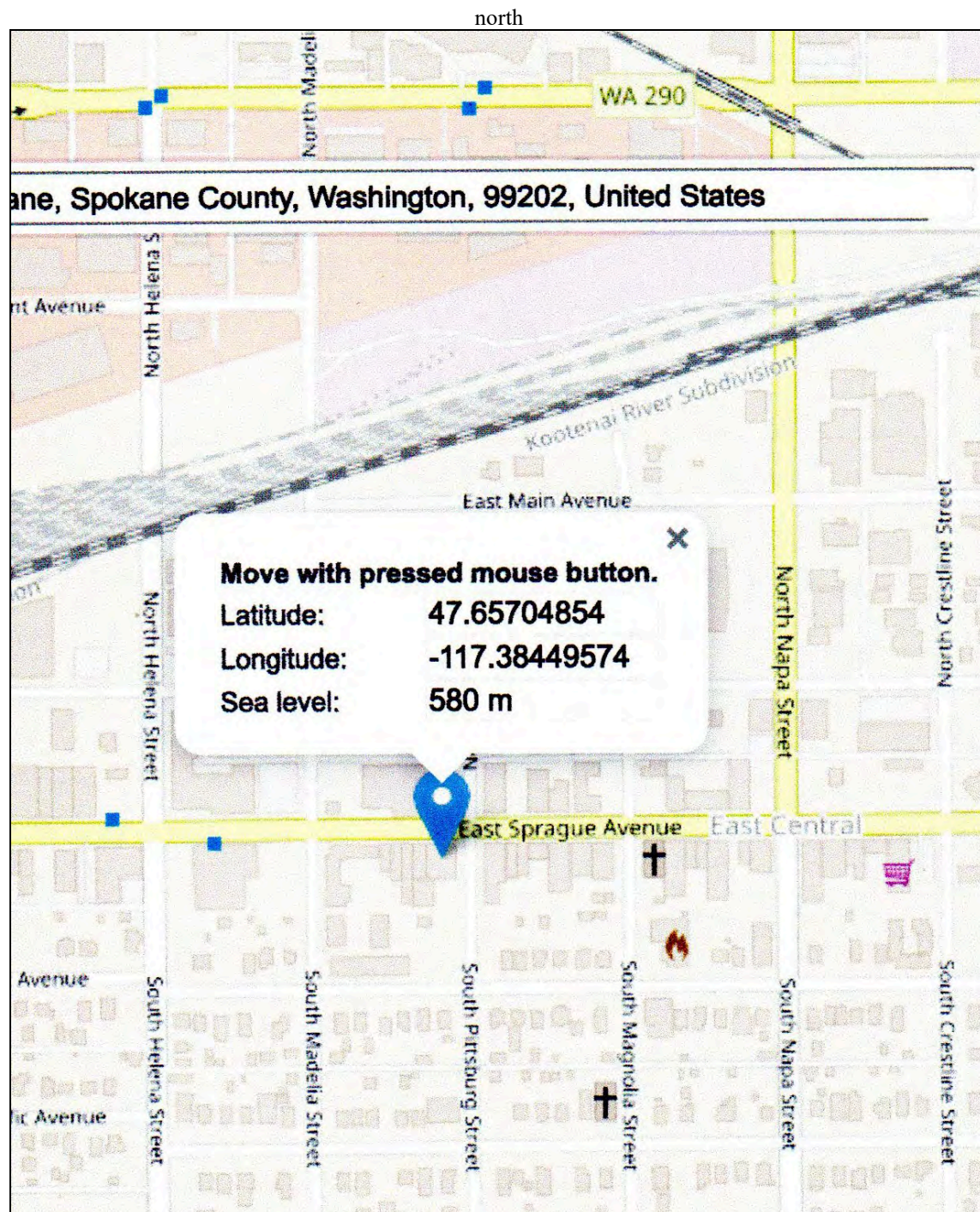


Photo 23
2021 photograph of the kitchen/break room on the second floor,
looking south into a lightwell



Photo 24
2021 photograph of restroom on second floor, looking west through the lightwell

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



Framingham Building
East 1722 Sprague Avenue
Spokane, WA 99202

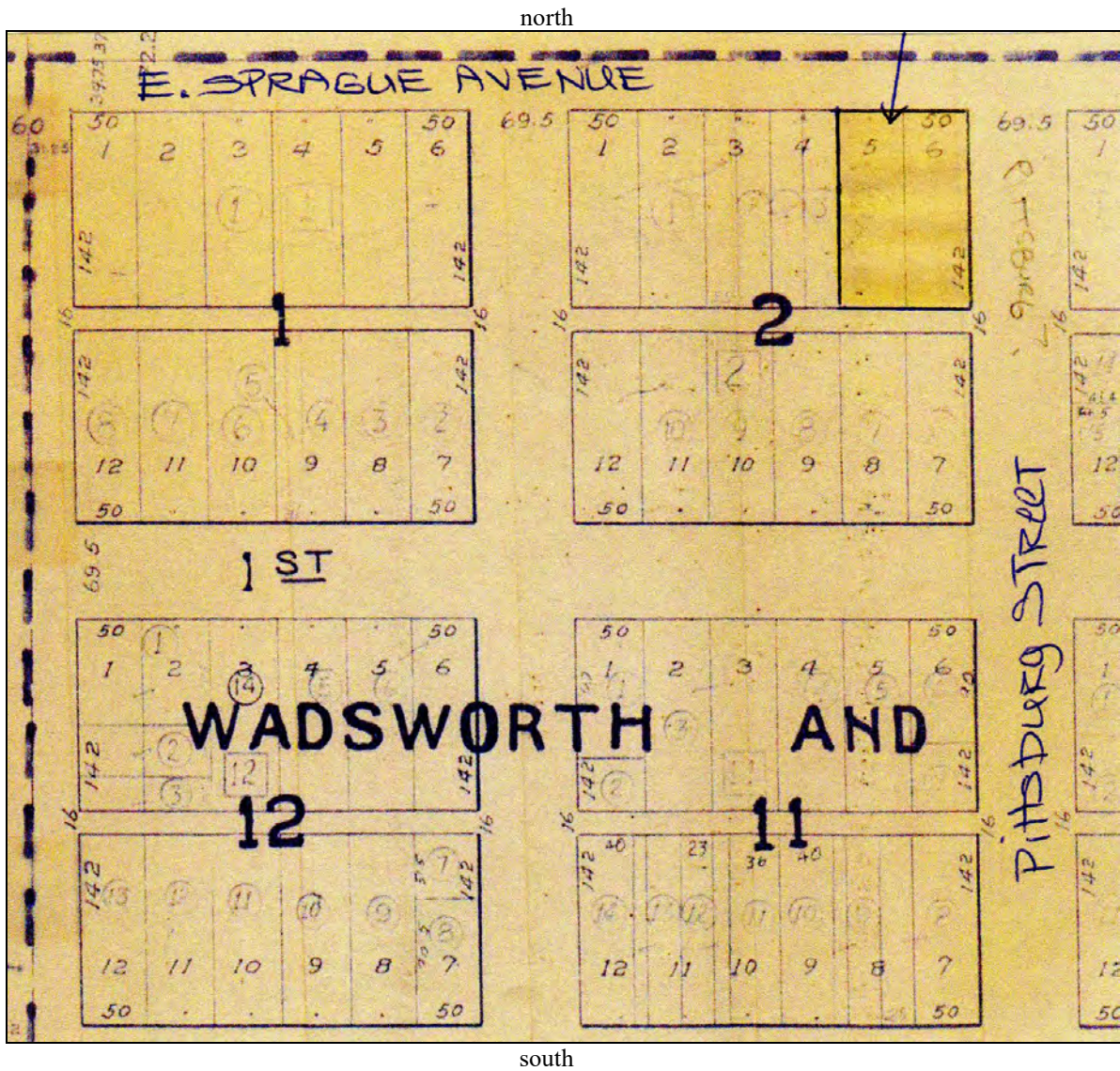
Source: Google Maps 2021

Rough draft August 22, 2021

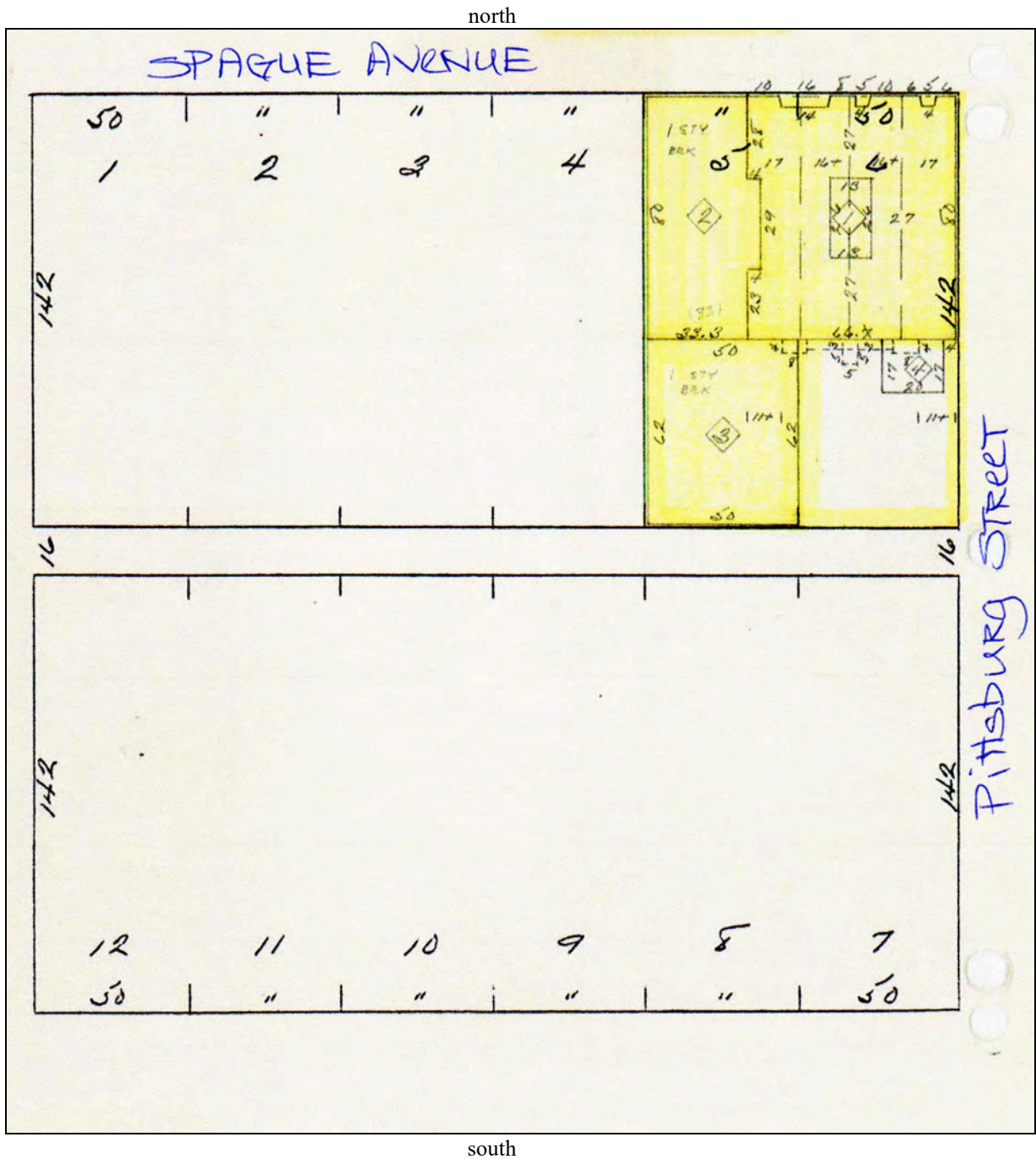
Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING

FRAMINGHAM BUILDING
East 1722 Sprague Avenue

Wadsworth & McDonald Addition, Block 2, Lots 5 and 6



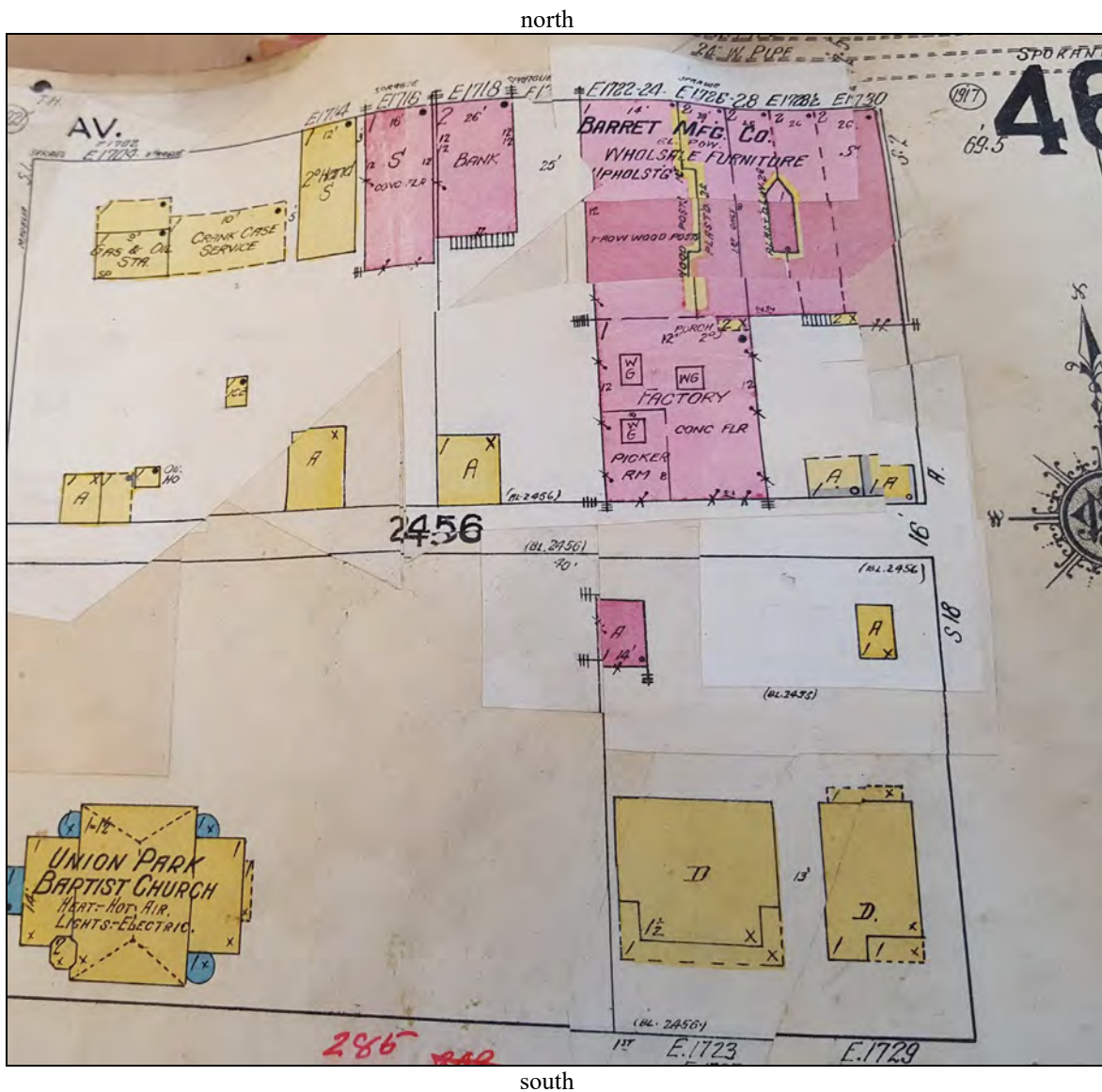
Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



FRAMINGHAM BUILDING
East 1722 Sprague Avenue

Source: Spokane County Assessor Records

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING

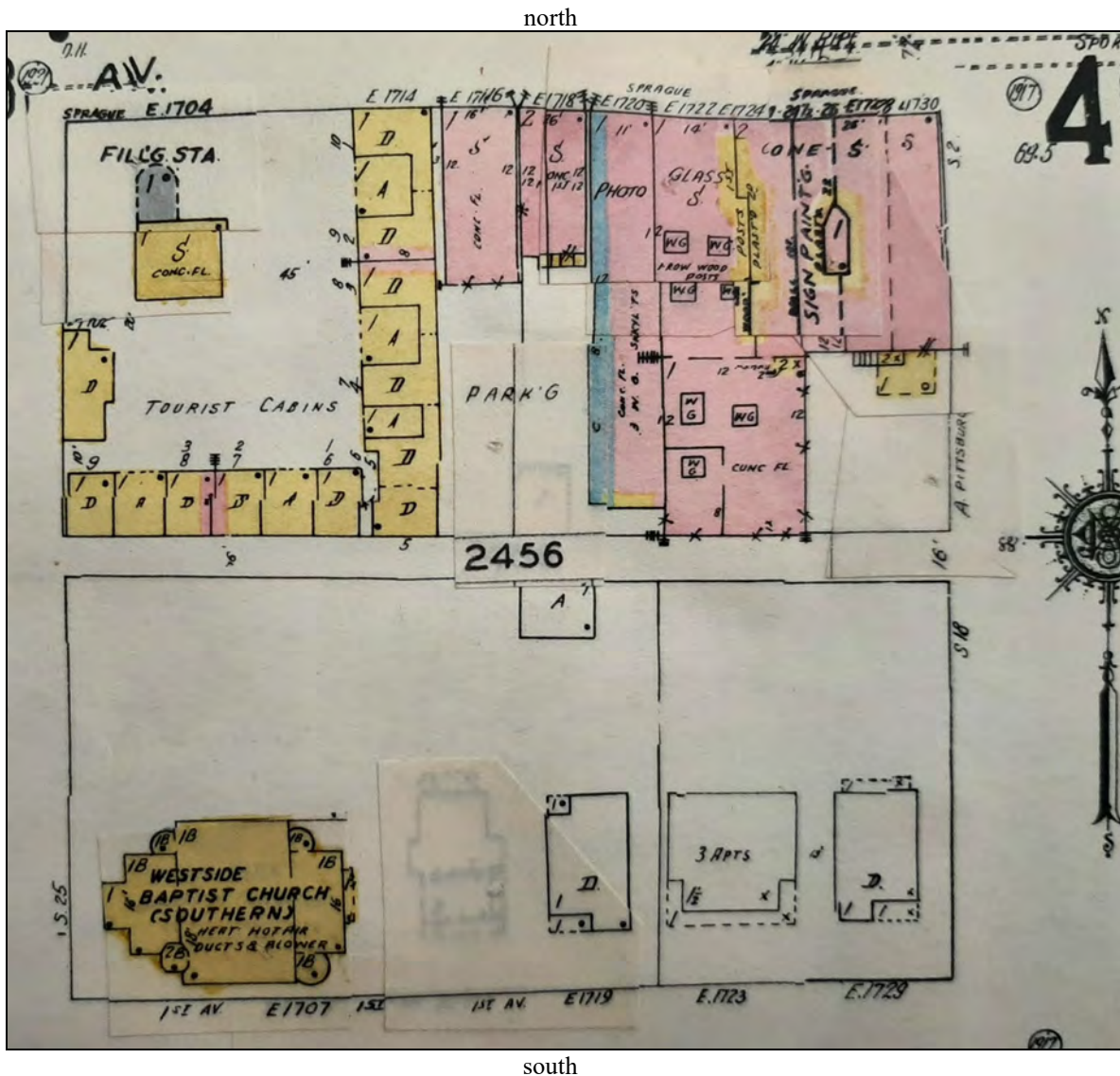


FRAMINGHAM BUILDING
East 1722 Sprague Avenue

This 1910 map shows the property as pink, which denotes brick construction. It names the property's concern as the Barrett Manufacturing Company of mattresses, wholesale furniture and upholstery, and pictures a single-story brick factory warehouse attached to the building's south rear elevation. The Framingham Building includes addresses 1722-1730 East Sprague Avenue.

Source: 1910 Sanborn Fire Insurance Map

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



FRAMINGHAM BUILDING
East 1722 Sprague Avenue

This 1953 Sanborn Fire Insurance Map pictures the Framingham Building with addresses at 1722-1730 East Sprague Avenue. It indicates the Barrett Manufacturing Company has vacated the building, and has been replaced by a glass company and a sign-painting company on the first floor. The map pictures a small temporary single-story wood-frame enclosure attached to the southeast rear of the Framingham Building.

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



FRAMINGHAM BUILDING
1722 East Sprague Avenue

1914 photograph of East Sprague Avenue, looking west

At the left-hand margin of the photograph, the Framingham Building is pictured with signage attached to the building that advertises “ice cream soda,” “Burns Pure Ice Cream and Candy,” and “dry goods.”

A sandwich board sign in front of the building’s northeast corner at the sidewalk advertises “lunch, bakery, and cigars” available inside the building.

Source: Northwest Museum of Arts and Culture (MAC), Spokane, WA.
Photo L87-361.379A.

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



FRAMINGHAM BUILDING
1722 East Sprague Avenue

1923 Photograph

Notice the curved sign that spells FRAMINGHAM APTS immediately located above the first-floor arched front entrance on the north façade of the building. The front doors open to stairs that rise to the second floor apartments.

Notice the FRAMINGHAM appellation above the front entrance at the top of the second floor that indicates the name of the building. The adjoining west one-story storefront advertises the Barrett Furniture Company.

Banner Drug Company was located in the northeast corner of the building.

Source: Northwest Museum of Arts and Culture (MAC), Spokane, WA.
Photo L90-145.

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING



**BARRETT MANUFACTURING COMPANY'S
DELIVERY TRUCK**

1929 Photo

Barrett Manufacturing Company was located in the Framingham Building at 1722-1724 East Sprague Avenue at the time the above-photo was taken in 1929.

Source: Northwest Museum of Arts and Culture (MAC), Spokane, WA.
Photo L87-1.40759-29

FIRST LODGING HOUSE IN UNION PARK IS OPENED

Upper Floors of New Fram- ingham Building Made Into Apartments.

Union Park's first real apartment and lodging house, the need of which has been many times asserted in the last few years, is ready for occupancy. It is to be known as the Mecca housekeeping apartments, and takes in the whole upper floor of the new Framingham building, at the southwest corner of Pittsburg street and Sprague avenue. Mrs. H. A. Clark is to conduct the place.

This building has just been completed, and is one of the best in the east end of the city, being steam heated and modern throughout. It is understood that about one-half of the upper floor will be arranged in single rooms, to be conducted after the style of an ordinary lodging house, while the remainder will be fitted for general housekeeping apartments.

"First Lodging House in Union Park is Opened." *The Spokane Press*, 6 March 1910

LARGE BUILDING FOR UNION PARK

Wife of Former Spokane
Druggist Owns Attractive
Structure on E. Sprague.

While nearly every section of the city is taking on an attitude of prosperity through the construction of various new buildings, Union Park, the thrifty little East End business district, is not being overlooked. In addition to a new apartment, machine shops, warehouses and mill, a new workingman's flat and a variety of up-to-date residences, Union Park has been given another substantial new business block.

This is the Framingham, at the southwest corner of Pittsburg street and East Sprague avenue. The Framingham was recently completed at a cost of between \$25,000 and \$26,000, by Mrs. Isabelle McNab, wife of Charles McNab, the former well-known Spokane druggist.

Is Attractive Building.

Having a frontage of 100 feet on Sprague avenue and a depth of 80 feet on Pittsburg street, the Framingham has greatly improved the appearance of this section of the city. The upper floors of the place are already occupied by a neatly arranged lodging house, with hot and cold water and heated with steam, while a prosperous candy factory and shop takes up the basement and first floor at the corner. A cafe has been opened in the one-story portion of the building at the west.

Through its lodging quarters on the second floor this building has filled a long-standing demand for hotel facilities in the East End, as this is practically the first large lodging house that has been opened in Union Park. Mrs. McNab is at the present time in Mukilteo, Wash., near Everett, where herself and husband have resided much of the time since Mr. McNab's retirement from the drug business here.

"Large Building for Union Park." *Spokane Daily Chronicle*, 8 August 1910

Spokane City/County Register of Historic Places Nomination
FRAMINGHAM BUILDING

FRAMINGHAM APTS.—2-ROOM APART-
ment, gas range, large closet, pantry, \$13,
including lights; heat, hot and cold water,
linen, dishes, bath, phone. Also sleeping
rooms \$6 a month. E1724½ Sprague. High.
704.

“FRAMINGHAM APTS—2-Room Apartment.”
Spokane Daily Chronicle, 28 Sept 1915

FRAMINGHAM APTS.—2 LARGE FRONT
rooms, pantry, closet, private bath and toi-
let; completely furnished, including heat,
light, telephone, linen; \$17 a month. E1724½
Sprague. High. 704.

“FRAMINGHAM APTS—2 Large Front Rooms.”
Spokane Daily Chronicle, 5 October 1915

SPOKANE PLANT GROWS RAPIDLY

Local Exhibitions Lack Goods Manufactured in Inland Empire.

Starting with a space of 1000 square feet about four years ago, the American Mattress & Feather company of Spokane has a real furniture factory now at E1124 Sprague with a floor space of 12,000 square feet, it was stated today by D. R. Barrett, president and manager.

The concern, which was originally capitalized at \$5,000, is now a \$50,000 concern, and reorganized and known as the Barrett Manufacturing company. It is one of the most flourishing of the East Spokane industrial plants.

"We specialize on upholstered furniture now, although we make some mattresses," said Mr. Barrett. "Eighty per cent of our output is overstuffed or upholstered furniture."

"From the small space in the old Falls View block on Bridge avenue, off of Monroe street, we moved to N1211 Ruby street. After two years we moved to our present location on East Sprague. We now employ 17 men, in comparison to the one helper which I had four years ago. We expect to have 30 men on the payroll by September 1."

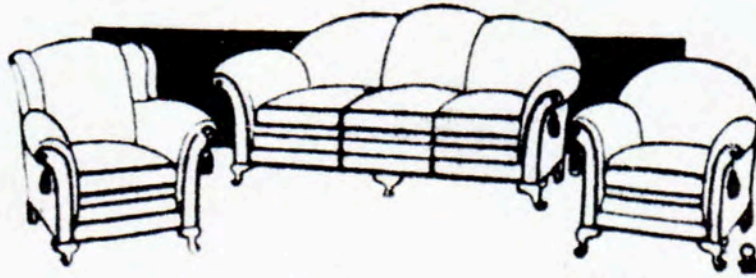
"Most of the large stores of Spokane handle our product, and we ship throughout the Inland Empire. However, we can put out a better produce for the price charged the local merchants by the eastern manufacturers, and where we now have only 10 per cent of the upholstered furniture business, we should have 90 per cent."

"Last year, during 'Better Homes' week, there was not a stick of Spokane made furniture in any of the houses on exhibition. Furniture was not the only thing of Spokane manufacture which was not shown."

"This year, following the 'Better Homes' week, the Barrett Manufacturing company will throw its factory open for an 'open house' week and we wish visitors to come and compare our sturdy, well made furniture with what they saw of eastern manufacture in the exhibition houses. 'Spokane Made Merits Your Trade.'"

F. S. Barrett, real estate dealer, a brother, is secretary of the furniture concern.

"Spokane Plant Grows Rapidly."
Spokane Daily Chronicle, 29 May 1923



Better Homes Week
Is Visitors' Week at
The Barrett Manufacturing Co.

You are invited to visit our factory and see the high quality of material and care used in the manufacture of American Beauty upholstered furniture. This visit will be interesting and instructive, and you will be confident that **this** Spokane product compares favorably with similar lines made anywhere.

Take E. Sprague car.

Barrett Manufacturing Co.

Successors to
American Mattress and Furniture Company
Wholesale Only. **E1724 Sprague Ave.**

“Barrett Manufacturing Company—Better Homes Week.”
Spokane Daily Chronicle, 4 June 1923

Attention, Dealers!!

You Are Cordially Invited to Visit
and Inspect Our

**Improved and Enlarged
HOMEASE Plant**

E1724 Sprague Ave.



D. Roy Barrett, Pres.

And See the New Fall Upholstered
Furniture Now on Display
in Suites and Single
Pieces

Phone Lake. 2525
and we will gladly
call for you and re-
turn you to your
hotel at any time.

Barrett
Upholstered
Furniture
MANUFACTURING CO.
East 1724 Sprague

We bring you only
the very latest ideas
from the big furni-
ture markets of the
East.

“Barrett Upholstered Furniture Manufacturing Company Advertisement.”
Spokane Daily Chronicle, 25 July 1928

SMALL HOTELS ARE IN DEMAND

The Sheldon, With 50 Rooms,
Has Been Leased to Win-
ifred Bevan.

MUSSELMAN GETS SUN

Elizabeth Albright Will Operate
the Framingham, Which Has 12
Two-Room Apartments.

A demand for second-class hotel property has developed within the last 10 days in Spokane, which is the cause of much surprise in realty circles, Russell R. Rogers, manager of the rental and leasing department of Rogers & Rogers, said yesterday. "It appears to be one of those peculiar quirks of a developing realty market which the economists can not readily analyze, although a number of reasons are advanced," he said.

Mr. Rogers reported the following leases:

The Sheldon hotel at N221½ Post, three-story brick building with 50 rooms, to Winifred Bevan, to whom the furnishings of the hotel were sold. She plans redecoration, grouping of rooms into suites and the installation of gas ranges. Mrs. Bevan formerly operated the LaRose hotel on Second.

The Sun hotel, W419 Trent, a three-story brick with 20 rooms, has been leased to O. E. Musselman. He operates the Lea hotel next door.

The Framingham, E1724 Sprague, a two-story brick structure, has been leased to Elizabeth Albright. There are 12 two-room apartments.

The Safeway Stores, Inc., is continuing the operation of a Piggly Wiggly store at N221 Post since the expiration of a three-year lease last month, Mr. Rogers stated.

"Small Hotels Are in Demand."
Spokesman-Review, 11 December 1932

CALL ON SPOKANE FOR FURNITURE

**Growing Attention Through-
out Inland Empire Noted
by Barrett Mfg. Co.**

The development and expansion of the Barrett Manufacturing company constitute a series of progressive chapters with growing attention being directed upon the furniture manufacturing industry here from all points in the Inland Empire.

An interior decoration service, whereby engineering skill maps out living room furniture made to order in tune with the environment of a country has proven a big feature of their operations, said DeRoy Barrett, president-manager of the company.

Fits in With FHA.

"We send our experts into a home and from their years of experience the proper taste and blending so delightful to the housewife are attained in the appointments," he added.

"This method assures the height of individuality, and we have found it to fit in well with the better housing program. Business last year was 25 per cent ahead of any year in the last half decade, and thus far it is forging ahead at the same general increased gait. The outlook is particularly encouraging," said President Barrett.

Increased Range Shown.

"Our shipments are finding an increasing range. Last week we shipped a living room set of furniture to Missoula, Mont., Boise, Idaho, and southeastern Oregon points also are calling on us," he added. "An increasing demand from cities within a radius of 100 miles is noted."

The Barrett company started in Spokane 17 years ago with a force of two. Now the staff is ranging from 14 to 25, and in addition to its factory maintains a downtown retail store.

"Call on Spokane for Furniture." *Spokesman-Review*, 12 May 1935

FURNITURE HAS BRIGHTER TONE

Furniture is helping to brighten that corner where you are, according to the Barrett Manufacturing company. Spokane makers of furniture and mattresses.

"We're making new styles of furniture this month," DeRoy Barrett, president-manager of the firm, said today. "Modern, neo-classic designs are employed, with new covers in pastel shades. Lots of color is being used; the drab room is a thing of the past."

Business Increase.

"We have noticed an increase of business, and we have more people employed this year than last. The increase from the rural districts has been a surprise. With farmers getting more for their products, they're buying more freely than in the past."

"Nor is this true of those in the country areas alone! Everyone seems to be getting out the old furniture from the attics and basements and having it reupholstered," the manufacturer said.

"Furniture Has Brighter Tone." *Spokane Daily Chronicle*, 19 August 1936

DE ROY BARRETT TAKEN BY DEATH

(See other obituaries, page 15.)

De Roy Barrett, resident of Spokane for 40 years and owner and founder of the Barrett Manufacturing company, died here last night after an illness of several months. His home was at E318 Thirtieth.

He was a brother of F. S. Barrett, pioneer Spokane realtor.

Among other survivors are his wife and a daughter, Miss Frances Barrett, at home; and a son, James Barrett, of Detroit.

Mr. Barrett was an elder in the Manito Presbyterian church.

Funeral services will be at 3 p. m. Sunday from the Manito Presbyterian church, with the Rev. Evert Top officiating. The body then will be sent by the Hazen & Jaeger's to Milford, Mich., for burial. The family requested that no flowers be sent for the church services in Spokane.

"De Roy Barrett Taken by Death."
Spokane Daily Chronicle, 25 July 1947



"Former Vien Dong Restaurant to be Renovated."
Spokesman-Review, 13 October 2019



Agenda Sheet for City Council Meeting of:
10/25/2021

Date Rec'd	10/13/2021
Clerk's File #	OPR 2021-0676
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	
Submitting Dept	HISTORIC PRESERVATION
Contact Name/Phone	MEGAN DUVALL 625-6543
Contact E-Mail	MDUVALL@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	0470-ARMOUR BLDG NOMINATION TO THE REGISTER OF HISTORIC PLACES

Agenda Wording

Recommendation to list the Armour Bldg, 123 S Wall St, on the Spokane Register of Historic Places.

Summary (Background)

SMC #17D.100.040 provides that the City/County Historic Landmark Commission can recommend to the City Council that certain properties be placed on the Spokane Register of Historic Places. The Armour Bldg has been found to meet the criteria set forth for such designation, and a management agreement has been signed by the owners.

Lease? NO Grant related? NO Public Works? NO
Fiscal Impact **Budget Account**

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

Approvals

<u>Dept Head</u>	DUVALL, MEGAN
<u>Division Director</u>	BECKER, KRIS
<u>Finance</u>	ORLOB, KIMBERLY
<u>Legal</u>	PICCOLO, MIKE
<u>For the Mayor</u>	ORMSBY, MICHAEL

Council Notifications

<u>Study Session\Other</u>	
<u>Council Sponsor</u>	
<u>Distribution List</u>	
	mduvall@spokanecity.org
	sbishop@spokanecity.org
	lcamporeale@spokanecity.org

Additional Approvals

Purchasing

Findings of Fact and Decision for Council Review

Nomination to the Spokane Register of Historic Places

Armour Building – 123 S Wall Street

FINDINGS OF FACT

1. **SMC 17D.100.090:** “Generally a building, structure, object, site, or district which is more than fifty years old may be designated an historic landmark or historic district if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, county, state, or nation.”
 - Originally built in 1902 with an additional one-story section added in 1916; the Armour Building meets the age criteria for listing on the Spokane Register of Historic Places.
2. **SMC 17D.100.090:** The property must qualify under one or more categories for the Spokane Register (A, B, C, D).
 - The Armour Building meets Spokane City/County Register of Historic Places **Category A** as typical railroad corridor warehouses constructed during the city’s most significant period of growth, 1900 to 1910 as well as the addition added at the time of the construction of the railroad viaduct in 1916.
 - The building has had three primary uses in commerce and industry - first as a storage/warehouse building built and occupied by Armour & Company between 1902 and 1924 as a meat processing and warehouse facility; second as the original electrical equipment manufacturing building for a prominent Spokane manufacturing company, Columbia Electric; and third as the Atrium, a collection of unique shops, restaurants, and Magic Lantern Movie Theater, owned and designed by one of Spokane’s notable mid-century architects, Kenneth Brooks.
 - The commercial vernacular brick warehouses throughout Spokane are working-class buildings that were designed for warehousing and had the structural stability to perform in this function. They have a utilitarian aesthetic and are simple in material, form and detailing. The Armour warehouses retain much of their original character as railroad warehouses with the adjacent backdrop of the elevated Northern Pacific Railway viaduct. The Armour Building is also eligible for listing on the Spokane Register under **Category C**, architecture.
3. **SMC17D.100.090:** “The property must also possess integrity of location, design, materials, workmanship, and association.” *From NPS Bulletin 15: “Integrity is the ability of a property to convey its significance...it is not necessary for a property to retain all its historic physical features...the property must retain, however, the essential physical features that enable it to convey its historic identity.”*
 - The Armour Building retains sufficient integrity of its essential physical features to convey its historic identity as a railroad warehouse with industrial and commercial roots.
4. **Once listed, this property will be eligible to apply for incentives, including:**
Special Valuation (property tax abatement), Spokane Register historical marker, and special code considerations.

RECOMMENDATION

The Spokane Historic Landmarks Commission evaluated the Armour Building according to the appropriate criteria at a public hearing on 9/29/21 and recommends that the Armour Building be listed on the Spokane Register of Historic Places under Categories A and C.

After Recording Return to:
City of Spokane Clerk
808 W Spokane Falls Blvd
Spokane, WA 99201

NOTICE OF MANAGEMENT AGREEMENT

NOTICE IS HEREBY GIVEN that the property legally described as:

NPRY SUB PTN RR ROW & RAILWAY CO SUB PTN BLK A DAF: BEG SW COR LT 1 BLK 14 AS SHOWN IN RAILROAD ADD VOL A PG 5, TH ALG S LN SD BLK 14, ALG A CURVE TO THE LEFT, RAD 6485.35FT THRU A CEN ANG 00°46'29"AN ARC DIST 87.68FT AND A CHORD BEARING AND DIST N 88°52'27"E 87.68FT NW COR PARCEL 2 ROS AFN(5160154), TH; ALG W AND S LN SD PAR 2 S 00°27'15"E 96.24FT AND N 88°44'33"E 90.37FT TO W LN S HOWARD ST(75 FT WIDTH) TH; ALG SD W LN S00°38'55"E 33.28FT TO A LN PAR/W AND 100FT NLY OF BEING MEASURED AT RIGHT ANG TO N LN BLK 28 SD RIALROAD ADD, TH ALG SD PAR LN , S 89°21'5" W 94.18 FT TO E WALL OF ANEXISTING BRICK BLDG AKA 123 S WALL ST AND TPOB, TH ALG SD E BLDG LN, N 00°42'55"E 105.95FT SLY LN OF EXISTING BRICK BLDGAKA 121 S WALL ST, TH ALG SLY BLDG LN THE FOLLOWING 4 COURSES, 1) N 01°38'30"E 1FT, 2) S 88°21'26"W 52.53FT, 3) S 01°23'46" E 4.49FT 4) S 88°36'14" W 30.93FT SD E LN S WALL ST (66FT IN WIDTH), TH ALG SD E LN S 00°38'54" E 101.15 TO SD PAR LN, TH ALG SD PAR LN, N 89°21'59" E83.53FT TO SD TPOB.

Parcel Number(s) 35191.5526, is governed by a Management Agreement between the City of Spokane and the Owner(s), 1TWO3 WALL STREET, LLC, of the subject property.

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

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

I certify that the above is true and correct.

Spokane City Clerk

Historic Preservation Officer

Dated: _____

Dated: _____

MANAGEMENT AGREEMENT

The Management Agreement is entered into this **22nd** day of **September, 2021**, by and between the City of Spokane (hereinafter "City"), acting through its Historic Landmarks Commission ("Commission"), and **1TWO3 WALL STREET, LLC** (hereinafter "Owner(s)"), the owner of the property located at **123 South Wall Street** commonly known as the **Armour Building** in the City of Spokane.

WHEREAS, the City of Spokane has enacted Chapter 4.35 of the Spokane Municipal Code (SMC) and Spokane has enacted Chapter 1.48 of the Spokane County Code (SCC), both regarding the establishment of the Historic Landmarks Commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the city and county is a public necessity and.

WHEREAS, both Ch. 17D.100 SMC and Ch. 1.48 SCC provide that the City/County Historic Landmarks Commission (hereinafter "Commission") is responsible for the stewardship of historic and architecturally significant properties in the City of Spokane and Spokane County; and

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

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

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

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

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

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

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

- (A) demolition;
- (B) relocation;
- (C) change in use;
- (D) any work that affects the exterior appearance of the historic landmark; or
- (E) any work affecting items described in Exhibit A.

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

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

Owner

Owner

CITY OF SPOKANE

HISTORIC PRESERVATION OFFICER

MAYOR

Megan M.K. Duvall

Nadine Woodward

ATTEST:

City Clerk

Approved as to form:

Assistant City Attorney

STATE OF _____)
) ss.
County of _____)

On this _____ day of _____, 2021, before me, the undersigned, a Notary Public in and for the State of _____, personally appeared _____, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that _____ (he/she/they) signed the same as _____ (his/her/their) free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2021.

Notary Public in and for the State
of _____, residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this _____ day of _____, 2021, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared NADINE WOODWARD, MAYOR and TERRI L. PFISTER, to me known to be the Mayor and the City Clerk, respectively, of the CITY OF SPOKANE, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2021.

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

Attachment A

Secretary of The Interior's Standards

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

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

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

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

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

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color,

texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

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

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

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

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



**ARMOUR & CO. COLD STORAGE &
WAREHOUSE BUILDING**

**123 SOUTH WALL STREET
SPOKANE, WA 99201**

AUGUST 27, 2021

**SPOKANE REGISTER OF HISTORIC
PLACES NOMINATION**

Spokane Register of Historic Places Nomination

*Spokane City/County Historic Preservation Office, City Hall, Third Floor
808 Spokane Falls Boulevard, Spokane, Washington 99201-3337*

1. Name of Property

Historic Name: Armour & Company Cold Storage and Warehouse Building
And/Or Common Name: The Atrium, Europa, Magic Lantern

2. Location

Street & Number: 123-125 South Wall Street
City, State, Zip Code: Spokane, WA 99201
Parcel Number: 35192.5526

3. Classification

Category	Ownership	Status	Present Use	
<input checked="" type="checkbox"/> building	<input type="checkbox"/> public	<input type="checkbox"/> occupied	<input type="checkbox"/> agricultural	<input type="checkbox"/> museum
<input type="checkbox"/> site	<input checked="" type="checkbox"/> private	<input checked="" type="checkbox"/> work in progress	<input checked="" type="checkbox"/> commercial	<input type="checkbox"/> park
<input type="checkbox"/> structure	<input type="checkbox"/> both		<input type="checkbox"/> educational	<input type="checkbox"/> residential
<input type="checkbox"/> object	Public Acquisition	Accessible	<input type="checkbox"/> entertainment	<input type="checkbox"/> religious
	<input type="checkbox"/> in process	<input checked="" type="checkbox"/> yes, restricted	<input type="checkbox"/> government	<input type="checkbox"/> scientific
	<input type="checkbox"/> being considered	<input type="checkbox"/> yes, unrestricted	<input type="checkbox"/> industrial	<input type="checkbox"/> transportation
		<input type="checkbox"/> no	<input type="checkbox"/> military	<input type="checkbox"/> other

4. Owner of Property

Name: 1TWO3 WALL STREET LLC
Street & Number: 502 West Riverside, Suite 103
City, State, Zip Code: Spokane, WA 99201
Telephone Number/E-mail: 509-217-5508/chris@rencorprealty.com

5. Location of Legal Description

Courthouse, Registry of Deeds	Spokane County Courthouse
Street Number:	1116 West Broadway
City, State, Zip Code:	Spokane, WA 99260
County:	Spokane

6. Representation in Existing Surveys

Title: East Downtown Historic District
Date: 2003 Federal State County Local
Depository for Survey Records Spokane Historic Preservation Office

Spokane City/County Register of Historic Places Nomination
ARMOUR BUILDING

7. Description

Architectural Classification

Condition

Check One

☐ excellent

☐ unaltered

☐ good

☒ altered

☒ fair

☐ deteriorated

Check One

☐ ruins

☒ original site

☐ unexposed

☐ moved & date _____

Narrative statement of description is found on one or more continuation sheets.

8. Spokane Register Criteria and Statement of Significance

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

- ☒ A Property is associated with events that have made a significant contribution to the broad patterns of Spokane history.
- ☐ B Property is associated with the lives of persons significant in our past.
- ☒ C Property embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ D Property has yielded, or is likely to yield, information important in prehistory history.

Narrative statement of significance is found on one or more continuation sheets.

9. Major Bibliographical References

Bibliography is found on one or more continuation sheets.

10. Geographical Data

Acreage of Property: less than 1
Verbal Boundary Description: See attached
Verbal Boundary Justification: Nominated property includes entire parcel and urban legal description.

11. Form Prepared By

Name and Title: Jim Kolva
Organization: Jim Kolva Associates, LLC
Street, City, State, Zip Code: 115 South Adams Street, Suite 1
Telephone Number: 509-458-5517
E-mail Address: jim@jimkolvaassociates.com
Date Final Nomination Heard:

12. Additional Documentation

Additional documentation is found on one or more continuation sheets.

Spokane City/County Register of Historic Places Nomination
ARMOUR BUILDING

13. Signature of Owner(s)

14. For Official Use Only:

Date nomination application filed: 8/27/21

Date of Landmarks Commission Hearing: 9/29/21

Landmarks Commission decision: Approved

Date of City Council hearing: _____

City Council decision: _____

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

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

Date

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Description - Summary

The Armour Cold Storage and Warehouse building at 123 South Wall Street is comprised of the combined 1902 two-story red brick cold storage building and 1916 one-story red brick warehouse. With stone and concrete basement foundation and flat brick facades detailed with granite sills and parapet cap, the building is a good example of the railroad warehouses that front the former Northern Pacific Railroad corridor. Heavy wood post and beam construction and a rooftop ramp to transfer freight from the elevated tracks to the main warehouse building convey its function in rail commerce.

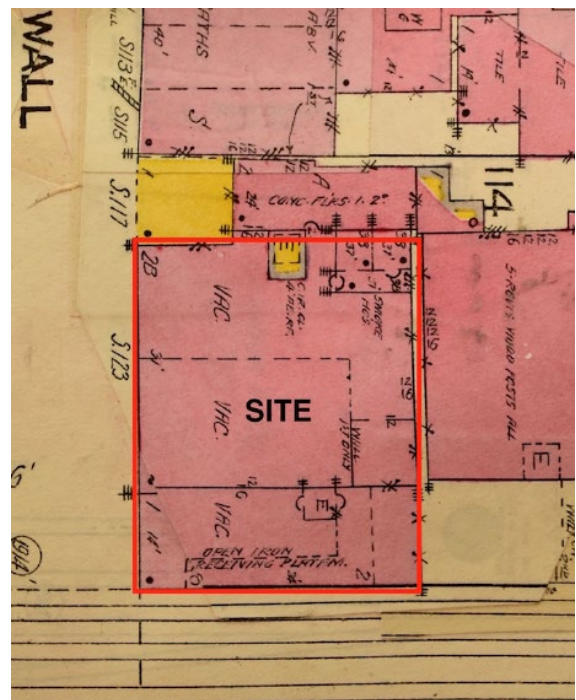
Sited on the east side of Wall Street, the front facade faces west. The 100' x 85' building with basement has been altered but retains its basic form, location, design, materials, workmanship and association. The two-story cold storage façade consists of two segments, the northerly which projects slightly is composed of three bays, and the southerly is composed of two bays. The façade is flat and rises from a dressed granite foundation and terminates in a corbeled cornice and low parapet wall capped by a granite slab coping. The main entry is within a recessed alcove and framed by a tall semi-circular arched opening that rises from the sidewalk landing to the same height at the first floor segmental-arch window bays. The one-story warehouse section extends from the two-story building to abut the BNSF Railroad viaduct on the south side. The warehouse facade is divided into four segmental-arch bays including a single-door entry in the southeast corner. The flat brick wall rises from a concrete basement and is terminated by terra cotta tile coping. A concrete, corrugated steel roof loading platform is atop the one-story warehouse building to provide access between the railroad and storage building.

The building is a contributing building to the East Downtown National Register Historic District.

DESCRIPTION OF PROPERTY - CURRENT CONDITION AND APPEARANCE

Located in the southeast quadrant of the downtown Spokane central business district, the composite building abuts the elevated concrete BNSF Railroad (originally Northern Pacific) viaduct. The building is composed of two red brick buildings: the northerly is two-stories in height and has a frontage of approximately 75 feet on Wall street; and the southerly is one-story with 28 feet of frontage that appears built into the concrete viaduct that forms its southern boundary. Both buildings are approximately 83 feet in depth.

Per the Spokane County Assessor's Office, the building footprint is 8,668 square feet in the basement, 8546 square feet on the first floor and 6220 square feet on the second floor on an 8,623 square foot site (Assessor). Adjacent to the north side is a one-story brick office building originally constructed by architect Kenneth Brooks for his architectural office in 1967 (121 South Wall). This building was part of the original Armour & Company building complex which included the stables in what was an alley (Note: The Northern Pacific Railroad owned the land on which 121 and 123 South Wall are sited and, as such, controlled the alley which they had leased to Armour. The land ownership was held by BNSF as successor to NP until the 2000s). The high-rise Wells Fargo Bank Building (originally Farm Credit Bank, 1981) and an attached five-level parking garage (2005) occupy the remainder of the block, both north and east as the garage wraps the subject buildings.



Across Wall Street to the west and also abutting the BNSF viaduct at 124 South Wall, is the five-story brick and concrete Powell-Sanders grocery warehouse, built in 1915. Across the alley to the north is the Pyrotek Building (first Farm Credit Bank building, Modern, granite-clad, 1968).

Front Façade (west along Wall Street)

Building Description

The Armour Building, facing west along Wall Street, consists of two red brick buildings joined together: the two-story cold storage building built in 1902 and the one-story warehouse built in 1916. The two-story building is divided into two segments that are created by recessing the southerly segment about eight inches. Additionally, the exposed foundation walls are different with the north formed by dressed granite blocks that are segmented in correspondence with the two pairs of basement window openings; and the south built of squared sandstone rubble brought to a course with two basement window openings. Because of the northerly decline of the sidewalk and grade slope, the stone foundation walls are also at different heights. From the north corner, the stone height decreases from approximately 16 inches to 1 inch at the south corner. At that point the stone rubble wall height is about 27 inches declining to 22 inches at the south end juncture with the abutting one-story building.



The north wall segment is divided into three bays within the flat common bond brick wall. At the basement level are two pairs of small segmental-arch bays and granite steps to the granite landing of the semicircular-arch entry bay that rises to the height of the two first floor window bays. Within the segmental arches of each window is a paired wood sash 12-over-1 double-hung window. Slightly projecting rough hewn granite slabs form the sills and quadruple row of voussoired brick headers form the arches. A wood tympanum with a scroll pattern applique fills the space between the window head and arch intrados.

The open entry portal is approached by a dressed granite slab that corresponds with the height of

foundation wall and steps to the granite slab facing the landing. A wrought iron gate fills the arch opening. The portal arch, like the window openings is composed of a quadruple row of voussoired brick headers. Within the vestibule is an intermediate landing that provides approach to an open run of steps down to the basement and a run up to the first-floor landing. Set back in the first-floor landing is a double



door entry consisting of multi-light wood-frame doors and a fan light transom. The landing floors and the steps are clad with red-brown terra cotta tile, and the baluster railings are wrought iron. Aligned over the first-floor windows and entry portal are windows identical to those of the first floor. Four brick courses above the window arch extrados is a corbel course composed of a rowlock arch—a brick header, a 6-inch stretcher and a full 8-inch stretcher that support the slightly projecting flat parapet wall. Atop the wall are two courses—a stretcher and a header—that project slightly and support rough-hewn granite squared slabs about 7-inches thick and 82 inches in length. The roof is flat composition. The south wall segment is divided into two window bays that are smaller than the north segment. Within the stone basement wall are two window openings spaced equally between the openings and the corners. The openings rise to the juncture of the stone and brick walls with segmental arches springing from the stone and extending into the brick with the triple course of voussoired brick headers. Aligned above the basement windows the first-floor windows are the same width as the basement and extend from the same sill height as the northerly are about 2/3s the height of those in the northern wall segment. The first-floor windows are detailed with rough-hewn

granite slab sills and voussoired triple-header-course segmental arches. The sash is 8-over-1 wood with a plain wood panel tympanum. The second-floor windows are aligned over those below and are detailed with slightly projecting brick header sills and flat brick arches. The wood sash is 12-over-1-light. It appears that the window openings have been altered because of the variation in brick face and mortar joints. The top of the wall is configured identically to that of the northerly segment.

The abutting the south side of the two-story building is the one-story warehouse building which extends south to abut and integrate into the concrete wall of the BNSF viaduct. The façade is flat red brick rising from a concrete basement wall/foundation approximately 10 inches in height. The wall is terminated by a glazed terra cotta tile coping course. Four segmental-arch bays divide the façade: three window bays and an entry bay in the southwest corner. The bays are spaced equally in the façade with the window-window and window-door pairs slightly wider than the corner wall segments, but not as wide as the middle wall segment. Corresponding to the three window openings are horizontally-oriented basement windows. The segmental arched openings rest on the concrete wall which functions as a sill line. Triple rows of voussoired brick headers form the arches of both the basement and of the first-floor window openings, and the door opening. Six-inch wide rough-hewn granite slabs form the sills of the three first floor window openings.

The wood sash is fixed with six-over-one lights. The single-door entry is recessed into an alcove walled by glass panels and a fixed transom window (address S125 Wall Street).



Bronze-anodized aluminum frames the full glass panel door and transom window. A concrete slab step to a concrete landing provide the approach to the door. Inside the door, four steps ascend to the first-floor level. A striped canvas awning attached to the wall near to tops of the window and entry bays extends from corner to corner to cover the upper sections of the windows.

North Facade

The former office of architect Kenneth Brooks abuts the two-story north façade. (Note that this building occupies the footprint of the stables and accessory structure of the Armour cold storage facility.) The exposed north wall is brick that was laid over the original wall during the construction of the Brooks' office building. The upper portion of the original brick wall and the granite coping are visible above the Brooks building. The wall also jogs about 3 feet to the north at about its midpoint. At the northeast corner is an elevated light well capped with sheet metal and TPO membrane.



South Facade

The south end of the one-story warehouse building abuts the concrete BNSF railroad viaduct. The second story of the two-story cold storage building is visible above the southerly building. The slightly projecting corbeled parapet wall of the front façade turns and wraps the corner running east about 4 feet. At its terminus, the flat wall topped with the granite slab coping drops down slightly. Four 20-light-sash window bays with brick header sills and flat arches divide the wall segment which terminates in a southward projecting stair/lift tower that rises above the wall approximately eight feet. Approximately 8-feet-square, the wall is topped by glazed terra cotta tile coping. Within the upper portion of the west face is a small segmental arch window framed by a wide sandstone sill and double-header segmental voussoired brick arch. A wood tympanum is above the vertically divided two-light wood sash. Within the north face is a rusted steel fire door set within a rusted steel frame (not visible from the ground). Between the tower and the southeast corner is one window bay, configured with a segmental arch comprised of voussoired triple row headers and a wide sandstone sill. Within the opening is a fixed 20-light sash. Atop the roof of the one-story warehouse building is a concrete ramp covered with corrugated tin roof that extends south from the second floor adjacent to the east side of the stair/lift tower, the turns as an "L" to the west to parallel the BNSF viaduct. This platform was used for off-loading meat and related products from the box and refrigerator cars of the Northern Pacific Railroad into the cold storage building.

East Facade

The east façade is obscured by the parking garage to the east. A brick chimney, approximately 15 feet in height is above the east wall near the southeast corner.

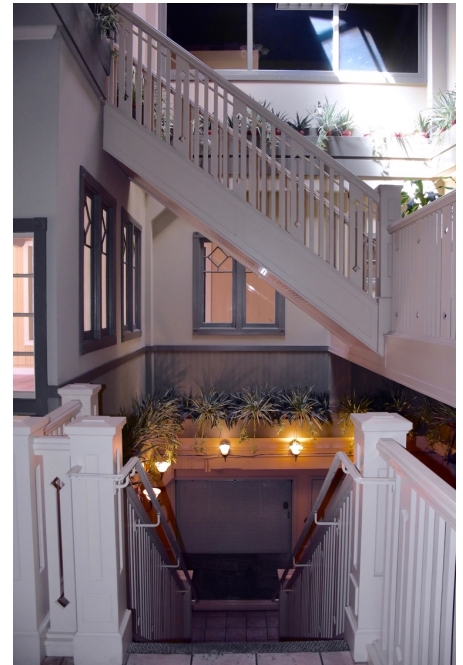
Floor Plan**Basement**

The basement is accessed from the main building (1902) entry via an at-grade landing and straight run of nine steps down to the day-lighted offices and retail space. The basement extends beneath both buildings. At the bottom of the steps is an open court beneath the atrium with men's and women's restrooms in the northeast corner. Studios/offices are in the northwest corner, and former café/retail spaces in the east and southern portions. The floors are concrete finished with wood, tile, and carpet. Walls are stone, brick, sheet rock and ship lap wood panel. The ceiling is the timbered post and beam structure of the first floor.

First Floor

The ground floor in the main building is approached through the main at-grade entry landing, up a straight run of six steps to the open first floor landing. A pair of wood-frame multi-light doors topped by a fan-light transom window provides access to the main floor. The entry foyer and hallway floors are clad with 12-inch ceramic tile and carpet, walls are sheetrock with beadboard wainscot and multi-light glass panel sections. The ceilings vary in material and include flat sheet rock, dropped acoustical tile with integrated fluorescent light fixtures. Original beam, heavy wood joist and lapboard ceilings are also exposed.

Within the first floor is the entry foyer with a glass-panel door to the office in the northwest corner and hallways that wrap the open atrium and provide access to offices, restrooms and restaurant. Stairs to the basement and to the second-floor step into the atrium to the north side of the foyer. The office suite wraps around the west and north sides of the atrium to paired windows provide light access. Wood posts and beams are exposed as is the ductwork. The ceiling and some wall sections are wood lap and appear original. Contemporary boxed fluorescent light fixtures are suspended from the ceiling. Sheetrock clads the newer wall sections including the atrium walls. Floors are strip hardwood and exposed plywood. In the northeast corner is a brick vault with original steel doors.



The Europa restaurant pub and meeting room occupy the southern half of the 1902 building as well as the 1916 building (S125 Wall). Brick, sheetrock, and shiplap wood paneling form the walls, the floors are carpet, with original and well-worn wood strip floors in the pub. As with the basement, heavy timber post and beams (cast iron posts) supporting the second floor form the ceiling in the 1902 portion with post and beams and heavy tongue and groove lumber ceiling in the 1916 portion. Within the ceiling of the one-story section are skylights. A single aluminum-frame, glass-panel door is in the southwest corner of the restaurant, with four steps from the at-grade landing to the first-floor level.

Second Floor

The Magic Lantern Theater with two screening auditoriums, and men's and women's toilets occupied this area as a tenant in the Ken Brooks Atrium adaptive reuse project. An open stairway provides access from the first floor. A door at the top of the stairs provides access to the office suite. In its current configuration, the open office suite wraps around the glassed-in atrium which continues from the basement and first-floor levels. Floors are plywood, wood strip and carpet. The walls are brick and sheetrock and timber posts and beams support the roof structure. The ceiling is clad with sheetrock from which chain suspended box fluorescent light fixtures are hung. Exposed duct work is also attached to the ceiling. In the northeast corner at an intermediate upper level are two rooms with plastered brick walls and exposed corrugated panel and steel-framed hipped roofs with chimney openings which appear (from

Sanborn maps) to be the original smoke rooms. Original wood stairs are also located in the northeast corner. Along the south wall is a door that opens to the concrete loading platform that runs along the top of the 1916 warehouse building roof.

ORIGINAL APPEARANCE & SUBSEQUENT MODIFICATIONS

No photos are available showing the original street level façade.

The exterior of the building appears to have been sandblasted. The original doors and windows have been replaced, most likely in the early 1970s conversion from a manufacturing to a retail building. The interior has been renovated with a mix of original and new materials from renovations and reconfigurations over the past fifty years. The central atrium and stairs were most likely added in the original reconfiguration of the building to create the Atrium shopping center.

SECTION 8: STATEMENT OF SIGNIFICANCE

<u>Area of Significance:</u>	A – Broad Patterns of Spokane History, Commerce C – Architecture
Significant Dates:	1902, 1916, 1924, 1932, 1971
Period of Significance:	1902-1971
Architect:	Unknown
Building Developer:	Owner Armour & Company
Building Contractor:	Unknown

SUMMARY STATEMENT

The 1902 Armour Cold Storage and 1916 warehouse buildings are eligible under Category A as typical railroad corridor warehouses constructed during the city's most significant period of growth, 1900 to 1910. The building has had three lives, first as a storage/warehouse building built and occupied by Armour & Company between 1902 and 1924 as a meat processing and warehouse facility; second as the original electrical equipment manufacturing building for a prominent Spokane manufacturing company and entrepreneur, Columbia Electric founded by Eric A. Johnston; and third as the Atrium, a collection of unique shops, restaurants, and Magic Lantern Movie Theater, owned and designed by one of Spokane's notable mid-century architects, Kenneth Brooks. In spite of its adaptive reuses over the years, the building retains good integrity of form, material, and craftsmanship.

The building is listed as a contributing building to the East Downtown National Historic District (2003) and meets the characteristics of the railside warehouse as described both that nomination and the West Downtown Transportation corridor, (NHD,1999). The building is within an historic corridor of warehouse buildings that runs from Division to Cedar streets in the downtown core. Both sides of the 1916 elevated Northern Pacific railroad viaduct between the flanking alleys were lined with two-to-three story red brick buildings that were built to support the Northern Pacific Railroad (on land owned by NP) and Spokane's position as a regional distribution center. The building meets the description of the typical warehouse in the National Register District nomination: utilitarian two-to-three story unreinforced red brick walls on a basalt foundation, wood post and beam structure, concrete loading docks, flat and simple in design, segmental-arch windows and flat roofs.

The warehouse symbolized the city's position as a regional distribution center, particularly in association with the railroad corridor that crossed Spokane's downtown business district. The twenty-five warehouses within the district served as receiving and distributing points for a continuous supply of manufactured goods arriving and leaving by train. Spokane's West Downtown Historic Transportation Corridor exemplifies that development. Most of the district's buildings that face the Northern Pacific Railroad were built between 1891 and 1911 as railroad dependent businesses.

The commercial vernacular brick warehouses throughout Spokane are working-class buildings that were designed for warehousing and had the structural stability to perform in this function. They have a utilitarian aesthetic and are simple in material, form and detailing. The Armour

warehouses retain much of their original character as railroad warehouses with the adjacent backdrop of the elevated Northern Pacific Railway viaduct.

Historical Context

The historical context for Spokane has been included in several National and Spokane Register nominations, including the West Downtown Historic Transportation Corridor (WSU, 1999), East Downtown National Historic District (Woo, 2003); thus, the Spokane historic context discussion is abbreviated.

The Spokane River and its falls had long been a gathering place for native American tribes. It also attracted white settlers, J.J. Downing and family, and S.R. Scranton who established a claim at Spokane Falls in 1871. James N. Glover and Jasper Matheney would follow and purchase the claims of 160 acres and the sawmill from Downing and Scranton. Early industry would use the water power for milling and sawing lumber and to generate electrical power. The settlement would grow slowly until the coming of the railroad.

The Northern Pacific Railroad arrived in Spokane Falls in 1881, the year of Spokane's incorporation, and with the connection of the eastern and western branches in 1883, transcontinental service through Spokane Falls was established. Spokane continued to grow as a regional shipping and distribution center through the 1880s. Between 1886 and 1889 the population increased from 3,500 to 20,000 people. Although suffering a set back by the fire of August 4, 1889, which destroyed approximately thirty-two blocks of the business district from the railroad tracks to the river and from Lincoln to Washington Streets, the city quickly rebounded as new brick buildings rose from the ashes. The devastation wrought by the fire resulted in a city ordinance to reduce fire hazard, leading to brick and terra cotta becoming the dominant building materials of the rebuilt downtown.

When Spokane rebuilt the downtown after the fire, the business district would spread east to Division Street and follow Monroe Street across the river. Sanborn Fire Insurance maps from 1891, 1902, and 1910 show a marked increase in the building of commercial buildings in the east downtown. Frame dwellings gave way to brick commercial buildings and street frontages began to solidify. Among the property types and businesses that were prevalent were hotels, lodging houses, saloons, banks, drug stores, and restaurants. They were built to meet the needs of a rapidly growing population.

Generally, warehouses cropped up along the Northern Pacific rail corridor, between the two alleys bracketing the tracks. In the blocks south of that warehouse district were shops and two-to-three-story apartment buildings and hotels. These apartment blocks ran along Second and Third avenues, and the cross streets including Post, Howard, Stevens, and Washington as they advanced up the lower South Hill.

According to historian Eugenia Woo (2003), Spokane's population exploded from 36,848 to 104,402 between 1900 and 1910.

This growth mirrored the population expansion of the state that saw its greatest increase in the same decade. Many people moving to Washington settled in the states three largest cities: Seattle, Tacoma, and Spokane. Various industries rapidly developed and with it a demand for more buildings. Most of the city's urban downtown skyline was created from

about the late 1890s to 1912 with the construction of office buildings, banks, hotels, department stores and other commercial buildings. As author John Fahey describes, Spokane, which had put up 675 new structures in 1900 as migration accelerated, built 1,500 to 1,900 buildings a year from 1904 through 1909.

The economic boom and population expansion of approximately the first fifteen years of the 20th century was short-lived. Growth in both areas in the next decade slowed considerably. By 1920, the population of Spokane was only 104,437, an increase of only 35 people from 1910. Investors soon realized the city was overbuilt. The region it served (the Inland Northwest) was not able to sustain the city and keep pace with the speculative growth. By 1950, the population had increased by only 50,000.

The Railroads and their Influence on Industry, Commerce, and Labor

The story of industry, commerce, and labor in Spokane is tightly interconnected with the coming of the railroads. The Northern Pacific Railroad (NP) came to Spokane in 1881 with the connection to cross the continent in 1883. During the next two decades, several Northern Pacific branch lines were built through the region, establishing Spokane as a hub, to serve the farming, lumber, and mining areas of the Inland Northwest. Additionally, the Union Pacific (UP), Great Northern (GN), and the Chicago, Milwaukee, St. Paul & Pacific (MILW) came through Spokane on their way to the west coast. By the turn of the century, eight railroads converged in Spokane making the city a major transportation center.

Spokane's proximity to abundant natural resources in mining, lumbering, and agriculture was a great catalyst in transforming Spokane into the major distribution center of the Inland Northwest. The prospect of finding gold, silver, lead, copper, zinc and other minerals drew men to the area seeking their fortune. Spokane became a principal distribution point for equipment and supplies.

In addition to mining and lumbering, Spokane's economy has been greatly influenced by the agricultural industry. Again, the railroad, by providing relatively low-cost transportation to the eastern markets brought striking changes to agriculture in the Inland Empire. The Northern Pacific, the Union Pacific, and the Great Northern transcontinental lines and their feeder lines brought in immigrants and provided farmers a means for shipping their products out to market.

Railroad connections to eastern markets and to the west coast created a demand for agricultural products that led to the increasing growth of Spokane. Flour was shipped to such diverse ports as Liverpool, New York, or Tokyo. Livestock and meat also moved out of Spokane. Eventually, the city became a regional supplier as well as a market, with warehouses and wholesalers eager to supply retailers in the towns of the region.

The meat packing business was also connected to the railroads. Armour and Company on Wall Street and M.J. Morris on Jefferson Street, John Morrell & Company (and National Packing Co.) on the north side and Hammond and Cudahy packing companies on the south side of Lincoln connected with the Northern Pacific railway. E. H. Stanton had a cold storage plant on Bernard and Trent and would build a major cold storage/curing house and packing plant on east Trent which would later be purchased by Armour & Company and joined by several other meat packers and the Union Stockyards, all served by rail.

Chronology of the Armour & Company Cold Storage and Warehouse Buildings

Sanborn Insurance maps from 1891 to 1902 show the site at the northeast corner of Mill (renamed Wall Street) Street and Railroad as undeveloped. The portion of the block between the alley and First Avenue was developed with one-story brick store buildings. The site itself was occupied by "W. Rail Road Av." which was subsequently vacated. And in 1891 a wood frame Northern Pacific Freight Depot that spanned Mill Street as well as the Northern Pacific main line and rail spurs. That depot was not depicted on the 1902 Sanborn map and a building had been erected on its footprint on the west side of Mill Street.

An article of November 20, 1899 in the *Spokane Chronicle* revealed that the Spokane branch of the Armour & Co. Meat Company of Chicago was planned to be moved from 716 First Avenue to the new quarters on the Northern Pacific tracks between Post and Mill Streets. Armour had arrived in Spokane in the late 1890s. The 1902 Polk Directory listed under "Packers" in its classified section the following companies in Spokane: Armour Packing Co. at the northwest corner of Mill and railroad and 705 Railroad; Cold Storage Market at 317 Riverside (E.H. Stanton); Cuhady Packing Company at 711 Railroad, Hammond Packing Company; and Swift & Company. Others would follow along the Northern Pacific rails.

On January 1, 1902, the *Spokane Daily Chronicle* ran a front page article from the masthead to the bottom of the page filled with details about the new Armour and Company plant. "Armours to Build."

"Fine New Warehouse by Northern Pacific Tracks."

At Mill Street

"Two Story Structure That Will Be a Hundred Feet Square."

The new building will be across the street from Powell, Roberts, Finley's building. The new structure will be 100 feet square. It will be two stories in height, with a basement. The structure will be designed strictly for a warehouse and cold storage, the walls in some places being insulated for this propose.

The company expects to have the building completed by the 1st of May, and it is believed that dirt will be turned within a week or 10 days. The cost of the building could not be learned from persons representing the Armour company in this city, as the contract had not been let and they did not care to state an estimate until this had occurred.

...

The erection of this building means that this company is to make this city its permanent headquarters for this section of the country. Already it is using two car service out of Spokane to supply the trade in eastern Washington and northern Idaho, and this will probably increase now to a considerable extent.

Plan of the Building

The plans of the building may be changed, but are now about as follows:

On the ground floor will be situated the offices, the salesrooms, the cold storage room, three cooling rooms for butter and eggs, with a shipping platform at the front for the railroad and one at the back for teams and local trade. There will be a barn for the horses, situated at the northeast corner of the building, which will contain four single stalls and a box stall. Between the local shipping platform and the stables will be the wogan [sic] room.

The offices will be placed on the west side of the building. They will not extend clear down to the track, but will be on the west side of the building, in the middle, facing Mill street. These will include the general office and the private office of the local manager of

the concern. These offices will be fixed up with large plate glass fronts. Directly back of the offices will be the salesroom. This will extend from the back of the building on the north side to the wall which separates the offices from the south room. The offices and salesrooms will occupy about one fourth of the entire ground floor of the building.

Spruce will be used in the walls, and the trimmings, consisting of doors and other furnishings, are to be of dark oak.

The cold storage will be the largest room on the ground floor. It will extend from the salesroom to the eastern wall and from the stables and wagon room to the wall separating the office from the south rooms. The finishing of this room will be entirely rough warehouse work.

The Tracks for Beeves.

The south tier of rooms in the building will consist of three cooling rooms and a track room, where the heavy wares are unloaded to be taken on the track into the salesrooms or cold storage. This latter space will have 10 overhead tracks for the carrying of beeves and meats of different kinds. At the northeast corner of this space the track will run into one which will take the loads into the salesroom. From here other tracks take the beeves into the cold storage or into the cooling rooms. The track runs entirely around the room in the salesroom, and at one place runs over a set of scales, by which the beeves can be weighed without taking them off the track. There will be two waterproof platform scales in the building.

There is to be a long platform on the south end of the building, whereby cars can be unloaded. From these platforms there will extend three or four chutes into the cellar, so that barrels can be run down and be carried clear back to the north side of the building. These will be used in the basement, where barreled goods will be kept.

The cooling rooms will be used largely for the purpose of storing butter and eggs.

Can Add More Stories

The walls will be thick enough so that a building from four to five stories high can be erected, if necessary. At present, however, there will be only two stories. This will necessitate walls from 12 inches to two feet in thickness. One of the features of the walls will be the insulators used for the purpose of keeping the building cold. These will be arranged with sheeting and paper in such a way that it is almost impossible for the cold air to escape.

First, upon the brick walls there will be placed a thickness of sheeting, then of paper especially prepared for this use, another thickness of sheeting and another of paper, and so on, until there is an insulator about 14 inches thick on the walls of brick.

The cellar will contain one large cooling room, and the balance of the space will be for general use. On the second floor will be storage rooms and ice bunkers.

There will be an elevator at the back of the building, in the center, just inside the wagon shed. This will be run by either electricity or water power, as the case may be.

The company does not own the land on which the cold storage and warehouse will be built, but has a long time lease on the property. The architects of Spokane state that this will one of the most compact buildings of its kind in this city.

On the next day, *The Spokesman-Review* also reported the new plant to be built by Armour & Co. E. Blair, superintendent of construction for the company, was in the city to look after the work. On January 15, the turning of the first earth for the excavation of the large cold storage and warehouse was reported. Further, the building permit says it will cost \$15,000, but it is estimated by those who profess to know, that it will cost between \$20,000 and \$25,000.

J. Ogden Armour is listed as owner on the city permit issued on January 20, 1902 to connect to city water. This would be followed on February 20 for a side sewer permit issued to Armour & Company on the NP right of way at Wall Street.

As construction progressed, the *Chronicle* reported neighborhood concerns in that the alley was being blocked. According to the article of March 31, "**Is Blocking Alley.**"

A petition has been circulated among the business men who are interested in property which touches upon the alleys in the blocks between Railroad and First avenues, asking the Northern Pacific Railroad company to take steps by which Armour & Co., who are now putting up a building on the northeast corner of Railroad and Mill, will keep the alley to the rear of their building open for general uses. As it is now, they are putting a portion of their building directly upon the alley, and in this manner closing this thoroughfare. They have been planning to use the portion which is on the alley for their stables.

General Merriam owner of the north half of the block between Mill and Howard, is rumored to have started the petition and has been delivered to Northern Pacific. The matter of moving the stables has been given to F. Beal, special agent of Armour & Co. "The trouble concerning this building is largely up to the Northern Pacific, as it made out a lease in such a manner as to give the Armour people a right to go onto the alley and utilize it. It is held by some that this was never the intention of the Northern Pacific, but was given inadvertently, and the road is now trying to undo the damage which has been done."

...On the other hand, Armour & Co. are only using the land which they leased from the railroad company, and if anything is done toward changing the stables of this firm, the railroad company may have to stand the cost.

Some of those who have buildings on this alley state that they understand that the leases allow any of them to build over the alley as they wish to, while others believe that this is not so nominated in most of the bonds, but only was put into the lease of Armour & Co. through a mistake.

As an aside, Northern Pacific Railway could do essentially as it wished with the land within its right of way boundaries. Their rail corridor extended between and parallel to the alleys between First and Second Avenues in a swath through downtown Spokane at a width of 300 or so feet. The Northern Pacific owned the land, through a land grant, between the alleys and leased it to the owners of the buildings along the corridor. The railroad encouraged the construction of warehouses and industrial buildings along the corridor since these businesses would provide revenue to the railroad through the leases as well as the freight charges. Typically, the Northern Pacific (and subsequently the Burlington Northern, and Burlington Northern Santa Fe) entered into what amounted to month-to-month leases for the land although the term of the lease might be for several years or decades. The improvements on this leased land were financed and owned by private individuals or corporations, mostly those using them for business. The railroad

lease provided that the building owners would vacate the land (remove the buildings) with thirty-days notice, if requested by the railroad on termination of the land lease.

Meanwhile as Armour was getting established in its new building in Spokane, it was busy elsewhere joining a consortium of packing houses as reported in *The Spokesman-Review* in June 1902: "**Billion Dollar Meat Trust.**" According to the article, the newly formed New Jersey corporation will rival United States Steel and plans to be a billion dollar concern. It "may be called the American Meat company. The big combine will be composed of "The Big Four, Armour & Co., Swift & Co., Nelson, Morris & Co. and the G.H. Hammond Co." This group of Chicago-based packing companies agreed to merge into a giant corporation called the National Packing Company, conceived as a holding company. The corporation bought up smaller meat companies, and between 1904 and 1920 acquired 23 stockyards and slaughtering plants. It would control about one-eighth of the U.S. meat production, own branches in 150 cities around the world and operate a fleet of 2,600 refrigerated railcars. U.S. government regulators forced the corporation's dissolution in 1912. (Chicago Historical Society, 2005)

One of Armour's local competitors was expanding operations. E. H. Stanton was building a new plant in the East Syndicate of Spokane. As reported in *The Spokesman-Review* on May 20, 1905:

The E.H. Stanton company is completing the most modern slaughter house and plant in the northwest, just east of the Interstate fairgrounds (3300 block of East Trent) The plant is being built at a cost of \$20,000 and is equipped with all of the new overhanging tracks, chutes and automatic devices known to the packing world. It will have a daily capacity of 100 cattle, 300 sheep and 1000 hogs.

A cold storage plant will be operated in connection with the slaughter house and with meat cooling appliances for 250 head of cattle.

The plant and yards cover nearly nine acres of land. ... The company has a storage plant and salesroom on Bernard street, between Main and Front avenues. Stanton also developed a fertilizing plant—the one other such plant in the state was in Seattle. The article informed that the waste from slaughter houses such as hoofs, entrails, heads and the like, will soon be turned into a good fertilizer to be sold to the gardeners. E. H. Stanton and W. L. Smith, as Cold Storage Market Company, built plant.

On March 3, 1906, the *Chronicle* reported that Armour & Co., S123 Wall Street was granted a building permit for "alterations to brick building, \$9500."

The 1910 Sanborn Insurance Map shows the Armour & Co. brick building "Provisions" and indicates "Smoke Houses." A wooden loading platform is along the south side with three siding tracks. Spanning the alley along the north side is a two-story brick structure fronted by a wooden structure along the Wall Street frontage.

In February 1911, the Northern Pacific Railroad first revealed its plan to invest \$2.5 million to construct a graded separation between its Hangman Creek approach to the city and its exit from the city east of Division Street. Northern Pacific's Chief Engineer W. L. Darling proposed a 12 to 14-foot clearance for all street underpasses. The at-grade tracks and lines of railcars split the downtown east-end and created barriers to movement of automobile traffic on north-south

streets. Watchtowers and guard-gate arms directed traffic at the crossings but the trains prevailed. Kalez (1968) described the Railroad Avenue corridor, as a double track main line augmented by eight switch tracks, within a long canyon walled with warehouse buildings. Passing freight trains as well as switch engines maneuvering cars to the warehouse sidings would often block traffic along the intersections of north-south streets. The elevated tracks would consist of parallel poured-in-place concrete walls that would be filled with earth and some 17 trestle-like street overpasses between Division and Cannon streets.

With the completion of the viaduct in 1916, the Northern Pacific Railway footprint had been narrowed to approximately 90 feet although the Northern Pacific (and successor BNSF) continued to own a swath of land through downtown up to 370 feet wide. As in the case of Armour and Company, the 1902 cold storage building and adjacent stables in the "alley" to the north were built on land leased from the railroad. The consolidation of tracks on the viaduct allowed another 28-foot strip of land on which buildings could be built. The tracks serving the rail sidings were no longer needed. In the case of the Armour buildings, the new warehouse with loading platform on its roof at viaduct level became the conduit for goods moved into and out of the cold storage building. In most cases, pre-viaduct buildings that had surface rail sidings were not expanded, but reached the viaduct by building bridges to connect with the rails.

"Armour to Have New Warehouse," reported the *Chronicle* on December 18, 1915.

Erection of a new warehouse on Wall street adjoining the Northern Pacific grade separation work has been announced by Armour & Co., packers, it was announced today by A.A. Hollander, manager of the Spokane offices.

The new building will have a frontage of 28 feet on Wall street and will be 100 feet long. It will adjoin the present building occupied by the company on Wall street.

"Three different sets of plans are now under consideration at the head offices in Chicago for the new building," said Mr. Hollander today. "Decision on the specifications will be reached in a few days and the contract will be let soon after. We expect to start work on the building before the close of winter. No estimate of the cost can be offered at this time."

It is expected that the building will be but one story high, with walls sufficiently heavy to receive an additional story later.

The Spokesman-Review, in its January 25, 1916 edition reported that the Armour stables would be allowed to remain. The city commissioner, corporation council and health officer "reported adversely on the petition of the McGowan Hardware company and H.C. Merriam asking that the stable be removed from the alley near the rear of their plant on Wall street. They claimed that it "obstructs free passage from Howard to Wall streets." The city officials found that Northern Pacific owned the land and paid taxes and that taxes on the barn were being paid by Armour. [A portion of this building would be reconfigured by Kenneth Brooks for his architectural offices in the late 1960s.]

A building permit was issued by the city on March 1, 1916 to Chas Jasper on behalf of Armour Pk Co. to build a new warehouse with a value of \$9,500.

On March 3, 1916, *The Spokesman-Review* added to the previous reportage by the *Chronicle* back in December: **"Armour Plant to Extend Capacity."**

Improvements and alterations to cost \$20,000 were started at the warehouse of Armour & Co., wholesale meat dealers, S123 Wall street, Wednesday morning.

A building 80 feet long and 30 feet wide will be erected in the space vacated by the Northern Pacific railway. It will be one story high, reaching to the new grade, and have a basement. The construction is of a character that will permit the addition of two stories, if needed, making the height equal to that of the main building.

In the next week on March 12th, *The Spokesman-Review* gave a report of building activity in Spokane: " Building improvements to cost \$714,000 are proceeding and being prepared for within the city." The meat packing industry was well represented in that list of fourteen or so buildings in the downtown area. They included: Swift & Co. - \$20,000; Carsten's Packing company - \$20,000; Armour & Co. - \$20,000; Stanton stock yards - \$100,000; Stanton curing plant - \$150,000...

Ground is being broken for buildings to cover the commission stock yards of E.H. Stanton company, adjoining other properties of the company in the eastern section of the city. The investment in improvements will be \$100,000, it is stated by Mr. Stanton. The erection of a five-story curing plant and a box and barrel factory to cost \$150,000 will begin as soon as the stock yards are finished.

The Carstens Packing company will build an addition to its packing plant in the eastern section of the city. The investment will be \$50,000.

Swift & Co., wholesale dealers in meats and provision, are adding a floor to their warehouse at S12 Division street. The addition and equipment will cost \$20,000...

...

Material is being assembled for the addition to be built by Armour & Co. to their wholesale meat house at S123 Wall street. The building will occupy the space to be vacated by the Northern Pacific on completion of the new grade, and will be of two stories and a basement. It will cost \$10,000, and the refrigerating and other equipment will cost \$10,000 more. The contract is held by Charles Jasper.

Other buildings listed in article were the Ziegler Block, Merriam Building, Spokane Cycle, Sherwood Block, Hill Brothers, International Harvester, J.R. Roberson, McClintock-Trunkey, and Crane Company.

The Spokesman-Review reported on April 9, 1916: "Armour company, S123 Wall street, remodeling brick garage, \$900." On April 30, the *Review* reported: "**Construction Work in City Now Under Way to Cost \$5,000,000.**" The article lists the projects with the Grade separation as the largest at \$2.5 million. Merchants Central Heating (\$500,000), City bridges (\$300,000), E.H. Stanton Co. (\$250,000) and the Inland Empire paper mill (\$250,000) as the major projects. Others included Carstens, Swift and Company, and Armour.

The big news in the was revealed on May 26, 1917 when *The Spokesman-Review* announced. "**Armour & Co. Buy Stanton Plant; Consideration Above \$1,000,000.**"

Negotiations which have been pending for some days for the acquisition of the E. H. Stanton company by Armour & Co. of Chicago, as reported exclusively in *The Spokesman-Review* 10 days

ago, were completed yesterday when the big packing establishment in the east end of the city passed into the control of the Chicago packers, George B. Bobbins, vice president of the Armour company, announced the closing of the deal and E.H. Stanton, president of his company, confirmed it.

The officials did not state the consideration, although it is understood the Armour interests have purchased 4600 shares, or approximately 80 per cent. The actual money transaction, which includes name and goodwill and an increased stock value is said to be over \$1,000,000.

Capitalized for \$600,000

The company is capitalized at \$600,000, there being 6000 shares at \$100 each. Mr. Stanton for several years it is said, has been acquiring all the stock he could pick up. His personal holding are said to be not much over 50 per cent of the total. Of the total capital stock 310 shares never were issued.

...
It was declared yesterday that the Armour company planned to extend the operations and increase the capacity of the Stanton plant and would have 1000 men on the payroll inside of a year.

The Spokesman-Review in flying the banner "**Inland Empire Outlook Bright For Future Reconstruction Period When Peace Comes**" on November 28, 1918 conveyed that "**Spokane Can Become Big Meat Packing Center of Northwest.**"

An article by J.M. Van Kleek, manager of Armour & Co. predicted a bright future for the meat packing industry in Spokane.

Spokane as a livestock center is slowly but surely coming into its own. The feature that will bring this about more rapidly than anything else is a ready cash market at all times for the livestock producer. When Armour & Co. purchased the E.H. Stanton company plant at Spokane in the spring of 1918 they supplied a ready cash market for all kinds of livestock in the city of Spokane in a degree that had never been enjoyed in this city heretofore: a factor of the utmost importance, not only in building up the cash livestock market in the city of Spokane, but holding out to the livestock producers in this country encouragement for greater and better production.

...
When this city was selected by Armour & Co. as the point for their most western packing house it was after due deliberation and consideration of two important features. First, the potential supply of livestock; second, the distributive possibilities. Spokane offered many attractions covering both of the points. It is situated practically in the midst of a country well adapted to the production of livestock of all descriptions, also favorable located as a distributive point for the branch houses already owned and operated by Armour & Co. in the west states.

...
Spokane is the livestock center of the northwest. With better breeding and increased hog production it will rapidly become the meat packing center as well. When this occurs it will be fully realized that this industry is the greatest industrial asset the city possesses.

"Grow more Hogs, Armour Urges; Wants to Expand Local Plant." In repeating the message Mr. Van Kleek delivered back in 1918 that Spokane needs more hogs to supply the Armour Plant, Mr. Phillip D. Armour himself was visiting Spokane to emphasize the call. The Chronicle reported Armour's visit on January 26, 1920.

Mr. Philip D. Armour and his brother Lester and the first vice president of Armour company, F.E. White, arrived last evening from Denver. They were advising Spokane that their present plant facilities are adequate to handle the hogs coming in, but stated that not enough hogs are raised in the region and that "we have to import dressed hogs from St. Paul to Spokane. That situation is eminently unsatisfactory to Spokane, the Inland Empire, the producer and consumer. ... "We want more hog producers in the Inland Empire and we want them right away.

"We came here to see our plant, to get acquainted with the western stockmen and to see Spokane," said Mr. Armour. "In the past the packers and the producers have not always known each other and certain misunderstandings have arisen which could have been and are always quickly remedied when the two get together. We came to meet with the stockmen and look things over."

The Spokesman-Review reported in July 1921: "**Spokane is Now Big Lamb Center.**" "**Huge Deal Made by Armour Branch in City.**"

Through arrangements consummated by the Washington Wool Growers' association and the Northern Pacific railroad, Armour & Company and representatives of stockyards interest, at least 100,000 lambs, it is expected will be slaughtered at the Spokane Armour plant this fall instead of being shipped to Chicago. ... "The arrangement marks a new epoch in northwestern live stock animals, as it will halt in Spokane for the most part trainloads of lambs that have moved east for years." ...

Increase in Armour Force

"The Armour plant will probably have to take on 40 to 50 more men to handle the new business," said Mr. Flood. "Already there is talk of increasing the size of the Spokane plant if the lambs come in as we expect. The money that formerly went east will not come to Spokane. ..."

With little fanfare, Armour moved out of the downtown location on Wall Street and moved all its operations to its plant on East Trent. A short notice in the May 24, 1924 *Chronicle* announced:

Armour & Company announce the removal of their distribution service, effective Monday, May 26th, from 123 South Wall street, to the Packing Plant on East Trent avenue. This change is made to speed up deliveries, cut down rehandling of products and give a larger selection of goods to their customers. The entire line of Armour's Quality Products will be handled at the new location.

The same deliveries as at present will be made and all services will be continued.

After a ten-year interlude, with the building primarily listed as vacant in the Polk directory, the second life of the former Armour Cold Storage and Warehouse building began in 1935. On September 1, *The Spokesman-Review* announced: "**Brown-Johnston Buys Building.**"

The Brown-Johnston company electrical concern, yesterday announced an expansion program with the purchase of the former Armour two-story heavy fireproof brick building at Railroad and Wall from the Northern Pacific railway and a longer term lease on the ground from the railroad, which has tracks along-side.

The transaction was described as one of the largest cash purchases of downtown property in recent years. The consideration was not disclosed. The building, 100x125 has a full basement and originally cost about \$70,000. Its three floors give 36,000 square feet.

Brown-Johnston will use the building for wholesale merchandising display space, for warehousing, and their shop and factory operations will be moved from the present retail location at N118-120 Lincoln, which will be maintained. The Brown-Johnston factory has been handling such a growing volume of business this expansion into a new location became imperative, it was said.

The plating department will be doubled in size in the new location. New buffing wheels and other equipment will be installed.

The new quarters will also house the commercial refrigeration, air conditioning, electrical contracting and wiring and shipping departments.

...

The Power Brown Company had purchased the pioneer electrical company, Doerr-Mitchell in 1923, and by 1924 the Brown-Johnston company was formed with J.C. Power Brown as president and Eric A. Johnston as vice president. The new firm maintained the existing Doerr-Mitchell electrical store at 118-120 N. Lincoln Street and continued to operate retail business there after the purchase of the former Armour building.

Brown and Johnston would enter a new era as reported by the *Chronicle* on March 30, 1940.

"New Electrical Firm Organized."

A new firm, the Columbia Electric and Manufacturing company, has been incorporated to take over and expand the manufacturing and wholesaling operations of Brown-Johnston Wholesale company, it was announced today.

The new firm, of which Eric A. Johnston is president and W. E. Lofgren, secretary-treasurer, will continue to occupy the present Brown-Johnston quarters at S123 Wall.

"The new company is to be entirely divorced from Brown-Johnson's retail store and electrical contracting business at N118 Lincoln," Mr. Johnston said. "I will continue to be interested in both companies, however."

"Columbia Electric and Manufacturing company employs 66 persons in the manufacture of flood lamps, lamp shades, lighting equipment and ornamental work. These products are sold in Washington, Oregon, Idaho, Montana, Hawaii and California.

"Chief purpose of the new company is to further expand the territory and number of jobbers now distributing these manufactured items." ... Brown-Johnston Wholesale company started its manufacturing business in 1926.

"The firm is the only manufacturer of electric equipment in the Pacific northwest and there is a big field for expansion. Next year is planned to add a third story to our present two-story, fireproof building. We will also push our distribution of many nationally advertised electrical products, which we hand in the Inland Empire."

Brown-Johnston Wholesale company started its manufacturing business in 1926.

On June 6, 1940, *The Spokesman-Review* told an abbreviated history of the rapid expansion of the Brown-Johnson company.

The history of the Brown-Johnston company is closely linked with the growth and development of the Inland Empire, which it has served for so many years.

The firm had its real beginning in 1897, with the establishment of the Woerr-Mitchell company [sic, should be Doerr]. Spokane's population at that time was less than 25,000. The firm specialized in gas-lighting fixtures, decorative iron and glass merchandise and many similar items. ...

In a half page spread in its Sunday September 1, 1940 edition, *The Spokesman-Review* extolled the accomplishments of Eric A. Johnston. In words and pictures, the Republican candidate for the U.S. Senate was portrayed.

"Eric Allen Johnston Whirlwind of Action."

Eric A. Johnston, Republic candidate for United States senator—what about him?

He is young, dynamic, ambitious. Not too young, 44. He began life as a newsboy in Spokane to eke out a living for himself and his mother when she worked in a doctor's office. He is now president of the Columbia Electric and Manufacturing company, largest manufacturer of electric goods in the Pacific northwest, and president of Brown-Johnston, retailers of electric supplies. He is also chairman of the board of the Washington Brick, Lime and Pipe company. That gives him the background of American tradition found in all the history books—poor boy who climbs to the top. ...

Immediately after the onset of World War II, on January 25, 1942. *The Spokesman-Review* reported:

"Spokane Concern Gets Navy Work."

The Columbia Electric and Manufacturing company yesterday announced the award by the navy department of a type A contract for the manufacture of various types of telephone connections electrical fitting and lighting equipment for all kinds of warships.

Eric A. Johnston, president of Columbia Electric stated: "This is a contract based upon the actual cost of manufacturing with a guaranteed ceiling price. ... "I anticipate that we will do more than \$1,250,000 during the current year."

Columbia Electric is now in the process of enlarging its building at S123 Wall to accommodate the machinery and equipment purchased last week when the Spokane Tool, Die and Machine Works was acquired. "Approximately \$40,000 will be spent," said Mr. Johnston.

"We have also acquired the Travis Pattern and Foundry company and will greatly enlarge its operation. This operation will be in charge of Paul Travis," Johnston announced.

...

"It will also be essential to work three shifts a day or completely around the clock so that none of our machinery or equipment will be idle a minute. I am now in the process of employing a large number of additional pattern makers, die makers, machinists, foundrymen and sheet metal workers. Undoubtedly at least 250 additional men will have to be employed." [Stated Walter A. Toly, production manager of the Columbia Electric.]

In 1941, Eric Johnston was elected president of the U.S. Chamber of Commerce and served that position until 1946. During his tenure with the U.S. Chamber of Commerce, Johnston had met with FDR, served as chairman of the United States Commission on InterAmerican Development and traveled to South America and Roosevelt's emissary, and was invited by Stalin as the emissary of President Roosevelt. Life Magazine published a major story about Mr. Johnston in the June 19, 1944 issue. He would culminate his career – with intermittent diplomatic missions for presidents Eisenhower and Truman--as president of the Motion Picture Association of America, a position he held until his death in 1963.

Back in Spokane, in January 1945, Johnston, although reelected president, announced he was releasing active management of the Columbia Electric company to Vice Presidents Tubbs and Toly. Mrs. Ida B. Johnston [Eric's mother] was reelected secretary-treasurer.

Clarence A. Tubbs, vice president and general manager of distribution told *The Spokesman-Review*, "Columbia Electric has grown from its initial start in the wholesale business in 1935 to the largest independent electrical distributor in this area," he added. The manufacturing division, under Walter Toly, has grown from a custom manufacturing establishment into one of the leading manufacturing firms in the Pacific northwest. ... "The management realizing the possible necessity for war materials, entered into contracts with the navy department for war supplies prior to Pearl Harbor."

Makes Ammunition

"Since the inception of the original contract the plant has been engaged entirely in war production and the complement of the Columbia plant at present is 185 persons engaged in the manufacture of electrical fittings, valves and other items of necessity to the navy department. In addition, the firm is also engaged in the manufacture of ammunition for the war department."

"After the termination of the war we feel we will be able to maintain the present personnel in the production of civilian goods of a similar nature to the items manufactured previous to the war."

The Spokesman-Review reported: "**Johnston Leaves Firm Presidency.**" In an article of December 12, 1949 describes the announcement. Walter A Toly would become president of the Columbia Electric and Manufacturing company and Eric A. Johnston would become chairman of the board. Johnston made the announcement at a luncheon at the Spokane Club to a group of approximately 200 of Spokane's business and industrial leaders. He told of Columbia's phenomenal growth since its incorporation in 1939 with a net worth of \$100,000. And then noted that the company was worth nine times that much with annual sales of \$4,500,000. The company's business extended beyond the Inland Empire to New Jersey, Texas, Manila, Detroit, throughout the USA. "Two factories of the Columbia Electric on Ide Avenue are "bursting at the seams," Mr. Johnson said, which may mean the company will have to invest from \$500,000 to \$600,000 in a new plant," he declared. Turning from the affairs of Columbia, he regaled the group with his duties as president of the Motion Picture association that took him world-wide from his present office in Washington D.C.

In February 1960, *The Spokesman-Review* reported the reorganization of the Brown-Johnston company:

“Electrical Firm is Reorganized.”

Eric A. Johnston, former president of the firm who still retains an interest in the company, said the appliance portion of the business was sold so that Brown-Johnston could put more emphasis on its main field of contracting air conditioning refrigeration and heat installations. John F. Boothe, president, would direct contracting operations. The appliance retail division has been sold to Charles Nelson. Under the new corporate structure of Brown-Johnston all financial links between the two firms have been severed [Columbia Electric and Manufacturing had a plant at E 3420 Ferry and was no longer listed at S123 Wall].

Brown-Johnston and a subsidiary, Micro-Film Systems founded by John F. Boothe in 1966, continued to operate out of 123 South Wall Street until 1969. Other occupants of the building during this period included Carswell Co., a manufacturing agent for automatic doors; Mailwell Envelope; Micro-Film Systems; and Western X-Ray supplies.

The third life of the Armour building opened in the late 1960s, when Spokane architect Kenneth W. Brooks bought the dilapidated building in the alley that had originally served as Armour's stables and wagon garage. John F. Boothe, president of Brown-Johnston sold the building at 121 Wall to Brooks in 1966 with an option to buy the remaining Armour buildings at 123 Wall. *The Spokesman-Review* reported that Kenneth W. Brooks had been issued a building permit for S121 Wall Street for alterations to office building on March 31, 1967 with a construction value of \$45,000. S121 Wall was first listed in Polk in 1968 with Kenneth Brooks Architect as the occupant. Carswell Company, Mail Well and Micro-film Systems were listed as occupants of S123 until 1973 when the building was listed as vacant.

After John Boothe solid his interests in Brown-Johnston and Micro-Films Systems in 1969, he sold the building to Kenneth Brooks who had exercised his option to buy the former Armour buildings at 123 S. Wall Street. The sale took place in 1970. Brooks envisioned a renovated and repurposed building that would follow the “multi-shop idea” concept with boutique shops, coffee houses, and restaurants that would become the Artrum Building. He followed the model of the neighboring Second City at 605 First Avenue, that opened in June 1972 and housed eleven arts and crafts shops.

The Spokesman-Review reported in August 1972 that:

The building at S123 Wall is about to undergo a facelifting which will turn it into a restaurant and organic foods center.

Architect Kenneth W. Brooks, building owner, said remodeling will start within a few weeks, with tenants for the renovated building to be Mr. and Mrs. Charles Serpinas, owners of the Well restaurant.” A natural food and juice bar will be on the second floor next to restaurant; on main floor will be kitchen utensil shop, bakery, grain mill and combination apiary and flower shop. A fish and fowl market and cold storage area planned for basement. It was hoped a wine shop would join the group. Produce stalls were also planned for the building.

Postscript

The **Armour & Company** meat packing plant (acquired by Armour from Stanton in 1916) on East Trent closed on April 30, 1971. With closure of the Union Stockyards in 1999 and later closure of the Hygrade plant, the meatpacking industry in Spokane had gone by way of Spokane's lumber milling industry.

In 2008, **Columbia Lighting** which had its Spokane roots in the founding of Doerr-Mitchell in 1898, closed its doors with the elimination of more than 200 manufacturing jobs. The business, founded by Eric Johnston, had been purchased and closed by Hubbell, Inc., a Connecticut-based company in 2002.

The Atrium building

The Magic Lantern Theater opened in the Atrium in December 1973 and treated Spokane movie fans to great art films until 1998 when it closed at its Wall Street location for the last time. Currently Europa Restaurant and Bakery, with dining and meeting rooms and pub, founded as the Europa Pizzeria and Bakery in 1991 continues to operate on the first floor of the 1916 and a portion of the 1902 building. About half-vacant, there are a couple of businesses with offices in the building, portions of which are being renovated.

ADDENDUM WITH BIOGRAPHICAL INFORMATION ON NOTABLE OWNERS

Philip Danforth Armour (founder Armour & Company)

Philip Danforth Armour, born in 1832 in upstate New York, was an industrious young man who started a meat packing business with his brother Joseph at Chicago's Union Stockyards in 1867. Armour designed an efficient assembly line for slaughtering animals and built a large fleet of refrigerated rail cars. He tried to use every part of the animal and sold byproducts for glue, cosmetics, medicines and fertilizer. Armour and Co. quietly bought up shares of Spokane's E.H. Stanton meat packing plant at 3300 East Trent Ave. and took over in 1917, quickly building it into one of Spokane's largest businesses. It sat along rail lines and near stockyards that supplied its production line. Armour's business boomed during World War II, and FDR issued an executive order placing Armour's assets, including the Spokane plant, under federal control to put down labor disputes and strikes during wartime. The Spokesman-Review reported that government food purchases filled 75 to 80 railcars a week during the war. Armour made soap animal byproducts and invented Dial soap in 1948. It was an immediate hit. Armour expanded the Dial line, and Dale Carnegie, based in Omaha, Neb., became the company's most famous salesman. Business slowed after the war. The Greyhound bus company acquired Armour/Dial in 1970 and reorganized the company, closing the Spokane plant. It was torn down in 1979. Armour died in 1901 but was known for encouraging the children at the free trade school he built in Chicago: "Always keep at it. Don't let up. Let liquor alone, pay your bills, marry a good wife and pound away at whatever you want – and sooner or later you'll make good." (Tinsley, 2013)

J. Odgen Armour was listed on the building permit for the city of Spokane building permit for the 1902 cold storage building. J. Ogden Armour was the sole surviving son of Phillip Armour and took over the company after his father's death in 1901. J. Ogden Armour inherited a \$100 million business which grew to an almost \$1 billion company in 1918. The post-war years—the slump, however, proved disastrous for Armour, who in 1917 was known as "the second richest man in the world." The company lost \$125 million between 1919 and 1921 and Armour lost most of the family stock at \$100 million. J. Odgen Armour was relieved of his presidency in 1923 and died in England in 1927.

Eric Allen Johnston (1895-1963)

Eric Allen Johnston's obituary was published on August 23, 1963 in the *Spokane Daily Chronicle*.

"Final Rites Here for Eric Johnston." ...

Johnston, one of Spokane's most distinguished citizens, died Thursday afternoon in a Washington, D.C. hospital. He was 67.

He made his start here as a vacuum cleaner salesman and went on to an outstanding career encompassing business, government, diplomacy and the arts.

Hundreds attended the services at St. John's Cathedral. Burial was in Greenwood Memorial Terrace.

Kenneth W. Brooks, Architect, Building Owner and Developer (1917-1996)

Architect Kenneth W. Brooks was born in Cedarvale, Kansas in 1917. He received his undergraduate degree in Architectural Engineering in 1941 and a master's degree in Architecture in 1948, both from the University of Illinois at Urbana-Champaign. He served in the Caribbean with the U.S. Army Corps of Engineers (1941-1943) and the U.S. Marine Corps (1944-1946). After the war he worked for the New York office of Skidmore Owings, & Merrill and passed the National Council of Architectural Board exam to become licensed in the state of New York.

In 1948 Brooks traveled to Europe on a University of Illinois Francis Plym Fellowship, spending most of his seven-month trip in Sweden working with Sven Markelius, a Swedish city planner and architect.

He moved to Spokane in 1948 worked in the offices of George Rasque but soon left for a six-month fellowship in Europe and worked in the town planning offices of Stockholm and Goteborg Sweden. Upon return to Spokane he worked for Carroll Martell Architects, but, again, for only a short time before returning to educational pursuit earning a Masters in Architecture from University of Illinois. He returned to Spokane in 1949 to establish his own firm, Kenneth Brooks, Architect, in 1951. In 1954 he designed the Verne Johnson House, and 1958, the AIA-Honor-Award Washington Water Power (now Avista) corporate headquarters with Bruce M. Walker.

In 1966, Brooks received a National Award of Merit from the AIA for his Intermountain Gas Company Central Service Facility in Boise, Idaho. In 1967 he designed the award-winning First Church of Christ, Scientist (310 E. 14th Avenue, Spokane). In 1969 he partnered with Joseph Hensley and Fred Creager to form Brooks, Hensley, Creager Architects. He became an award-winning urban designer and city planner; one of his most ambitious and noteworthy projects was "A Place in the Sun," an urban design plan for downtown Spokane. He participated very actively in the planning process for Expo '74, the World's Fair held in Spokane in 1974.

He was a member and Fellow of the American Institute of Architecture, was the first chairman of the Urban Design Commission for the national American Institute of Architecture, past president of the former Spokane Municipal League, past president of the local chapter of the American Institute of Architects, and a member and deacon at First Presbyterian Church. He also served as a member of the Washington State Arts Commission, the Governor's Executive Committee of Design for Washington, and the National Urban Design Committee of the American Institute of Architects.

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- . "Iron Beam Falls on Roeske." 3/24/1916. p6:6.
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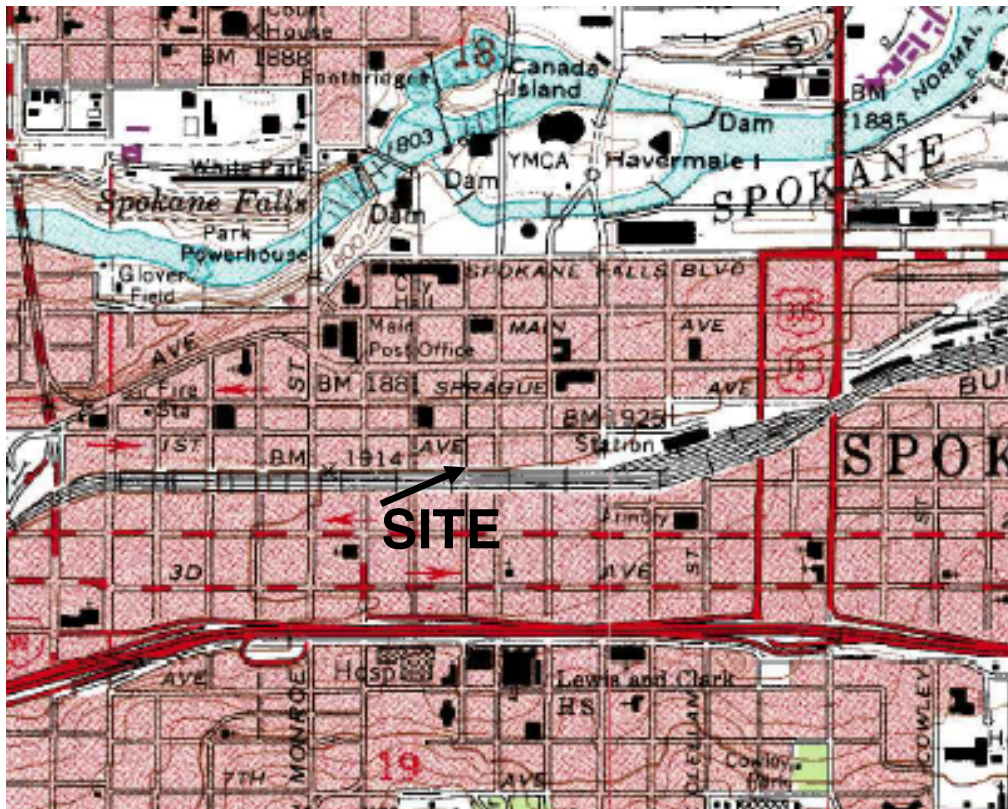
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Maps, Drawings, and Photographs



USGS 7.5 Minute Quadrangle. Spokane NW, Wash. 1974. Photorevised 1986

ARMOUR BUILDINGS
123 SOUTH WALL STREET
SITE LOCATION

↑
N
1" = 2000'



Spokane City Map – downloaded June 2021

**ARMOUR BUILDINGS
123 SOUTH WALL STREET
SITE LOCATION**

↑
N
1" = 2000'

Spokane City/County Register of Historic Places Nomination Continuation Sheet
 Armour & Company Cold Storage and Warehouse
 Buildings

Section 12 Page 4

ADDRESS/BLDG. NAME **S. 123 Wall Street**
The Atrium Building

BUILDING #	TYPE-USE-QUALITY	EXT. WALLS	BASEMENT	EXTRA FEATURES
	Apartment	Brick	Full	Marquees
	Office	Stone	Size	Canopy
	Warehouse	Concrete	Finished	Balcony
	Gas Station	Siding	Utility	Insulation
	Motel	Con. Blk.		Cold Storage
	Garage		HEATING	Sound Proofing
	Store	Cast Panel	Hot Air	
	No. Stories		Hot Water	INT. WALLS
	No. Rooms	ROOF CONSTR.	Air Cond.	
	No. Apts.	Flat	Gas	
	ANNUAL GROSS INC.	Pitched	Electric	INT. PARTITIONING
	DATE	Steel Truss	Oil Burner	Lin-Fest
		Wood Truss	Coal Stoker	
			Steam	ELEVATOR
			Central	Kind
		ROOF COVERING		Stops
		Asphalt Shingles		
		Corr.	Toilets	APPLIANCES
		Tar-Gravel	Tubs	RG & OV
			Basins	HF
		FLOOR STRUCTURE	Sinks	DW
		Reinf. Conc.	Showers	Washer
	CONSTRUCTION	Conc. Slab	Laundry Trays	Dryer
	Frame	Joisted Const.	H. W. Tanks	
	Steel Frame		Sprinkler System	
	Reinf. Conc.	FLOOR FINISH		
	Brick	Asphalt Tile		
	Con. Blk.	Fir		GEN'L CONDITION
		Linoleum		Excellent
	FOUNDATION	Cement		Good
	Con. Stone Blk	Hrdwd		Fair
		W/W		Poor

Yr. Built	% Fin.	Class	Sq. Ft. 1st	Sq. Ft. 2nd	Height	Per	S PSF	A. V.
BLDG. DESC	BLDG. #		BLDG. #		BLDG. #		BLDG. #	BLDG. #
Const.	East, Covered Deck							Ramp Area
Fndtn.	Concrete							
Floors	2x6's on 2x12's - 2' 0"							
Ext. Walls	Stucco North, Sillings 2x6" L" Steel Posts							
Roof	Corrugated Steel on 2x6" L" Steel Purlins 3' 0"							
Plumb. Fix.	on 4.5x10" I" Beam Trusses 10' 0"							
Year Blt./Life								
S PSF			See Layout on Back of				32x64's	
Sq. Ft.	240		Sheet 3 of 4.				2064	
Value	500						500	
LAND: 11,642#		1985 @ \$12.50						

YEAR	LAND VALUE	BLDG. VALUE	APPRSR.	DATE
1980	100,000	54,400	GB	4-28-88
1984	171,500	64,000	DW	10-9-83
1988	145,000	90,000	RW	10-30-87
2004			LG	4/04

PARCEL NUMBER Sheet 1 of 4

U19531-5507

LEGAL DESC:

35191.5518

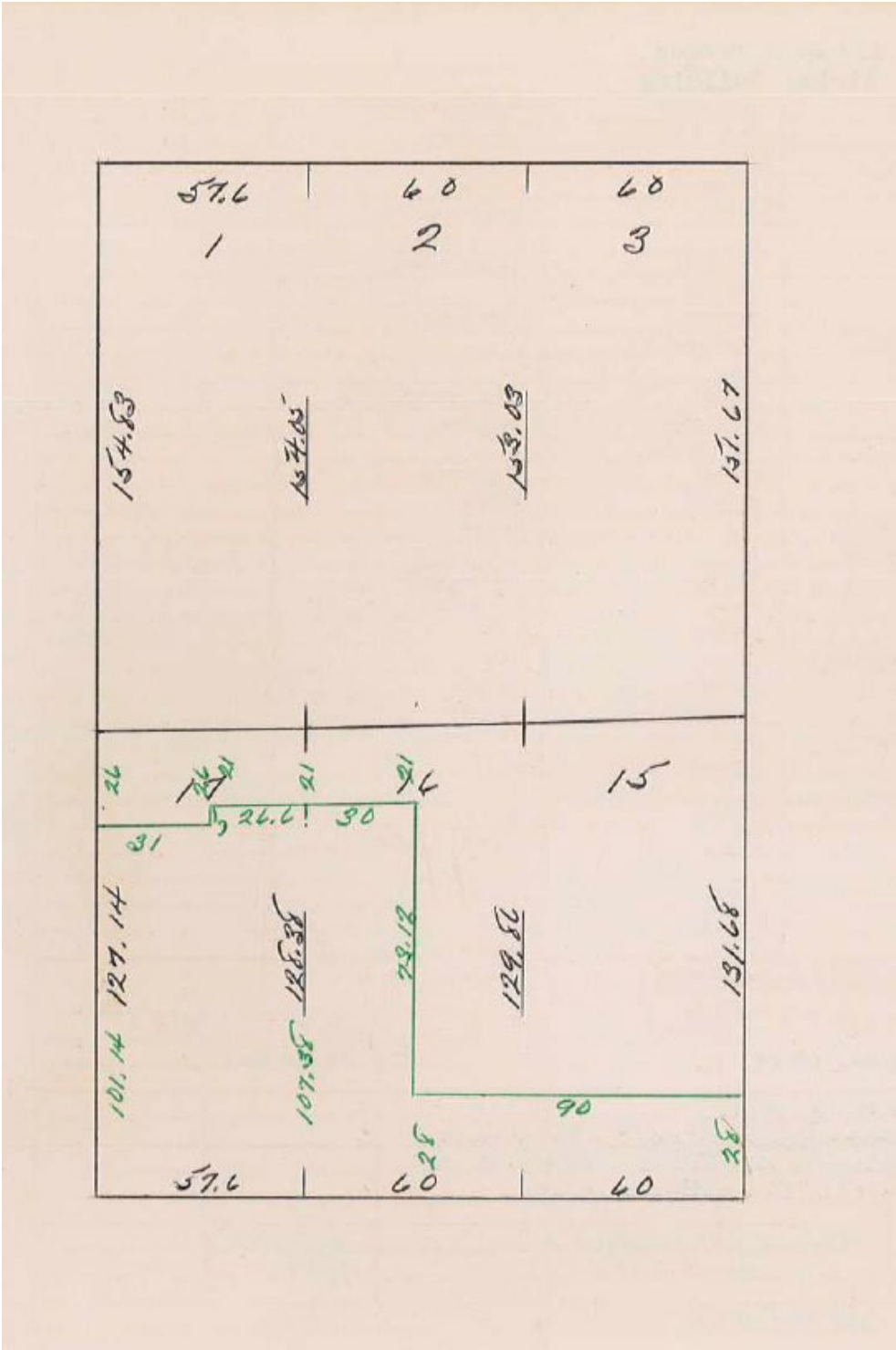
Northern Pacific Railway Company's
 Subdivision of Right of Way
 S 28 Ft. of Lt 15 & S 28 Ft of E 1/2
 of Lt 16 & W 1/2 of Lt 16 Exc N 21
 Ft, Lt 17 Exc N 21 Ft of the E
 26.6 Ft & Exc W 31 Ft of N 26 Ft;
 BA Lease No. 97897

Floor	Square Feet
2	6,220
1	8,485
Basement	8,668
Total	23,373

Please see the floor-by-floor descriptions on Sheets 2 and 3 and 4 of 4.

The "BA" in the legal description above signifies Block A.

ASSESSOR FIELD FILE - 2004

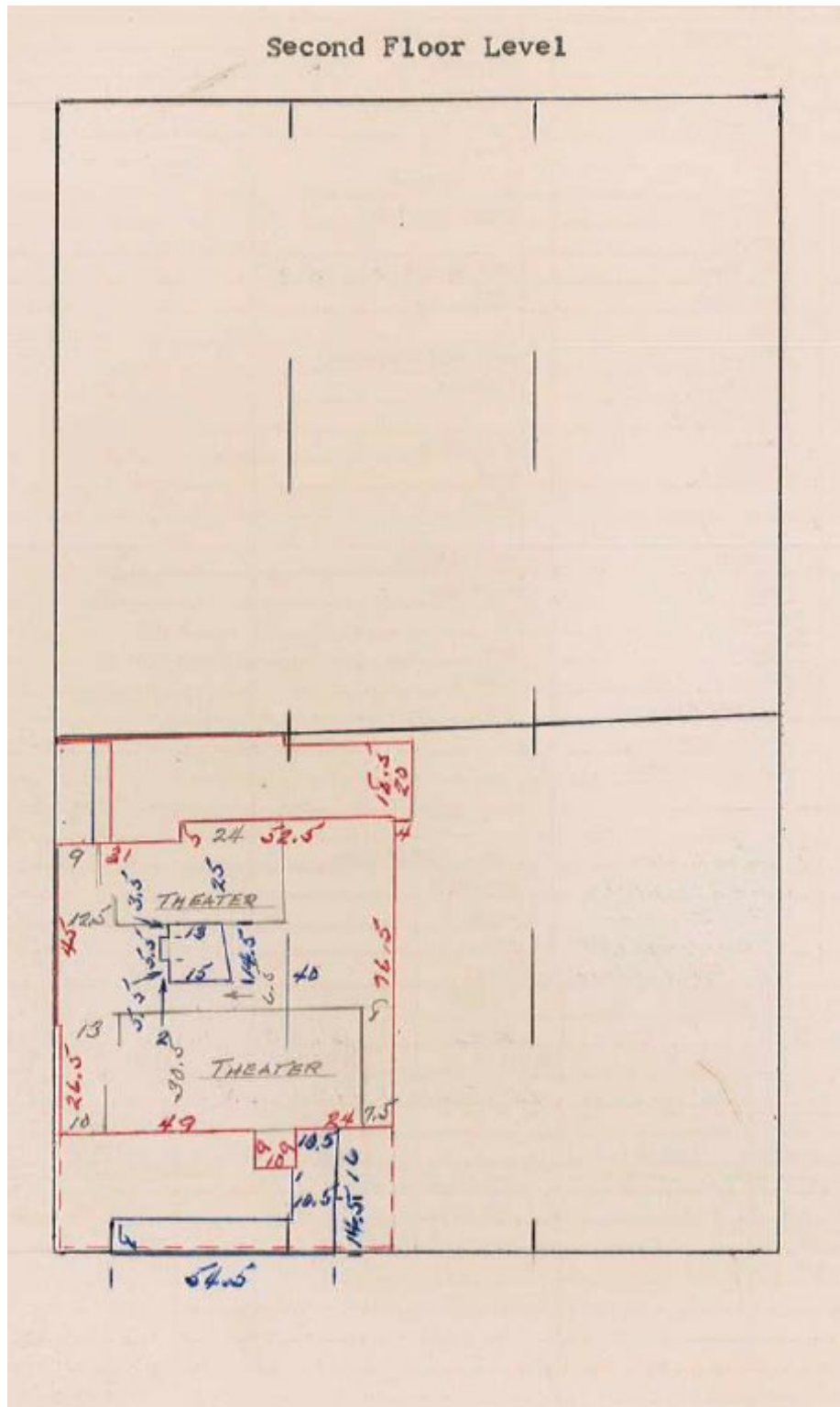


ASSESSOR FIELD FILE PLOT SKETCH

Spokane City/County Register of Historic Places Nomination Continuation Sheet
 Armour & Company Cold Storage and Warehouse Section 12 Page 6
 Buildings

ADDRESS/BLDG. NAME		S. 123 Wall Street		Second Floor		YEAR		LAND VALUE		BLDG. VALUE		APPRSR.		DATE			
BUILDING #		TYPE-USE-QUALITY		EXT. WALLS		BASEMENT		EXTRA FEATURES									
Apartment		✓ Brick				Full		Marquees									
Office		Stone				Size		Canopy									
Warehouse		Concrete				Finished		Balcony									
Gas Station		Siding				Utility		Insulation									
Motel		Con. Blk.						Cold Storage									
Garage						HEATING		Sound Proofing									
Store		Cast Panel				Hot Air											
No. Stories						Hot Water		INT. WALLS Break &									
No. Rooms		ROOF CONSTR.				Air Cond.		Drill									
No. Apts.		✓ Flat				Gas											
ANNUAL GROSS INC.		Pitched				Electric		INT. PARTITIONING									
DATE		Steel Truss				Oil Burner		Lin-Foot									
		✓ Wood Truss Timbers				Coal Stoker											
						✓ Steam		ELEVATOR									
						Central		Kind									
		ROOF COVERING						Stops									
		Asphalt Shingles				Toilets 1 2		APPLIANCES									
		Corr.				Tubs 4/8 1		RG & OV									
		Tar-Gravel				Basins 1 1		HF									
		✓ Built-Up				Sinks		DW									
		FLOOR STRUCTURE				Reinf. Conc.		Showers									
						Conc. Slab		Laundry Trays									
		CONSTRUCTION				Joisted Const.		H. W. Tanks									
		✓ Frame				✓ Heavy Timbers		Sprinkler System									
		Steel Frame				FLOOR FINISH											
		Reinf. Conc.				Asphalt Tile											
		✓ Brick				FIR & Plnd		GEN'L CONDITION									
		Con. Blk.				Linoleum		Excellent									
						Cement		Good									
		FOUNDATION				Hrdwd		Fair									
		Con. Stone Blk				W/W		Poor									
Yr. Built		% Fin.		Class		Sq. Ft. 1st		Sq. Ft. 2nd		Height		Per		S PSF		A. V.	
1900						6220								5.47		34,000	
BLDG. DESC		BLDG. #		BLDG. #		BLDG. #		BLDG. #		BLDG. #		BLDG. #		BLDG. #		BLDG. #	
Const.		South Railroad Car Loading Dock		4th Second Floor Level													
Fndtn.		Roof of 1-Story Building															
Floors		Reinforced Concrete - Raised															
Ext. Walls		Vertical Supports: 4'x8" Twin		L Steel 12.5' 00													
Roof		Corrugated Steel on 11'x5' Steel Purlins															
Plumb. Fix.		3.5' 00 on Twin		L Steel Trusses 13.5' 00													
Year Blt./Life		2'x7"															
S PSF																	
Sq. Ft.		471															
Value		No Market Value															

ASSESSOR FIELD FILE – 2nd FLOOR



ASSESSOR FIELD FILE PLOT SKETCH – 2ND FLOOR

Spokane City/County Register of Historic Places Nomination Continuation Sheet
 Armour & Company Cold Storage and Warehouse Section 12 Page 8
 Buildings

ADDRESS/BLDG. NAME		S. 123 Wall Street						
BUILDING #		First Floor						
TYPE-USE-QUALITY		EXT. WALLS		BASEMENT		EXTRA FEATURES		
Apartment	✓ Brick			Full		Marquees		
Office	Stone			Size		Canopy		
Warehouse	Concrete			Finished		Balcony		
Gas Station	Siding			Utility		Insulation		
Motel	Con. Blk.					Cold Storage		
Garage				HEATING		Sound Proofing		
Store	Cast Panel			Hot Air				
No. Stories				Hot Water		INT. WALLS		
No. Rooms	ROOF CONSTR.			Air Cond.		<i>See Below</i>		
No. Apts.	Flat			Gas				
ANNUAL GROSS INC.	Pitched			Electric		INT. PARTITIONING		
DATE	Steel Truss			Oil Burner		Lin-Foot		
	Wood Truss			Coal Stoker				
	✓ <i>Second Floor</i>			✓ Steam		ELEVATOR		
				Central		Kind		
	ROOF COVERING			<i>Northeast Area</i>		Stops		
	Asphalt Shingles			<i>M W</i>				
	Corr.			Toilets		APPLIANCES		
	Tar-Gravel			Tubs		RG & OV		
	✓ <i>Not Applicable</i>			Basins		HF		
	FLOOR STRUCTURE			Sinks		DW		
	Reinf. Conc.			Showers		Washer		
CONSTRUCTION	Conc. Slab			Laundry Trays		Dryer		
✓ Frame	✓ Joisted Const.			H. W. Tanks				
Steel Frame	✓ <i>Heavy Timbers</i>			Sprinkler System				
Reinf. Conc.	FLOOR FINISH							
✓ Brick	Asphalt Tile							
Con. Blk.	✓ Fir			◇ <i>Includes</i>		GEN'L CONDITION		
	Linoetum			<i>183 Square</i>		Excellent		
FOUNDATION	Cement			<i>East Open</i>		Good		
Con. Stone Blk	Hrdwd			<i>Stairway Well</i>		Fair		
	w/w			<i>to Basement</i>		Poor		
Yr. Built	% Fin.	Class	Sq. Ft. 1st	Sq. Ft. 2nd	Height	Per	\$ PSF	A. V.
1900		◇ 8546					4.12	25,000
BLDG. DESC	BLDG. #	BLDG. #	BLDG. #	BLDG. #	BLDG. #	BLDG. #	BLDG. #	BLDG. #
Const.	"EUROPA"	PIZZERIA	"BAKERY"	"SUN TREE BOOKS"				<i>See the</i>
Fndtn.								<i>East Elev</i>
Floors	<i>w/c, Fir</i>	<i>Walls Vinyl and Dwell-</i>		<i>Fir, w/c,</i>				<i>and Deck</i>
Ext. Walls	<i>Brick, Varinshed Siplap, - Panels</i>			<i>Plaster, Dwell</i>				<i>on Street</i>
Roof Ceilings	<i>Timbered Beam Structure of</i>			<i>Timbered Beam Structure</i>				<i>1 of th</i>
Plumb. Fix.	<i>Second Floor</i>			<i>of Second Floor</i>				
Year Blt./Life								
\$ PSF								
Sq. Ft.								
Value								

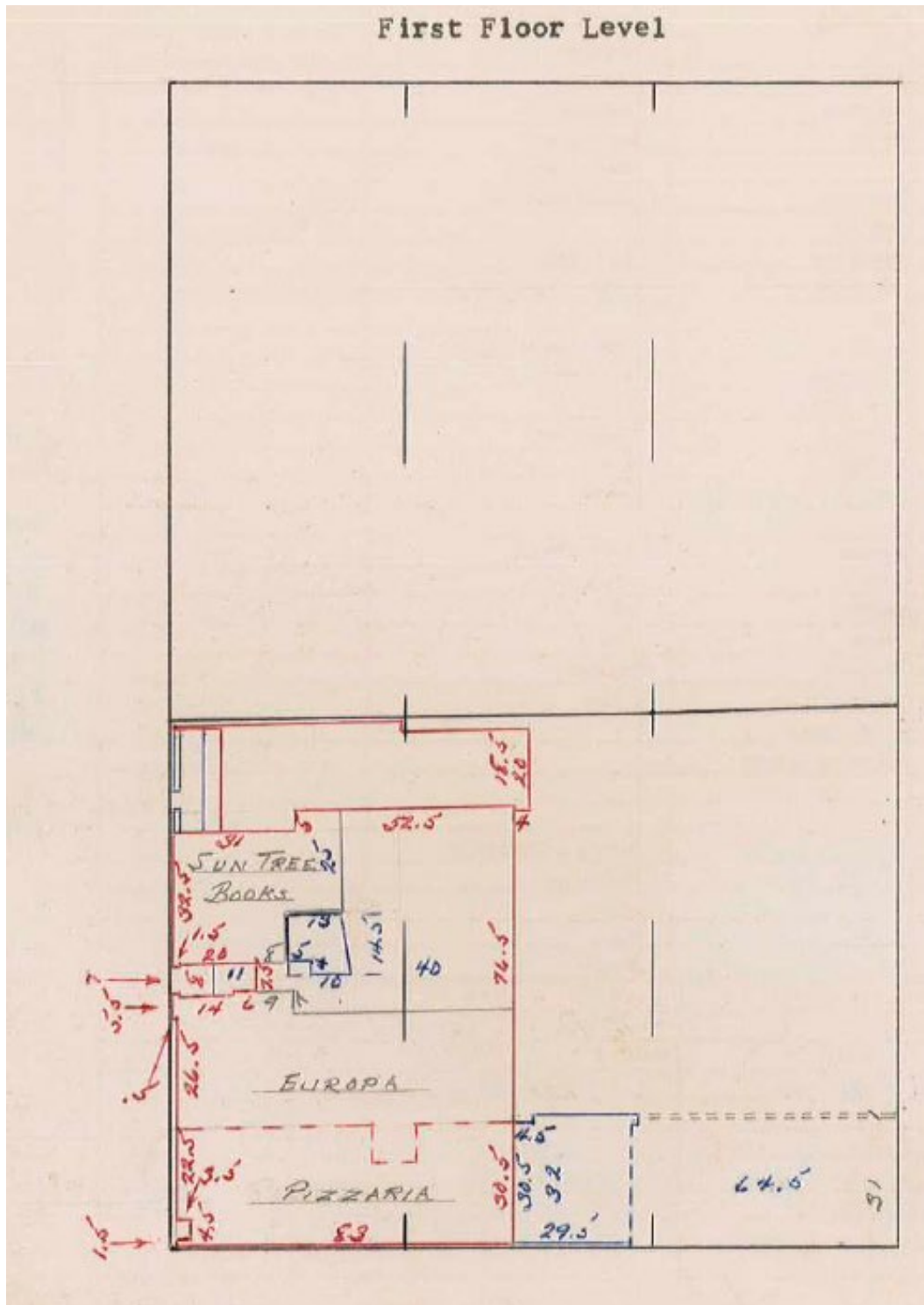
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PARCEL NUMBER Sheet 3 of 4
U19531-5507

LEGAL DESC:

Northern Pacific Railway Company's
Subdivision of Right of Way
S 28 Ft of Lt 15 & S 28 Ft of E $\frac{1}{2}$
of Lt 16 & W $\frac{1}{2}$ of Lt 16 Exc N 21
Ft, Lt 17 Exc N 21 Ft of the E
26.6 Ft & Exc W 31 Ft of N 26 Ft;
Ea Lease No. 97897

The "BA" in the legal description above signifies Block A.



ASSESSOR FIELD FILE PLOT SKETCH – 1ST FLOOR

Spokane City/County Register of Historic Places Nomination Continuation Sheet
 Armour & Company Cold Storage and Warehouse Section 12 Page 10
 Buildings

ADDRESS/BLDG. NAME						S. 123 Wall Street						
BUILDING #						Basement						
TYPE-USE-QUALITY		EXT. WALLS		BASEMENT		EXTRA FEATURES						
Apartment		Brick		Full		Marquees						
Office		Stone		Size 800 Sq Ft		Canopy						
Warehouse		Concrete		Finished		Balcony						
Gas Station		Siding		Utility Below		Insulation						
Motel		Con. Blk.				Cold Storage						
Garage				HEATING		Sound Proofing						
Store		Cast Panel		Hot Air								
No. Stories				Hot Water		INT. WALLS						
No. Rooms		ROOF CONSTR.		Air Cond.		See Below						
No. Apts.		Flat		Gas								
ANNUAL GROSS INC.		Pitched		Electric		INT. PARTITIONING						
DATE		Steel Truss		Oil Burner		Lin-Fest						
		Wood Truss		Coal Stoker								
		First Floor		Steam		ELEVATOR						
				Central		Kind						
		ROOF COVERING		Northwest Area		Stops						
		Asphalt Shingles		M W								
		Corr.		Toilets 2		APPLIANCES						
		Tar-Gravel		Tubs 1		RG & OV						
		Not Applicable		Basins 1		HF						
		FLOOR STRUCTURE		Sinks -		DW						
		Reinf. Conc.		Showers		Washer						
CONSTRUCTION		Conc. Slab		Laundry Trays		Dryer						
Frame		Joisted Const.		H. W. Tanks								
Steel Frame				Sprinkler System								
Reinf. Conc.		FLOOR FINISH										
Brick		Asphalt Tile										
Con. Blk.		Fir See Below				GEN'L CONDITION						
		Linoeum				Excellent						
FOUNDATION		Cement				Good						
Con. Stone Blk		Hrdwd				Fair						
Stone		W/W				Poor						
Yr. Built	% Fin.	Class	Sq. Ft. 1st	Sq. Ft. 2nd	Height	Per	\$ PSF	A. V.				
1900				See Above			2.31	20,000				
BLDG. DESC	BLDG. #	BLDG. #	BLDG. #	BLDG. #	BLDG. #	BLDG. #	BLDG. #	BLDG. #				
Const.	"STUDIO 2"		"ON WALL STREET DELI"		VACANT SOUTH HALL							
Fndtn.												
Floors	Concrete, W/W		1 x 1 Vinyl		CONCRETE							
Ext. Walls	Int. Reb 1 x 12 Plaster, Druml		Druml		Ship Lap & Spline							
Roof	Corr. Timbered Beam Structure of First Floor		Timbered Beam Structure of First Floor		Timbered Beam Structure of First Floor							
Plumb. Fix.												
Year Blt./Life												
\$ PSF												
Sq. Ft.												
Value												

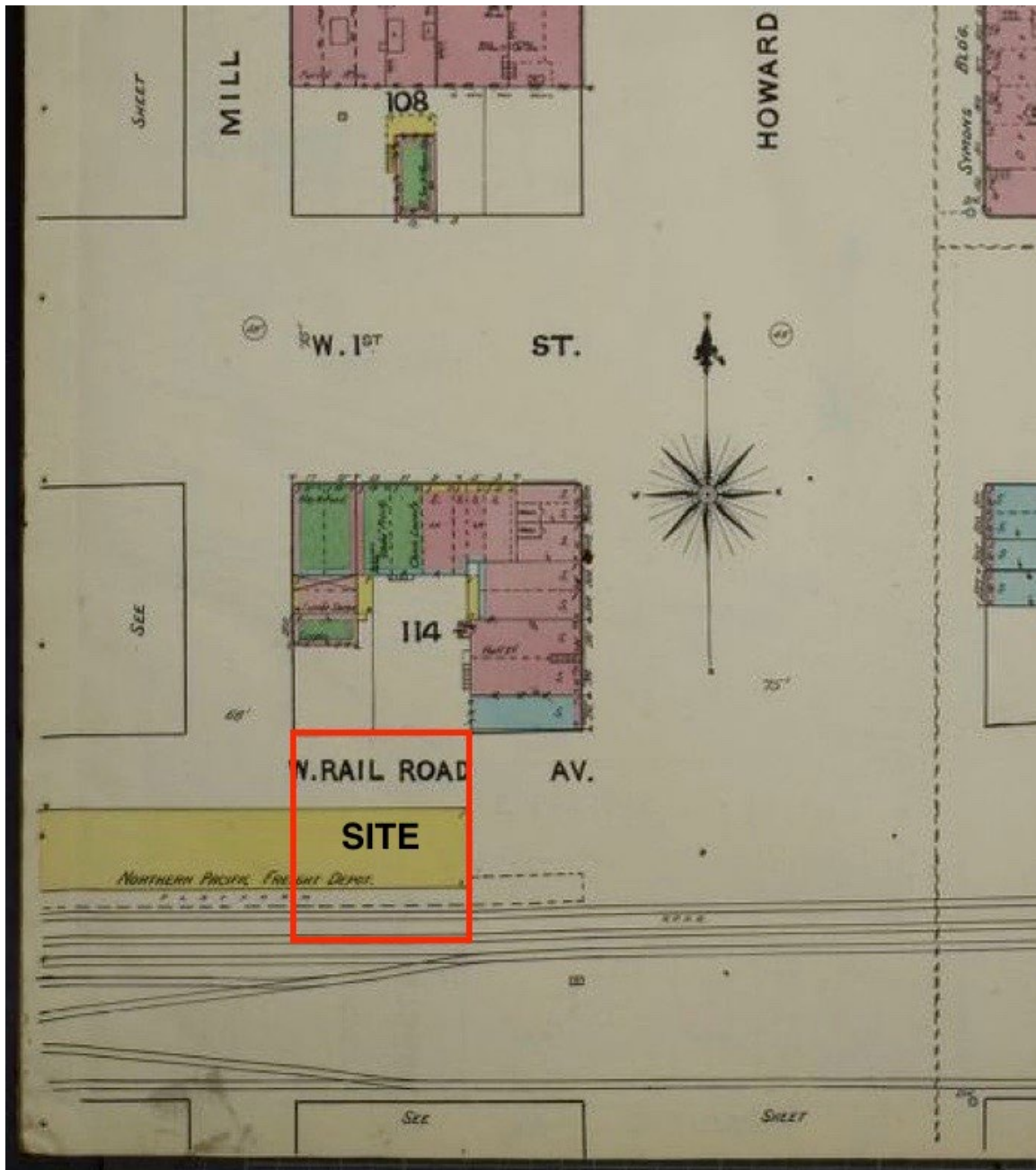
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PARCEL NUMBER Sheet 4 of 4

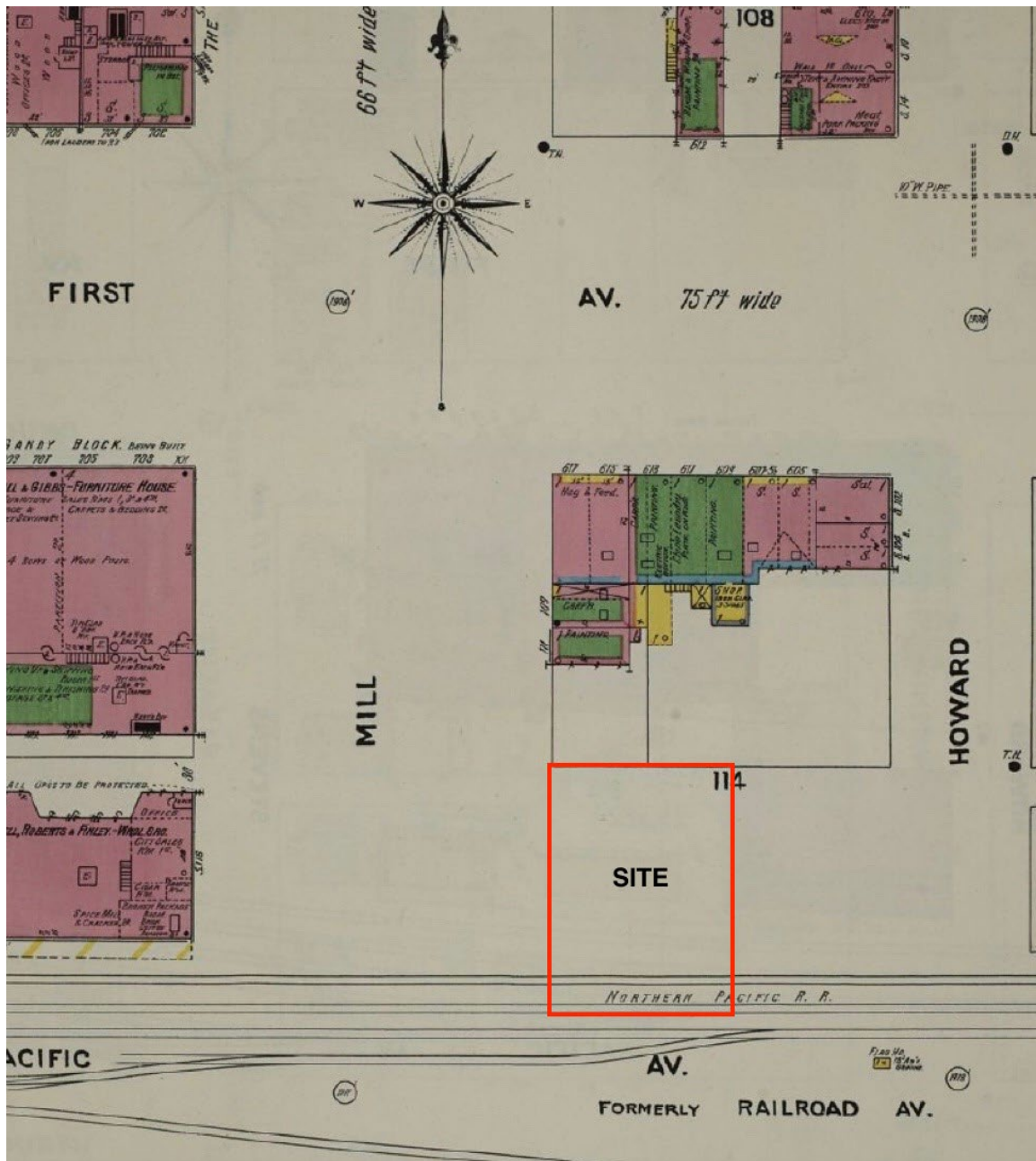
U19531-5507
LEGAL DESC: 35191.55185

Northern Pacific Railway Company's
Subdivision of Right of Way
S 28 Ft of Lt 15 & S 28 Ft of E $\frac{1}{2}$
of Lt 16 & W $\frac{1}{2}$ of Lt 16 Exc N 21
Ft, Lt 17 Exc N 21 Ft of the E
26.6 Ft & Exc W 31 Ft of N 26 Ft;
RA 1333-0 No. 07807

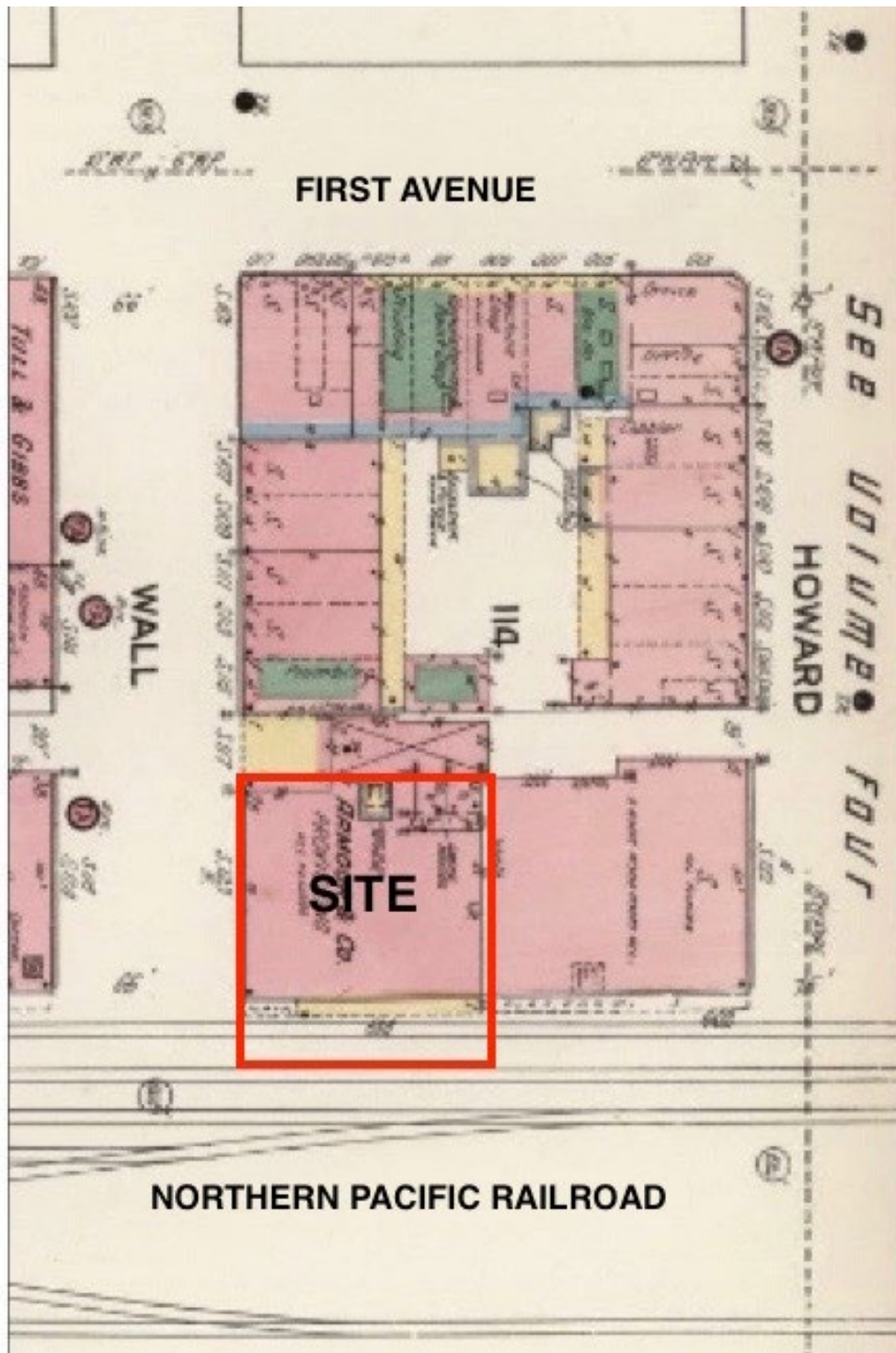
The "BA" in the legal description above signifies Block A.



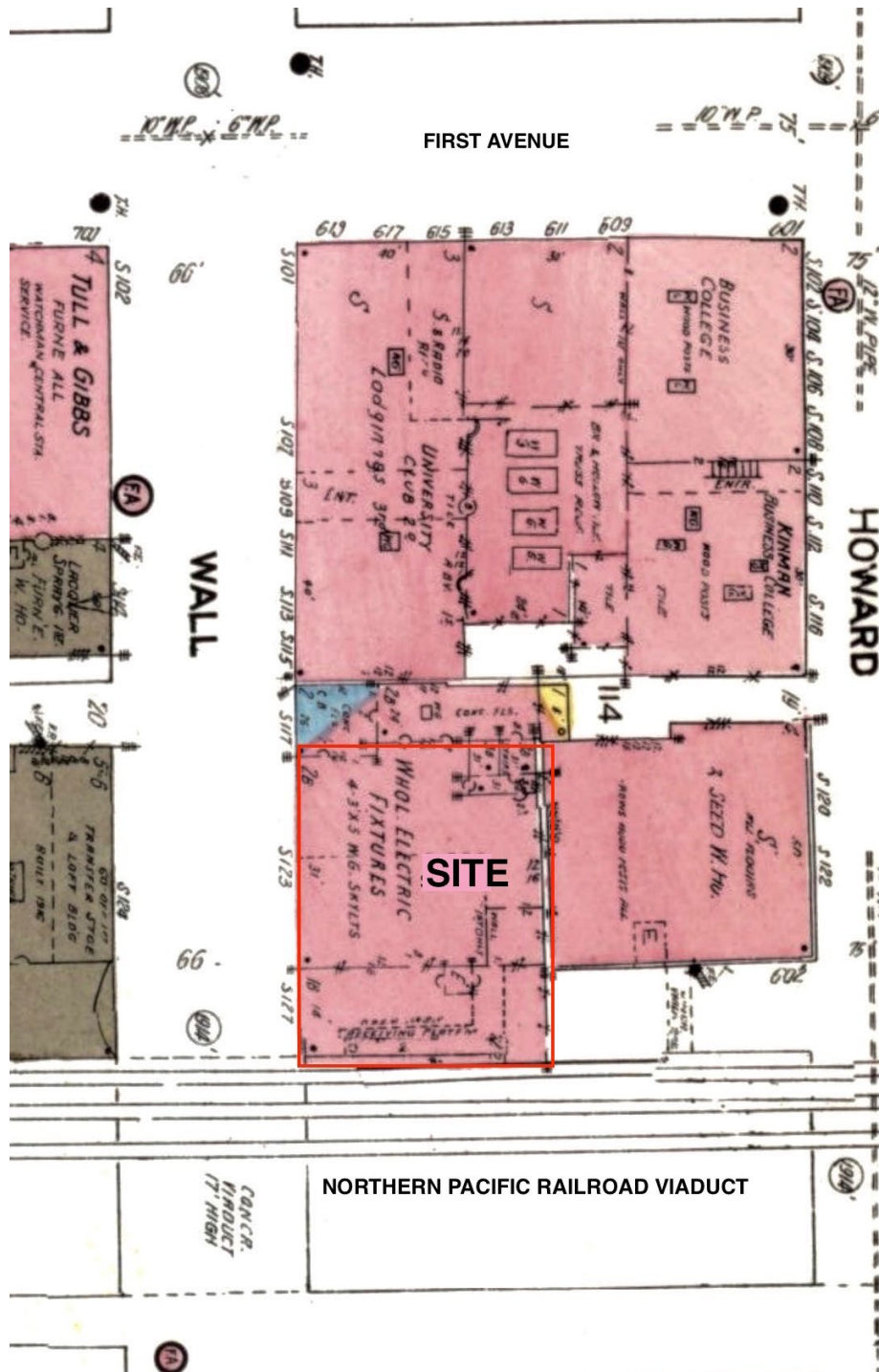
SANBORN INSURANCE MAP – 1891- Page 8



SANBORN INSURANCE MAP – 1902- Page 8



SANBORN INSURANCE MAP – 1910 - Page 286



1. Context along the east side of Wall Street, looking north



2. Context along east side of Wall Street, looking southeast



3. Northwest corner - front facade, looking southeast



Armour & Company Cold Storage & Warehouse Building

4. Cold storage building - front facade, looking east



5. Front facade of warehouse building, looking east



6. Southwest corner - front facade, looking northeast



7. Rooftop and north wall of Cold Storage Building - granite coping, looking southeast



8. Roof top of warehouse - rail loading platform, looking west

9. Northeast corner - east facade, looking south



10. Southeast corner - east facade, looking north

11. 123 South Wall Street - main entry, looking east from entry portal



12. First Floor Atrium-stairs to basement and to second floor, looking north

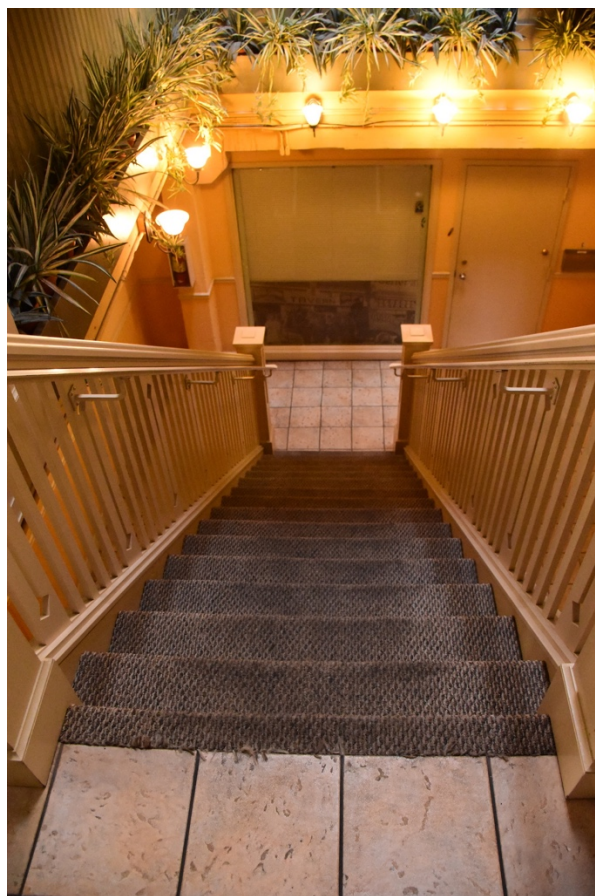
13. First floor hallway to Europa (right), office suite and restrooms, looking east toward rear



14. First floor office suite-northwest corner, looking northwest



15. First floor office suite-northwest corner, looking east toward atrium



16. Atrium stairs from first floor to basement, looking north



17. Basement room south of entry, looking south (original freezer door in corner)



18. First floor - entry to Europa Pub and Restaurant, looking southeast from main entry



19. Europa Restaurant Pub, looking east



20. First floor Europa Restaurant, looking south toward Southwest corner entry (S125 Wall)



21. Second floor open office and atrium, looking northwest



22. Second floor Original roof of smokehouse room in northeast corner, looking up and north

23. Original back stairs in northeast corner



24. Rooftop loading platform entering tower and south wall, looking north

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

10/25/2021

Date Rec'd

10/14/2021

Clerk's File #

OPR 2021-0677

Renews #**Submitting Dept**

PLANNING & ECONOMIC

Contact Name/Phone

TERI STRIPES 6597

Contact E-Mail

TSTRIPES@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Agenda Item Name

0650- MFTE CONDITIONAL AGREEMENT - NODO SPOKANE (AKA NORMANDIE)

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

Multiple Family Housing Property Tax Exemption Conditional Agreement with NoDo Spokane, LLC for the construction of 256 housing units at Parcel Number(s) 35181.0201, commonly known as 127 W Mission. This Conditional Agreement will ultimately result..

Summary (Background)

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. SMC 08.15 Multiple-family Housing Property Tax Exemption outlines the City of Spokane MFTE Program and project eligibility. Staff has determined that the NoDo Spokane (aka Normandie) Conditional application meets the Project Eligibility defined in SMC 08.15.040 and is located in a previously adopted Residential Target..

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact**Budget Account**

Neutral

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

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

MEULER, LOUIS

Study Session\Other

UE 10/11/2021

Division Director

MACDONALD, STEVEN

Council Sponsor

CM Mumm and CM

Finance

ORLOB, KIMBERLY

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For the Mayor

ORMSBY, MICHAEL

lmeuler@spokanecity.org

Additional Approvals

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Purchasing

tstripes@spokanecity.org

mpiccolo@spokanecity.org

jchurchill@spokanecity.org

Chris@RenCorpRealty.com



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

result in the issuance of a final certificate of tax exemption to be filed with the Spokane County Assessor's Office post construction

Summary (Background)

Areas identified in SMC 08.15.030. Once the project is constructed, the applicant intends to rent at minimum 20% of the units as affordable SMC 08.15.090 to those who are income qualified as low to moderate-income households per SMC 08.15.020 earning no more than 115% of Area Median Income (AMI) and paying no more than 30% of their monthly income for rent, phone, and utilities.

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

Distribution List

Briefing Paper

Urban Experience Committee

Division & Department:	Planning & Economic Development
Subject:	MFTE Conditional Agreement – NoDo Spokane (aka Normandie)
Date:	October 11, 2021
Contact (email & phone):	Teri Stripes (tstripes@spokanecity.org , 625-6597)
City Council Sponsor:	Council Members Mumm and Stratton
Executive Sponsor:	Louis Meuler (lmeuler@spokanecity.org , 625-6096)
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)	<p>SMC 08.15 Multi- Family Housing Property Tax Exemption</p> <p>A. The purposes of this chapter are to:</p> <ol style="list-style-type: none"> 1. encourage more multi-family housing opportunities, including affordable housing opportunities, within the City; 2. stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multi-family housing; 3. increase the supply of mixed-income multifamily housing opportunities within the City; 4. accomplish the planning goals required under the Growth Management Act, chapter 36.70A RCW, as implemented from time to time by the City's current and future comprehensive plans; 5. promote community development, neighborhood revitalization, and availability of affordable housing; 6. preserve and protect buildings, objects, sites and neighborhoods with historic, cultural, architectural, engineering or geographic significance located within the City; and 7. encourage additional housing in areas that are consistent with planning for public transit systems. <p>Comprehensive Plan Land Use Policies:</p> <p>LU 1.4 Higher Density Residential Uses</p> <p>LU 3.5 Mix of Uses in Centers</p> <p>LU 4.2 Land Uses That Support Travel Options and Active Transportation</p> <p>LU 4.6 Transit-Supported Development</p> <p>Comprehensive Plan Housing Policies:</p> <p>H 1.9 Mixed-Income Housing</p> <p>H 1.4 Use of Existing Infrastructure</p> <p>H 1.10 Lower-Income Housing Development Incentives</p> <p>H 1.11 Access to Transportation</p> <p>H 1.18 Distribution of Housing Options</p> <p>Comprehensive Plan Economic Development Policies:</p> <p>ED 2.4 Mixed-Use</p> <p>ED 7.4 Tax Incentives for Land Improvement</p>
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 Agreement
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. SMC [08.15](#) Multiple-family Housing Property Tax Exemption outlines the City of Spokane MFTE Program and project eligibility.

Staff has determined that the NoDo Spokane (aka Normandie) Conditional application meets the Project Eligibility defined in SMC [08.15.040](#) and is located in a previously adopted Residential Target Areas identified in SMC [08.15.030](#).

Once the project is constructed, the applicant intends to rent at minimum 20% of the units as affordable SMC [08.15.090](#) to those who are income qualified as a low to moderate-income household per SMC [08.15.020](#) earning 80-115% of Area Median Income (AMI).

This contract authorizes the appropriate city official to enter into the Multiple Family Housing Property Tax Exemption Conditional 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 post construction.

Executive Summary:

- Applicant applying for a **Conditional MFTE Contract** for **256 units**, at 127 W Mission.
- Property is zoned [OR-150](#), Office Retail allowing Residential, OR-150 has a 150 ft height limit; the proposed use is allowed.
- Construction investment estimate \$38M
- Located in the Emerson/Garfield neighborhood.

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

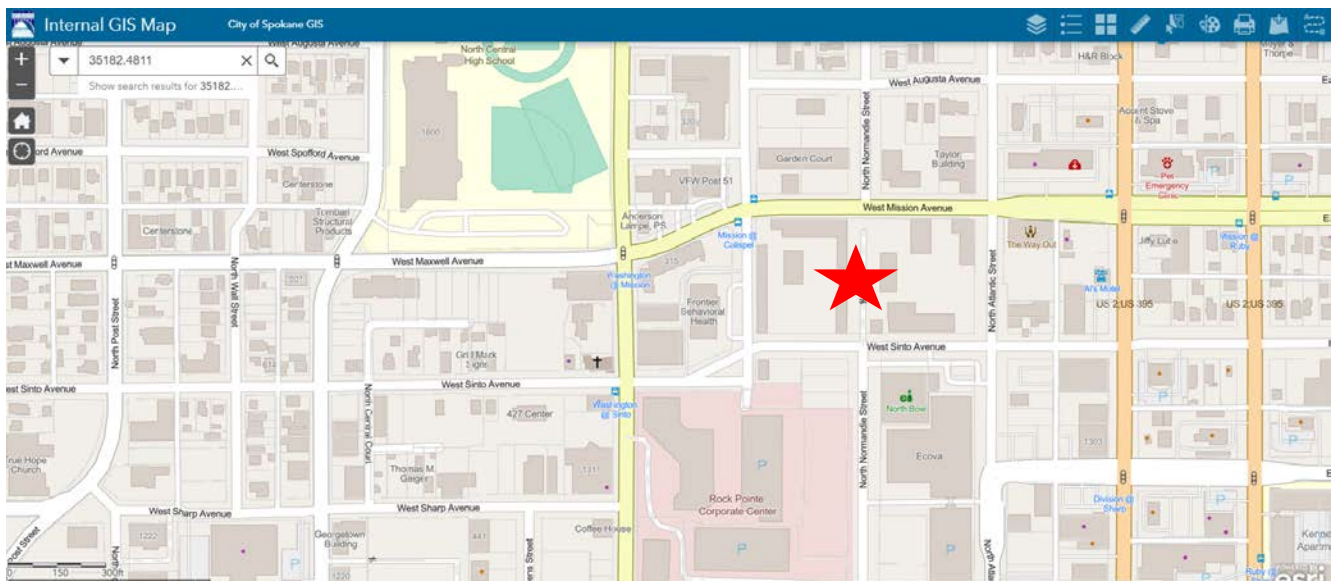
Specify changes required:

Known challenges/barriers:

Tax Exemption Information:

2021 Multi-Family Tax Exemption MFTE Property Tax Calculator	
Project Name: NoDo Spokane (Normandie)	
Current Taxable Property Value	\$2,539,400
Number of units in the project	256
*Average Property Value Exempt per unit	\$128,300
Annual City Property Tax forgone per unit	\$522
Estimated Property Tax saved per project annually	\$387,632
Enter the number of years of MFTE (8 or 12)	12
Estimated Property Tax saved during the term of exemption	\$4,651,588
Estimated City Tax forgone per year	\$133,700
Estimated City Tax forgone during the term of exemption	\$1,604,404
Estimated Taxable Property Value at the end of the exemption	\$38,000,000
Estimated Property Tax post exemption	
Annual estimate based on 2021 Total Tax Rate 11.85	\$448,400
Annual estimate based on 2021 City Tax Rate 4.07	\$154,660
Once a project has met programmatic criteria the owner can expect to save approximately \$1,180 on their tax bill for every \$100,000 of Exempt Assessed Value on the housing	
*Average Property Value Exempt per unit is based upon the average of all properties currently in the MFTE Program and 2021 Property value assessments.	

Site & Map:



MULTIPLE FAMILY HOUSING PROPERTY
TAX EXEMPTION AGREEMENT

THIS AGREEMENT is between the City of Spokane, a Washington State municipal corporation, as "City", and NoDo Spokane, LLC, as "Owner/Taxpayer" whose business address is 502 W Riverside Suite 103, 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 Chapter 8.15 SMC, enacted a program whereby property owner/taxpayers may qualify for a Final Certificate of Tax Exemption which certifies to the Spokane County Assessor that the Owner/Taxpayer is eligible to receive the multiple family housing property tax exemption; and

WHEREAS, the Owner/Taxpayer 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/Taxpayer 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:

CENTRAL ADD L1TO14 B57 L1TO14 B58 INC VAC 100FT ST BET

Assessor's Parcel Number(s) 35181.0201, commonly known as 127 W Mission.

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/Taxpayer do mutually agree as follows:

1. The City agrees to issue the Owner/Taxpayer 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/Taxpayer shall provide each existing tenant with housing of comparable size, quality and price and a reasonable opportunity to relocate.

4. The Owner/Taxpayer intends to construct on the site, approximately 256 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/Taxpayer 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/Taxpayer 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/Taxpayer'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/Taxpayer's successful completion of the improvements in accordance with the terms of this Agreement and on the Owner/Taxpayer'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/Taxpayer is qualified for the limited tax exemption under Chapter 84.14 RCW.

8. The Owner/Taxpayer 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/Taxpayer acknowledges and agrees that the units shall be used primarily for multi-family housing for permanent residential occupancy as defined in SMC 8.15.020 and RCW 84.14.010 and any business activities shall only be incidental and ancillary to the residential occupancy. Any units that are converted from multi-family housing for permanent residential occupancy shall be reported to the Spokane County Assessor's Office and removed from eligibility for the tax exemption. If the removal of the ineligible unit or units causes the number of units to drop below the number of units required for tax exemption eligibility, the remaining units shall be removed from eligibility pursuant to state law.

10. To qualify for the twelve-year tax exemption, the Owner/Taxpayer commits to renting or selling at least twenty percent of the multiple family housing units as affordable housing units to low and moderate-income households in addition to the other requirements set forth in the Agreement. The Owner/Taxpayer is further required to comply with the rental relocation assistance requirements set forth in RCW 84.14.020 (7) and (8).

11. If the Owner/Taxpayer converts to another use any of the multiple family residential housing units constructed under this Agreement, or if applicable, if the owner/taxpayer intends to discontinue compliance with the affordable housing requirements as described in SMC 8.15.090 or any other condition to exemption, the Owner/Taxpayer shall notify the Spokane County Assessor and the City's Business and Development Services Department within 60 days of such change in use.

12. The Owner/Taxpayer will have the right to assign its rights under this Agreement. The Owner/Taxpayer agrees to notify the City promptly of any transfer of Owner/Taxpayer's ownership interest in the Site or in the improvements made to the Site under this Agreement.

13. The City reserves the right to cancel the Final Certificate of Tax Exemption should the Owner/Taxpayer, its successors and assigns, fail to comply with any of the terms and conditions of this Agreement or of SMC Chapter 8.15.

14. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.

15. The Owner/Taxpayer 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/Taxpayer 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/Taxpayer agrees that the City is not responsible for the property value assessment imposed by Spokane County at any time during the exemption period.

16. 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.

17. The parties agree that this Agreement, the Final Certificate of Acceptance of Tax Exemption and the construction of the multiple family residential housing units referenced above shall be subject to the applicable provisions of Chapter 84.14 RCW and Chapter 8.15 SMC that exist at the time this agreement is signed by the parties. The parties may agree to amend this Agreement and the Final Certificate of Acceptance of Tax Exemption based upon applicable amendments and additions to Chapter 84.14 RCW as set forth in ESSSB 5287

adopted by the Washington State Legislature during the 2021 Regular Session effective July 25, 2021.

18. The Owner/Taxpayer acknowledges that RCW 84.14.020 (6) authorizes an extension of the exemption period for an additional twelve-years beyond the exemption period authorized in the Final Certificate of Tax Exemption conditioned upon compliance with the Owner renting or selling at least twenty percent of the multiple family housing units as affordable housing units for low-income households as set forth in RCW 84.14.020 (6) and providing the rental relocation assistance requirements and notice provisions set forth in RCW 84.14.020 (7) and (8). It is the Owner/Taxpayer's responsibility to make a timely request the extension as set forth in RCW 84.14.020 (6). The City shall not be responsible if the Owner/Taxpayer fails to make a timely request for the extension.

19. Nothing in this Agreement shall permit or be interpreted to permit either party to violate any provision of Chapter 84.14 RCW or Chapter 8.15 SMC

20. This Agreement is subject to approval by the City Council.

DATED this _____ day of _____, 2021.

CITY OF SPOKANE

NoDo Spokane, LLC

By: _____
Mayor, Nadine Woodward

By: _____
Its: _____

Attest:

Approved as to form:

City Clerk

Assistant City Attorney



Agenda Sheet for City Council Meeting of:
10/25/2021

Date Rec'd	10/14/2021
Clerk's File #	OPR 2021-0678
Renews #	

Submitting Dept	PLANNING & ECONOMIC	Cross Ref #	
Contact Name/Phone	TERI STRIPES 6597	Project #	
Contact E-Mail	TSTRIPES@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	
Agenda Item Name	0650 - MFTE CONDITIONAL AGREEMENT - NODO SPOKANE (AKA SINTO)		

Agenda Wording

Multiple Family Housing Property Tax Exemption Conditional Agreement with NoDo Spokane, LLC for the construction of 24 housing units at Parcel Number(s) 35181.0501, 35181.0502, and 35181.0503, commonly known as 1335,1331, and 1325 N Normandie. ..

Summary (Background)

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. SMC 08.15 Multiple-family Housing Property Tax Exemption outlines the City of Spokane MFTE Program and project eligibility. Staff has determined that the NoDo Spokane (aka Sinto) Conditional application meets the Project Eligibility defined in SMC 08.15.040 and is located in a previously adopted Residential Target ...

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

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

Budget Account

Approvals

<u>Dept Head</u>	MEULER, LOUIS
<u>Division Director</u>	MACDONALD, STEVEN
<u>Finance</u>	ORLOB, KIMBERLY
<u>Legal</u>	RICHMAN, JAMES
<u>For the Mayor</u>	ORMSBY, MICHAEL

Council Notifications

<u>Study Session\Other</u>	10/11/2021
<u>Council Sponsor</u>	CM Mumm and Cm

Distribution List

<u>Additional Approvals</u>	tblack@spokanecity.org
<u>Purchasing</u>	tstripes@spokanecity.org
	mpiccolo@spokanecity.org
	jchurchill@spokanecity.org
	Chris@RenCorpRealty.com



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

This Conditional Agreement will ultimately result in the issuance of a final certificate of tax exemption to be filed with the Spokane County Assessor's Office post construction.

Summary (Background)

Areas identified in SMC 08.15.030. Once the project is constructed, the applicant intends to rent at minimum 20% of the units as affordable SMC 08.15.090 to those who are income qualified as low to moderate-income households per SMC 08.15.020 earning no more than 115% of Area Median Income (AMI) and paying no more than 30% of their monthly income for rent, phone, and utilities.

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

Distribution List

Briefing Paper

Urban Experience Committee

Division & Department:	Planning & Economic Development
Subject:	MFTE Conditional Agreement – NoDo Spokane (aka Sinto)
Date:	October 11, 2021
Contact (email & phone):	Teri Stripes (tstripes@spokanecity.org , 625-6597)
City Council Sponsor:	Council Members Mumm and Stratton
Executive Sponsor:	Louis Meuler (lmeuler@spokanecity.org , 625-6096)
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)	<p>SMC 08.15 Multi- Family Housing Property Tax Exemption</p> <p>A. The purposes of this chapter are to:</p> <ol style="list-style-type: none"> 1. encourage more multi-family housing opportunities, including affordable housing opportunities, within the City; 2. stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multi-family housing; 3. increase the supply of mixed-income multifamily housing opportunities within the City; 4. accomplish the planning goals required under the Growth Management Act, chapter 36.70A RCW, as implemented from time to time by the City's current and future comprehensive plans; 5. promote community development, neighborhood revitalization, and availability of affordable housing; 6. preserve and protect buildings, objects, sites and neighborhoods with historic, cultural, architectural, engineering or geographic significance located within the City; and 7. encourage additional housing in areas that are consistent with planning for public transit systems. <p>Comprehensive Plan Land Use Policies:</p> <p>LU 1.4 Higher Density Residential Uses</p> <p>LU 3.5 Mix of Uses in Centers</p> <p>LU 4.2 Land Uses That Support Travel Options and Active Transportation</p> <p>LU 4.6 Transit-Supported Development</p> <p>Comprehensive Plan Housing Policies:</p> <p>H 1.9 Mixed-Income Housing</p> <p>H 1.4 Use of Existing Infrastructure</p> <p>H 1.10 Lower-Income Housing Development Incentives</p> <p>H 1.11 Access to Transportation</p> <p>H 1.18 Distribution of Housing Options</p> <p>Comprehensive Plan Economic Development Policies:</p> <p>ED 2.4 Mixed-Use</p> <p>ED 7.4 Tax Incentives for Land Improvement</p>
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 Agreement
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. SMC [08.15](#) Multiple-family Housing Property Tax Exemption outlines the City of Spokane MFTE Program and project eligibility.

Staff has determined that the NoDo Spokane (aka Sinto) Conditional application meets the Project Eligibility defined in SMC [08.15.040](#) and is located in a previously adopted Residential Target Areas identified in SMC [08.15.030](#).

Once the project is constructed, the applicant intends to rent at minimum 20% of the units as affordable SMC [08.15.090](#) to those who are income qualified as a low to moderate-income household per SMC [08.15.020](#) earning 80-115% of Area Median Income (AMI).

This contract authorizes the appropriate city official to enter into the Multiple Family Housing Property Tax Exemption Conditional 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 post construction.

Executive Summary:

- Applicant applying for a **Conditional MFTE Contract for 24 units**, at 1335 N Normandie.
- Property is zoned [OR-150](#), Office Retail allowing Residential, OR-150 has a 150 ft height limit; the proposed use is allowed.
- Construction investment estimate \$3.6M
- Located in the Emerson/Garfield neighborhood.

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

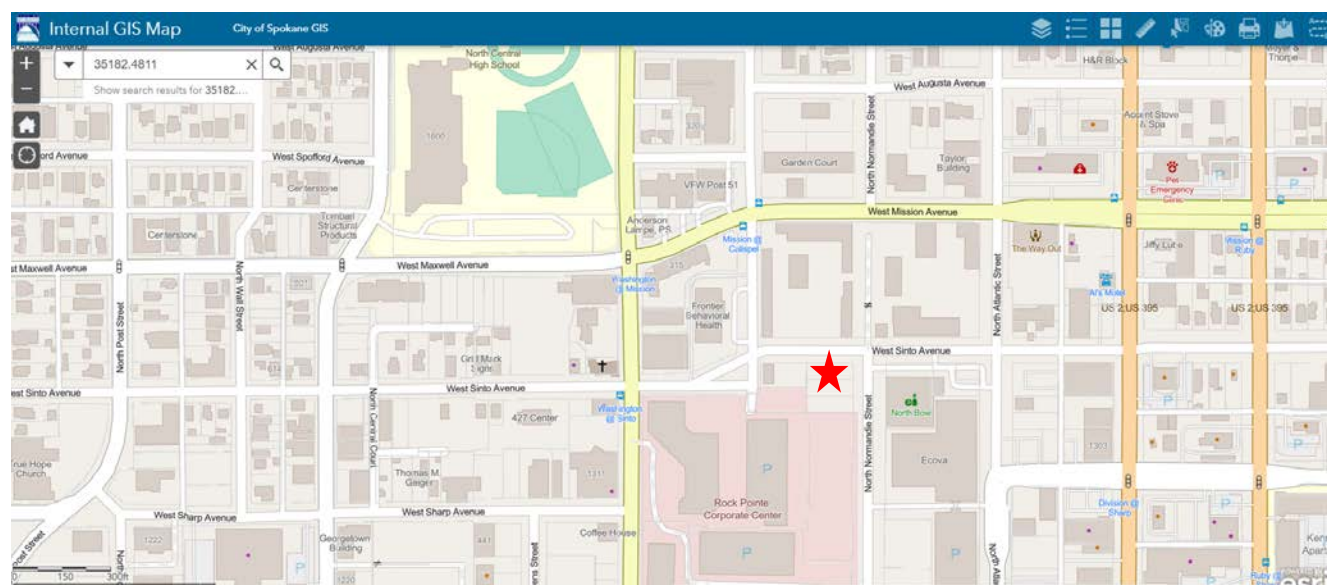
Specify changes required:

Known challenges/barriers:

Tax Exemption Information:

2021 Multi-Family Tax Exemption MFTE Property Tax Calculator	
Project Name: NoDo Spokane (Sinto)	
Current Taxable Property Value	\$197,900
Number of units in the project	24
*Average Property Value Exempt per unit	\$128,300
Annual City Property Tax forgone per unit	\$522
Estimated Property Tax saved per project annually	\$36,341
Enter the number of years of MFTE (8 or 12)	12
Estimated Property Tax saved during the term of exemption	\$436,086
Estimated City Tax forgone per year	\$12,534
Estimated City Tax forgone during the term of exemption	\$150,413
Estimated Taxable Property Value at the end of the exemption	\$3,600,000
Estimated Property Tax post exemption	
Annual estimate based on 2021 Total Tax Rate 11.85	\$42,480
Annual estimate based on 2021 City Tax Rate 4.07	\$14,652
Once a project has met programmatic criteria the owner can expect to save approximately \$1,180 on their tax bill for every \$100,000 of Exempt Assessed Value on the housing	
*Average Property Value Exempt per unit is based upon the average of all properties currently in the MFTE Program and 2021 Property value assessments.	

A wide-angle photograph of a modern, multi-story building with a curved facade and large glass windows, situated behind a field of tall, dry grass. A large, dark tree stands in the middle ground, and a small, white, domed structure is visible in the background. The sky is overcast.



MULTIPLE FAMILY HOUSING PROPERTY
TAX EXEMPTION AGREEMENT

THIS AGREEMENT is between the City of Spokane, a Washington State municipal corporation, as "City", and NoDo Spokane, LLC, as "Owner/Taxpayer" whose business address is 502 W Riverside Suite 103, 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 Chapter 8.15 SMC, enacted a program whereby property owner/taxpayers may qualify for a Final Certificate of Tax Exemption which certifies to the Spokane County Assessor that the Owner/Taxpayer is eligible to receive the multiple family housing property tax exemption; and

WHEREAS, the Owner/Taxpayer 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/Taxpayer 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:

CENTRAL ADD L1 B61, CENTRAL ADD L2 B61, and CENTRAL ADD L3 B61

Assessor's Parcel Number(s) 35181.0501, 35181.0502, and 35181.0503, commonly known as 1335,1331, and 1325 N Normandie.

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/Taxpayer do mutually agree as follows:

1. The City agrees to issue the Owner/Taxpayer 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/Taxpayer shall provide each existing tenant with housing of comparable size, quality and price and a reasonable opportunity to relocate.

4. The Owner/Taxpayer intends to construct on the site, approximately 24 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/Taxpayer 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/Taxpayer 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/Taxpayer'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/Taxpayer's successful completion of the improvements in accordance with the terms of this Agreement and on the Owner/Taxpayer'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/Taxpayer is qualified for the limited tax exemption under Chapter 84.14 RCW.

8. The Owner/Taxpayer 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/Taxpayer acknowledges and agrees that the units shall be used primarily for multi-family housing for permanent residential occupancy as defined in SMC 8.15.020 and RCW 84.14.010 and any business activities shall only be incidental and ancillary to the residential occupancy. Any units that are converted from multi-family housing for permanent residential occupancy shall be reported to the Spokane County Assessor's Office and removed from eligibility for the tax exemption. If the removal of the ineligible unit or units causes the number of units to drop below the number of units required for tax exemption eligibility, the remaining units shall be removed from eligibility pursuant to state law.

10. To qualify for the twelve-year tax exemption, the Owner/Taxpayer commits to renting or selling at least twenty percent of the multiple family housing units as affordable housing units to low and moderate-income households in addition to the other requirements set forth in the Agreement. The Owner/Taxpayer is further required to comply with the rental relocation assistance requirements set forth in RCW 84.14.020 (7) and (8).

11. If the Owner/Taxpayer converts to another use any of the multiple family residential housing units constructed under this Agreement, or if applicable, if the owner/taxpayer intends to discontinue compliance with the affordable housing requirements as described in SMC 8.15.090 or any other condition to exemption, the Owner/Taxpayer shall notify the Spokane County Assessor and the City's Business and Development Services Department within 60 days of such change in use.

12. The Owner/Taxpayer will have the right to assign its rights under this Agreement. The Owner/Taxpayer agrees to notify the City promptly of any transfer of Owner/Taxpayer's ownership interest in the Site or in the improvements made to the Site under this Agreement.

13. The City reserves the right to cancel the Final Certificate of Tax Exemption should the Owner/Taxpayer, its successors and assigns, fail to comply with any of the terms and conditions of this Agreement or of SMC Chapter 8.15.

14. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.

15. The Owner/Taxpayer 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/Taxpayer 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/Taxpayer agrees that the City is not responsible for the property value assessment imposed by Spokane County at any time during the exemption period.

16. 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.

17. The parties agree that this Agreement, the Final Certificate of Acceptance of Tax Exemption and the construction of the multiple family residential housing units referenced above shall be subject to the applicable provisions of Chapter 84.14 RCW and Chapter 8.15 SMC that exist at the time this agreement is signed by the parties. The parties may agree to amend this Agreement and the Final Certificate of Acceptance of Tax Exemption based upon applicable amendments and additions to Chapter 84.14 RCW as set forth in ESSSB 5287

adopted by the Washington State Legislature during the 2021 Regular Session effective July 25, 2021.

18. The Owner/Taxpayer acknowledges that RCW 84.14.020 (6) authorizes an extension of the exemption period for an additional twelve-years beyond the exemption period authorized in the Final Certificate of Tax Exemption conditioned upon compliance with the Owner renting or selling at least twenty percent of the multiple family housing units as affordable housing units for low-income households as set forth in RCW 84.14.020 (6) and providing the rental relocation assistance requirements and notice provisions set forth in RCW 84.14.020 (7) and (8). It is the Owner/Taxpayer's responsibility to make a timely request the extension as set forth in RCW 84.14.020 (6). The City shall not be responsible if the Owner/Taxpayer fails to make a timely request for the extension.

19. Nothing in this Agreement shall permit or be interpreted to permit either party to violate any provision of Chapter 84.14 RCW or Chapter 8.15 SMC

20. This Agreement is subject to approval by the City Council.

DATED this _____ day of _____, 2021.

CITY OF SPOKANE

NoDo Spokane, LLC

By: _____

By: _____

Mayor, Nadine Woodward

Its: _____

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

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

10/25/2021

Date Rec'd

10/14/2021

Clerk's File #

OPR 2021-0679

Renews #**Submitting Dept**

PLANNING & ECONOMIC

Contact Name/Phone

TERI STRIPES 6597

Contact E-Mail

TSTRIPES@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Agenda Item Name

0650 - MFTE CONDITIONAL AGREEMENT BROADWAY APARTMENTS

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

Multiple Family Housing Property Tax Exemption Conditional Agreement with Broadway Apartments, LLC for the construction of 22 housing units at Parcel Number(s) 35182.4811, commonly known as 1324 W BROADWAY AVE. This Conditional Agreement will ..

Summary (Background)

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. SMC 08.15 Multiple-family Housing Property Tax Exemption outlines the City of Spokane MFTE Program and project eligibility. Staff has determined that the Broadway Apartments Conditional application meets the Project Eligibility defined in SMC 08.15.040 and is located in a previously adopted Residential Target Areas ..

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact**Budget Account**

Neutral

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

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

MEULER, LOUIS

Study Session\Other

UE 10/11/2021

Division Director

MACDONALD, STEVEN

Council Sponsor

CM Mumm and CM

Finance

ORLOB, KIMBERLY

Distribution List**Legal**

RICHTMAN, JAMES

smacdonald@spokanecity.org

For the Mayor

ORMSBY, MICHAEL

lmeuler@spokanecity.org

Additional Approvals

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Purchasing

tstripes@spokanecity.org

mpiccolo@spokanecity.org

jchurchill@spokanecity.org

Chris@RenCorpRealty.com



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

ultimately result in the issuance of a final certificate of tax exemption to be filed with the Spokane County Assessor's Office post construction.

Summary (Background)

Areas identified in SMC 08.15.030. Once the project is constructed, the applicant intends to rent at minimum 20% of the units as affordable SMC 08.15.090 to those who are income qualified as low to moderate-income households per SMC 08.15.020 earning no more than 115% of Area Median Income (AMI) and paying no more than 30% of their monthly income for rent, phone, and utilities.

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

Distribution List

Briefing Paper

Urban Experience Committee

Division & Department:	Planning & Economic Development
Subject:	MFTE Conditional Agreement – Broadway Apartments
Date:	October 11, 2021
Contact (email & phone):	Teri Stripes (tstripes@spokanecity.org , 625-6597)
City Council Sponsor:	Council Members Mumm and Stratton
Executive Sponsor:	Louis Meuler (lmeuler@spokanecity.org , 625-6096)
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)	<p>SMC 08.15 Multi- Family Housing Property Tax Exemption</p> <p>A. The purposes of this chapter are to:</p> <ol style="list-style-type: none"> 1. encourage more multi-family housing opportunities, including affordable housing opportunities, within the City; 2. stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multi-family housing; 3. increase the supply of mixed-income multifamily housing opportunities within the City; 4. accomplish the planning goals required under the Growth Management Act, chapter 36.70A RCW, as implemented from time to time by the City's current and future comprehensive plans; 5. promote community development, neighborhood revitalization, and availability of affordable housing; 6. preserve and protect buildings, objects, sites and neighborhoods with historic, cultural, architectural, engineering or geographic significance located within the City; and 7. encourage additional housing in areas that are consistent with planning for public transit systems. <p>Comprehensive Plan Land Use Policies:</p> <p>LU 1.4 Higher Density Residential Uses</p> <p>LU 3.5 Mix of Uses in Centers</p> <p>LU 4.2 Land Uses That Support Travel Options and Active Transportation</p> <p>LU 4.6 Transit-Supported Development</p> <p>Comprehensive Plan Housing Policies:</p> <p>H 1.9 Mixed-Income Housing</p> <p>H 1.4 Use of Existing Infrastructure</p> <p>H 1.10 Lower-Income Housing Development Incentives</p> <p>H 1.11 Access to Transportation</p> <p>H 1.18 Distribution of Housing Options</p> <p>Comprehensive Plan Economic Development Policies:</p> <p>ED 2.4 Mixed-Use</p> <p>ED 7.4 Tax Incentives for Land Improvement</p>
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 Agreement
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. SMC [08.15](#) Multiple-family Housing Property Tax Exemption outlines the City of Spokane MFTE Program and project eligibility.

Staff has determined that the Broadway Apartments Conditional application meets the Project Eligibility defined in SMC [08.15.040](#) and is located in a previously adopted Residential Target Areas identified in SMC [08.15.030](#).

Once the project is constructed, the applicant intends to rent at minimum 20% of the units as affordable SMC [08.15.090](#) to those who are income qualified as a low to moderate-income household per SMC [08.15.020](#) earning 80-115% of Area Median Income (AMI).

This contract authorizes the appropriate city official to enter into the Multiple Family Housing Property Tax Exemption Conditional 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 post construction.

Executive Summary:

- Applicant applying for a **Conditional MFTE Contract** for **20-22 units**, at 1324 W Broadway.
- Property is zoned [O-150](#), Office allowing Residential, O-150 has a 150 ft height limit; the proposed use is allowed.
- Construction investment estimate \$2.85M
- Located in the West Central neighborhood.

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

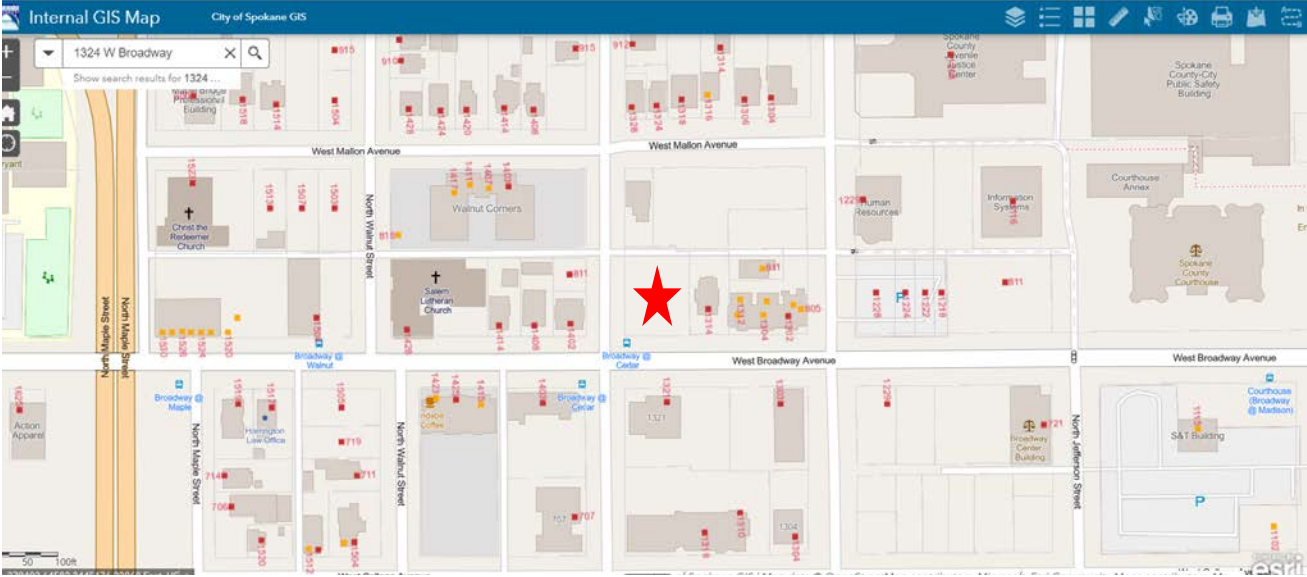
Specify changes required:

Known challenges/barriers:

Tax Exemption Information:

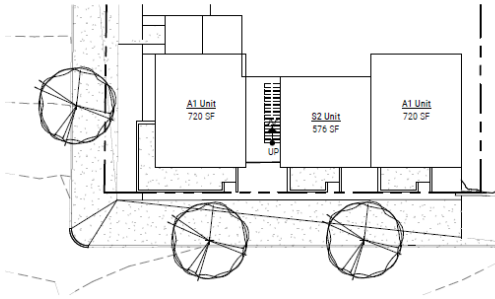
2021 Multi-Family Tax Exemption MFTE Property Tax Calculator	
Project Name: Broadway Apartments	
Current Taxable Property Value	\$159,820
Number of units in the project	22
*Average Property Value Exempt per unit	\$128,300
Annual City Property Tax forgone per unit	\$522
Estimated Property Tax saved per project annually	\$33,312
Enter the number of years of MFTE (8 or 12)	12
Estimated Property Tax saved during the term of exemption	\$399,746
Estimated City Tax forgone per year	\$11,490
Estimated City Tax forgone during the term of exemption	\$137,878
Estimated Taxable Property Value at the end of the exemption	\$2,850,000
Estimated Property Tax post exemption	
Annual estimate based on 2021 Total Tax Rate 11.85	\$33,630
Annual estimate based on 2021 City Tax Rate 4.07	\$11,600
Once a project has met programmatic criteria the owner can expect to save approximately \$1,180 on their tax bill for every \$100,000 of Exempt Assessed Value on the housing	
*Average Property Value Exempt per unit is based upon the average of all properties currently in the MFTE Program and 2021 Property value assessments.	

Site & Map:

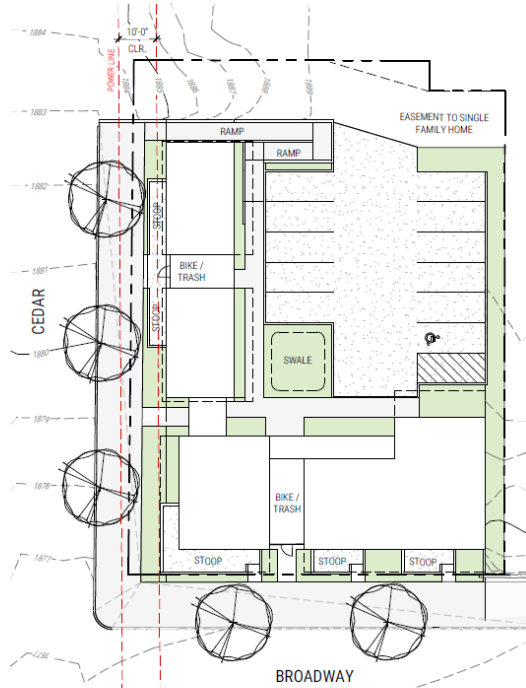


PARKING		
Type	Count	Comments
8'0" x 18'-0"	11	
8'0" x 20'0" Parallel	10	
Grand total: 21		

UNIT MATRIX - LEASABLE AREA						
UNITS		AREA		BED / BATH		
UNIT	QTY.	UNIT AREA	GROSS AREA	BED	TOTAL BED	TOTAL BATH
0						
S1 Unit	2	522 SF	1044 SF			
S2 Unit	1	576 SF	576 SF			
S3 Unit	2	432 SF	864 SF			
	5		2484 SF			
1						
A1 Unit	12	720 SF	8640 SF			
	12		8640 SF			
2						
B1 Unit	3	1044 SF	3132 SF			
	3		3132 SF			
TOTAL	20		14256 SF			



LO FLOOR PLAN
SCALE: 1" = 20'-0"



CONCEPT SITE PLAN
SCALE: 1" = 20'-0"

BROADWAY & CEDAR
1324 W BROADWAY AVE. - SPOKANE, WA 99201

OLSONPROJECTS

Ac.101
SITE PLAN_FLOOR PLAN 05/19/21

MULTIPLE FAMILY HOUSING PROPERTY
TAX EXEMPTION AGREEMENT

THIS AGREEMENT is between the City of Spokane, a Washington State municipal corporation, as "City", and Broadway Apartments, LLC, as "Owner/Taxpayer" whose business address is 502 W Riverside Suite 103, 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 Chapter 8.15 SMC, enacted a program whereby property owner/taxpayers may qualify for a Final Certificate of Tax Exemption which certifies to the Spokane County Assessor that the Owner/Taxpayer is eligible to receive the multiple family housing property tax exemption; and

WHEREAS, the Owner/Taxpayer 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/Taxpayer 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:

D P JENKINS ADD LTS 6 & 7 BLK 7 TOG W/ S1/2 OF VAC ALLEY
LYG NLY & ADJ. TOGETHER WITH THE N1/2, EXCEPT THE EAST 20FT, OF
THE VAC ALLEY LYG NLY & ADJ (VAC ORD # C35642)

Assessor's Parcel Number(s) 35182.4811, commonly known as
1324 W BROADWAY AVE.

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/Taxpayer do mutually agree as follows:

1. The City agrees to issue the Owner/Taxpayer 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/Taxpayer shall provide each existing tenant with housing of comparable size, quality and price and a reasonable opportunity to relocate.

4. The Owner/Taxpayer intends to construct on the site, approximately 22 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/Taxpayer 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/Taxpayer 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/Taxpayer'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/Taxpayer's successful completion of the improvements in accordance with the terms of this Agreement and on the Owner/Taxpayer'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/Taxpayer is qualified for the limited tax exemption under Chapter 84.14 RCW.

8. The Owner/Taxpayer 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/Taxpayer acknowledges and agrees that the units shall be used primarily for multi-family housing for permanent residential occupancy as defined in SMC 8.15.020 and RCW 84.14.010 and any business activities shall only be incidental and ancillary to the residential occupancy. Any units that are converted from multi-family housing for permanent residential occupancy shall be reported to the Spokane County Assessor's Office and removed from eligibility for the tax exemption. If the removal of the ineligible unit or units causes the number of units to drop below the number of units required for tax exemption eligibility, the remaining units shall be removed from eligibility pursuant to state law.

10. To qualify for the twelve-year tax exemption, the Owner/Taxpayer commits to renting or selling at least twenty percent of the multiple family housing

units as affordable housing units to low and moderate-income households in addition to the other requirements set forth in the Agreement. The Owner/Taxpayer is further required to comply with the rental relocation assistance requirements set forth in RCW 84.14.020 (7) and (8).

11. If the Owner/Taxpayer converts to another use any of the multiple family residential housing units constructed under this Agreement, or if applicable, if the owner/taxpayer intends to discontinue compliance with the affordable housing requirements as described in SMC 8.15.090 or any other condition to exemption, the Owner/Taxpayer shall notify the Spokane County Assessor and the City's Business and Development Services Department within 60 days of such change in use.

12. The Owner/Taxpayer will have the right to assign its rights under this Agreement. The Owner/Taxpayer agrees to notify the City promptly of any transfer of Owner/Taxpayer's ownership interest in the Site or in the improvements made to the Site under this Agreement.

13. The City reserves the right to cancel the Final Certificate of Tax Exemption should the Owner/Taxpayer, its successors and assigns, fail to comply with any of the terms and conditions of this Agreement or of SMC Chapter 8.15.

14. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.

15. The Owner/Taxpayer 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/Taxpayer 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/Taxpayer agrees that the City is not responsible for the property value assessment imposed by Spokane County at any time during the exemption period.

16. 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.

17. The parties agree that this Agreement, the Final Certificate of Acceptance of Tax Exemption and the construction of the multiple family residential housing units referenced above shall be subject to the applicable provisions of Chapter 84.14 RCW and Chapter 8.15 SMC that exist at the time this agreement is

signed by the parties. The parties may agree to amend this Agreement and the Final Certificate of Acceptance of Tax Exemption based upon applicable amendments and additions to Chapter 84.14 RCW as set forth in ESSSB 5287 adopted by the Washington State Legislature during the 2021 Regular Session effective July 25, 2021.

18. The Owner/Taxpayer acknowledges that RCW 84.14.020 (6) authorizes an extension of the exemption period for an additional twelve-years beyond the exemption period authorized in the Final Certificate of Tax Exemption conditioned upon compliance with the Owner renting or selling at least twenty percent of the multiple family housing units as affordable housing units for low-income households as set forth in RCW 84.14.020 (6) and providing the rental relocation assistance requirements and notice provisions set forth in RCW 84.14.020 (7) and (8). It is the Owner/Taxpayer's responsibility to make a timely request the extension as set forth in RCW 84.14.020 (6). The City shall not be responsible if the Owner/Taxpayer fails to make a timely request for the extension.

19. Nothing in this Agreement shall permit or be interpreted to permit either party to violate any provision of Chapter 84.14 RCW or Chapter 8.15 SMC

20. This Agreement is subject to approval by the City Council.

DATED this _____ day of _____, 2021.

CITY OF SPOKANE

Broadway Apartments, LLC

By: _____
Mayor, Nadine Woodward

By: _____
Its: _____

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

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

10/25/2021

Date Rec'd

10/13/2021

Clerk's File #

RES 2021-0086

Renews #**Cross Ref #**

RES 2019-0018

Submitting DeptINTEGRATED CAPITAL
MANAGEMENT**Contact Name/Phone**

INGA NOTE 625-6331

Project #**Contact E-Mail**

INOTE@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #**Agenda Item Name**

4250 – RESOLUTION REVISING SCHOOL ZONE SPEED LIMITS

Agenda Wording

Resolution revising the School Zone Speed Schedule.

Summary (Background)

The City first adopted the School Zone, Park/Playground Zone Speed Limit Schedule through resolution 2019-0018 on March 11, 2019. This resolution provides new 20 mph zones for Gonzaga Preparatory, Pauline Flett Middle and Denny Yasuhara Middle School. It also updates the boundaries of existing 20 mph school zones that have been altered through the installation of flashing beacons. No changes will be made to Park/Playground Zones through this action.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

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

MILLER, KATHERINE E

Study Session\OtherPIES 9/27/21 UE
10/11/21**Division Director**

FEIST, MARLENE

Council Sponsor

Beggs

Finance

ORLOB, KIMBERLY

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For the Mayor

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Briefing Paper

Public Infrastructure, Environment and Sustainability

Division & Department:	Integrated Capital Management, Streets
Subject:	School Zone speed limits
Date:	10-6-21
Author (email & phone):	Inga Note (inote@spokanecity.org, 625-6331)
City Council Sponsor:	
Executive Sponsor:	Marlene Feist
Committee(s) Impacted:	PIES, UE
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)	Pedestrian Master Plan, Bicycle Master Plan, Comprehensive Plan, 6-Year Street Program
Strategic Initiative:	
Deadline:	
Outcome:	Approval of resolution
Background/History: <p>The City first adopted the School Zone, Park/Playground Zone Speed Limit Schedule through resolution 2019-0018. The school zone section needs to be updated.</p> <p>This resolution provides new 20 mph zones for Gonzaga Preparatory, Pauline Flett Middle and Denny Yasuhara Middle School. It also updates the boundaries of existing 20 mph school zones that have been altered through the installation of flashing beacons.</p> <p>No changes will be made to Park/Playground Zones through this action.</p>	
Executive Summary: <ul style="list-style-type: none"> • Update speed zone boundaries to match existing and proposed 20 When Flashing locations • Add speed zones for new or rebuilt middle schools • Add a new speed zone for Gonzaga Prep 	
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: Arterial Streets Fund 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 NO. 2021-0086

A resolution revising the “School Zone Speed Limit Schedule”.

WHEREAS, the City of Council of Spokane first adopted the “School Zone, Park/Playground Zone Speed Limit Schedule” through Resolution 2019-0018 on March 11th, 2019; and

WHEREAS, adjustments to some school speed zone boundaries are needed to match the installed locations of 20 When Flashing beacons;

WHEREAS, Spokane Public Schools is building two new middle schools within the city limits and rebuilding one middle school requiring changes to the speed zones;

WHEREAS, Gonzaga Preparatory School has requested establishment of a 20 mph School Zone on Perry Street adjacent to the campus which is funded through Cycle 9 School Safety;

WHEREAS, RCW 46.61.440 establishes a maximum speed limit of 20 mph within 300 feet of any marked school or playground crosswalk, when the crosswalk is fully posted with standard school or playground speed limit signs; and

WHEREAS, RCW 46.61.440 also authorizes cities to create a school speed zone on a road bordering a marked school or playground in which speeds may not exceed 20 mph. The speed zone may extend up to 300 feet from the border of the school; and

WHEREAS, the City has adopted section 308-330-270 of the Model Traffic Ordinance authorizing the local authority to decrease or increase maximum speed limits after an engineering and traffic investigation by the traffic engineer; and

WHEREAS, City staff has conducted an engineering and traffic investigation for these new/changed speed zones and attached the recommendation to this resolution; and

WHEREAS, the Street Department in cooperation with Spokane Public Schools will make the necessary changes to signing prior to student use of each school; and

NOW, THEREFORE BE IT FURTHER RESOLVED, by the City Council of Spokane we hereby affirm and recognize the established reduced/changed speed limits during applicable times in areas in and around schools within the City of Spokane as having been determined by the Spokane City/Traffic Engineer in accordance with his/her duties as prescribed by law and contained within the “School Zone Speed Limit Schedule” attached to this Resolution and identified as **Exhibit A**; and

BE IT FURTHER RESOLVED that the City Council of Spokane approves and adopts the "School Zone Speed Limit Schedule" attached to this Resolution and identified as **Exhibit A**; and

BE IT FURTHER RESOLVED that the City Council of Spokane hereby repeals in its entirety any such previous adoption reducing/changing speed limits in areas in and around schools within the City of Spokane which are inconsistent with those set forth in **Exhibit A**; and

BE IT FURTHER RESOLVED by the City Council of Spokane that **Exhibit A** may be amended in the future by further Resolution of the City Council of Spokane as is determined by the Spokane City/Traffic Engineer or as may otherwise be required; and

BE IT FURTHER RESOLVED by the City Council of Spokane that should any section, subsection, sentence or clause of this Resolution or **Exhibit A** is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of this Resolution and/or **Exhibit A**.

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effect

Exhibit A

SCHOOL ZONE SPEED LIMIT SCHEDULE

School Speed Zones

SCHOOL SPEED ZONES

The following road sections have been designated as school zones. The maximum speed allowable on the said road sections shall be 20 miles per hour as designated with any of the signage options pursuant to Washington Administrative Code section 392-151-035 as adopted or amended. The Council may establish any changes to speed limits or school speed zones by resolution.

TWENTY MILES PER HOUR:

ADAMS ELEMENTARY

RAY STREET from 75 feet south of 34th Avenue to 19 feet south of 36th Avenue.

FREYA STREET from 38 feet south of 34th Avenue to 75 feet south of 36th Avenue.

36th AVENUE from 436 feet east of Regal Street to 210 feet east of Fiske Street.

ALL-SAINTS ELEMENTARY

FREYA STREET from 74 feet south of 17th Avenue to 272 feet south of 18th Avenue.

18th AVENUE from 178 feet east of Ralph Street to 353 feet east of Thor Street.

ALL-SAINTS MIDDLE SCHOOL

PERRY STREET from 132 feet south of 32nd Avenue to 219 feet south of 34th Avenue.

ARLINGTON ELEMENTARY

SMITH STREET from 360 feet north of Francis Avenue to 786 feet north of Francis Avenue.

FRANCIS AVENUE from 155 feet east of Altamont Street to 65 feet east of Smith Street.

AUDUBON ELEMENTARY

BELT STREET from 195 feet north of Montgomery Avenue to 100 feet north of Jackson Avenue.

CANNON STREET from Jackson Avenue to 172 feet north of Jackson Avenue.

ASH STREET from 17 feet north of Chelan Avenue to 93 feet north of Northwest Blvd.

MAPLE STREET from 330 feet north of Carlisle Ave to 41 feet north of Chelan Avenue.

NORTHWEST BLVD from 32 feet west of Jackson Avenue to 105 feet west of York Avenue.

YORK AVENUE from 163 feet west of Walnut Street to 270 feet west of Maple Street.

CARLISLE AVENUE from 317 feet west of Oak Street to 365 feet west of Cannon Street.

BALBOA ELEMENTARY

ELMHURST STREET from 149 feet north of Houston Avenue to Holyoke Avenue.

AUDUBON STREET from Holyoke Avenue to 488 feet north of Holyoke Avenue.

HOLYOKE AVENUE from 59 feet west of A Street to 168 feet west of Elmhurst Street.

BEMISS ELEMENTARY

CRESTLINE STREET from 29 feet north of Bridgeport Avenue to 285 feet north of Courtland Avenue.

STONE STREET from 231 feet north of Liberty Avenue to 245 feet north of Courtland Avenue.

BRIDGEPORT AVENUE from 55 feet east of Lee Street to 18 feet east of Altamont Street.

EUCLID AVENUE from 48 feet east of Altamont Street to 222 feet east of Cook Street.

BROWNE ELEMENTARY

UPPER DRISCOLL BLVD from Queen Place to 180 feet north of Queen Place.

DRISCOLL BLVD from 173 feet north of Broad Place to 446 feet north of Queen Place.

QUEEN PLACE from 162 feet west of Greenwood Blvd to Upper Driscoll Blvd.

TEC @ BRYANT ELEMENTARY

ASH STREET from Broadway Avenue to 152 feet north of Mallon Avenue.

CATALDO ELEMENTARY

BERNARD STREET from 283 feet south of 16th Avenue to 86 feet south of 19th Avenue.

18th AVENUE from 235 feet west of Bernard Street to 438 feet west of Stevens Street.

CHASE MIDDLE SCHOOL

37th AVENUE from 32 feet east of Dearborn Street to 4 feet east of Lloyd Street.

COOPER ELEMENTARY

THOR STREET from 285 feet north of Euclid Avenue to 274 feet north of Bridgeport Avenue.

FREYA STREET from 170 feet north of Cleveland Avenue to 270 feet north of Bridgeport Avenue.

BRIDGEPORT AVENUE from 10 feet east of Ralph Street to 361 feet east of Freya Street.

EUCLID/FREDERICK AVENUE from 325 feet east of Thor Street to 11 feet east of Sycamore Street.

DENNY YASUHARA MIDDLE SCHOOL

MARIETTA AVENUE from 310 feet west of Morton Street to Perry Street.

PERRY STREET from 400 feet north of Buckeye Avenue to 90 feet south of Carlisle Avenue. This zone also used for *LOGAN ELEMENTARY*.

FERRIS HIGH SCHOOL

REGAL STREET from 38 feet north of 36th to 44 feet south of 39th Avenue.

37th AVENUE from 318 feet east of Mt Vernon Street to 100 feet west of Ray Street.

FINCH ELEMENTARY

ALBERTA STREET from 27 feet north of Kiernan Avenue to 238 feet north of Providence Avenue.

DRISCOLL BLVD from 341 feet north of Gordon Avenue to 141 feet north of Providence Avenue.

MILTON STREET from 178 feet north of Gordon Avenue to Kiernan Avenue.

NORTHWEST BLVD from 78 feet west of Euclid Avenue to 10 feet west of A Street.

FRANKLIN ELEMENTARY

MT. VERNON STREET from 10 feet south of 15th Avenue to 166 feet south of 17th Avenue.

17th AVENUE from 127 feet east of Cook Street to 302 feet east of Mt Vernon Street.

GARFIELD ELEMENTARY

POST STREET from 285 feet north of Shannon Avenue to 280 feet north of Mansfield Avenue.

HOWARD STREET from 260 feet north of Shannon Avenue to 25 feet north of Montgomery Avenue.

WASHINGTON STREET from 266 feet north of Augusta Avenue to 20 feet north of Shannon Avenue.

WASHINGTON STREET from 267 feet north of Shannon Ave to 16 feet north of Montgomery Avenue.

CALISPEL STREET from 150 feet north of Shannon Avenue to 200 feet north of Mansfield Avenue.

NORMANDIE STREET from Mansfield Avenue to 238 feet north of Mansfield Avenue.

BUCKEYE AVENUE from 20 feet west of Atlantic Street to 267 feet west of Normandie Street.

MANSFIELD AVENUE from 295 feet west of Division Street to 128 feet west of Washington Street.

KNOX AVENUE from 44 feet west of Atlantic Street to 128 feet west of Washington Street.

INDIANA AVENUE from 325 feet west of Normandie Street to 25 feet west of Stevens Street.

GARRY MIDDLE SCHOOL

NEVADA STREET from 265 feet north of Rowan Avenue to 262 feet north of Central Avenue.

GLOVER MIDDLE SCHOOL

ALBERTA STREET from 200 feet north of Lacrosse Avenue to 319 feet north of Heroy Avenue.

BELT STREET from 638 feet north of Walton Avenue to 120 feet north of Longfellow Avenue.

GONZAGA PREPARATORY SCHOOL

PERRY STREET from 300 feet north of Dalton Avenue (west) to Fairview Avenue.

GRANT ELEMENTARY

IVORY STREET from 114 feet south of Eighth Avenue to Ninth Avenue.

NINTH AVENUE from 402 feet east of Arthur Street to 216 feet east of Ivory Street.

HAMBLEN ELEMENTARY

NAPA STREET from 16 feet south of 40th Avenue to Thurston Avenue.

MARTIN STREET from Thurston Avenue to 175 feet south of Thurston Avenue.

CRESTLINE STREET from 127 feet south of Lee Avenue to 142 feet south of Thurston Avenue.

37th AVENUE from 267 feet east of Pittsburg Street to 400 feet east of Napa Street.

THURSTON AVENUE from 16 feet east of Napa Street to 20 feet east of Lee Street.

HOLMES ELEMENTARY

LINDEKE STREET from 178 feet north of Boone Avenue to 319 feet north of Sharp Avenue.

COCHRAN STREET from 48 feet north of Boone Avenue to 327 feet north of Sharp Avenue.

SHARP AVENUE from 381 feet west of Nettleton Street to 200 feet west of Lindeke Street.

BOONE AVENUE from 271 feet west of Nettleton Street to 331 feet west of Lindeke Street.

HUTTON ELEMENTARY

GRAND BLVD from 16 feet south of 24th Avenue to 307 feet south of 25th Avenue.

GARFIELD ROAD from Plateau Road to 242 feet south of 24th Avenue.

24th AVENUE from Garfield Road to 201 feet east of Plateau Road.

INDIAN TRAIL ELEMENTARY

SUTHERLIN STREET from 28 feet north of Woodside Avenue to 246 feet north of Weile Avenue.

WEILE AVENUE from 133 feet west of Winston Drive to 126 feet west of Sutherlin Street.

WOODSIDE AVENUE from 208 feet west of Fleming Street to 106 feet west of Sutherlin Street.

JEFFERSON ELEMENTARY

MANITO BLVD from 104 feet south of 36th Avenue to 242 feet south of 37th Avenue.

GRAND BLVD from 352 feet south of 35th Avenue to 215 feet south of 37th Avenue.

37th AVENUE from 225 feet west of Manito Blvd to 215 feet east of Tekoa Street.

37th AVENUE from 173 feet east of Lamonte Street to 200 feet east of Grand Blvd.

LEWIS & CLARK HIGH SCHOOL

STEVENS STREET from 63 feet south of Third Avenue to 312 feet south of Fifth Avenue.

WASHINGTON STREET from 179 feet south of Third Avenue to 289 feet south of Fifth Avenue.

LIDGERWOOD ELEMENTARY

LIDGERWOOD STREET from 165 feet north of Sanson Avenue to 50 feet north of Nebraska Avenue.

ADDISON STREET from 265 feet north of Sanson Avenue to 83 feet north of Nebraska Avenue.

ROWAN AVENUE from 468 feet east of Mayfair Street to 240 feet east of Addison Street.

LINCOLN HEIGHTS ELEMENTARY

THOR STREET from 203 feet south of 21st Avenue to 158 feet south of 23rd Avenue.

FREYA STREET from 42 feet south of 21st Avenue to 260 feet south of 22nd Avenue.

22nd AVENUE from Thor Street to 118 feet east of Thor Street.

23rd AVENUE from 400 feet east of Ray Street to 274 feet east of Thor Street.

LOGAN ELEMENTARY

HAMILTON STREET from 266 feet north of Baldwin Avenue to 16 feet north of Carlisle Avenue.

NEVADA STREET from Carlisle Avenue to 167 feet north of Carlisle Avenue.

COLUMBUS STREET from 150 feet north of Illinois Avenue to 150 feet north of Carlisle Avenue.

CARLISLE AVENUE from 165 feet east of Hamilton Street to 150 feet east of Columbus Street.
MONTGOMERY AVENUE from 55 feet east of Hamilton Street to 310 feet east of Columbus Street.
ILLINOIS AVENUE from 38 feet east of Cincinnati Street to 495 feet east of Columbus Street.
PERRY STREET from 400 feet north of Buckeye Avenue to 90 feet south of Carlisle Avenue. This zone also used for *DENNY YASUHARA MIDDLE SCHOOL*.

LONGFELLOW ELEMENTARY

CINCINNATI STREET from 135 feet north of Gordon Avenue to 106 feet north of Providence Avenue.
NEVADA STREET from 85 feet north of Gordon Avenue to 123 feet north of Garland Avenue.
EMPIRE AVENUE from 264 feet east of Cincinnati Street to 458 feet east of Nevada Street.
PROVIDENCE AVENUE from 479 feet east of Standard Street to 311 feet east of Nevada Street.

MADISON ELEMENTARY

WALL STREET from 160 feet north of Everett Avenue to 12 feet north of Nebraska Avenue.
WHITEHOUSE STREET from 553 feet north of Everett Avenue to 264 feet north of Nebraska Avenue.
NEBRASKA AVENUE from 213 feet west of Normandie Street to 321 feet west of Whitehouse Street.
ROWAN AVENUE from Whitehouse Street to 138 feet west of Whitehouse Street.
QUEEN AVENUE from 312 feet west of Normandie Street to 300 feet west of Whitehouse Street.

NORTH CENTRAL HIGH SCHOOL

HOWARD STREET from 50 feet north of Maxwell Avenue to 92 feet south of Indiana Avenue.
MAXWELL AVENUE from 473 feet west of Washington Street to 47 feet west of Wall Street.

PAULINE FLETT MIDDLE SCHOOL

WELLESLEY AVENUE from 400 feet east of Hartley to 300 feet east of Royal Court.

PRIDE PREP CHARTER

SPRAGUE AVENUE from 323 feet east of Hatch Street to 602 feet east of Scott Street.

REGAL ELEMENTARY, SHAW MIDDLE SCHOOL, NEWTECH, ON-TRACK

CRESTLINE STREET from 262 feet north of Rockwell Avenue to 265 feet north of Longfellow Avenue.
COOK STREET from 927 feet north of Garland Avenue to 251 feet north of Rich Avenue.
LACEY STREET from Rich Avenue to 283 feet north of Longfellow Avenue.
REGAL STREET from 20 feet north of Rockwell Avenue to 28 feet north of Longfellow Avenue.
WELLESLEY AVENUE from 262 feet east of Cook Street to 19 feet east of Nelson Street.
LONGFELLOW AVENUE from 362 feet east of Cook Street to cul-de-sac.
RICH AVENUE from 376 feet east of Stone Street to 268 feet east of Regal Street.
EMPIRE AVENUE from 263 feet east of Stone Street to 294 feet east of Cook Street.

RIDGEVIEW ELEMENTARY

ASH STREET from 172 feet north of Joseph Avenue to 16 feet north of Rowan Avenue.
MAPLE STREET from 80 feet north of Rowan Avenue to 136 feet north of Joseph Avenue.

CEDAR STREET from 169 feet north of Rowan Avenue to 251 feet north of Nebraska Avenue.
JOSEPH AVENUE from 195 feet west of Adams Street to 191 feet west of Walnut Street.
NEBRASKA AVENUE from 120 feet west of Cedar Street to 117 feet west of Walnut Street.
ROWAN AVENUE from 174 feet west of Adams Street to 195 feet west of Ash Street.

ROGERS HIGH SCHOOL

WELLESLEY AVENUE from 320 feet east of Perry Street to 410 feet east of Pittsburg Street.

ROOSEVELT ELEMENTARY

GROVE/BERNARD STREET from 15 feet south of 13th Avenue to 50 feet south of 15th Avenue.
GRAND BLVD from 130 feet south of 13th Avenue to 259 feet south of 14th Avenue.
14th AVENUE from 49 feet west of Division Street to 290 feet west of Grove Street.
15th AVENUE from 396 feet west of Division Street to 1005 feet west of Division Street.

SACAJAWEA MIDDLE SCHOOL

GRAND BLVD from 306 feet south of 31st Avenue to 42 feet south of 34th Avenue.
LAMONTE STREET from 160 north of 31st Avenue to 33rd Avenue

SALK MIDDLE SCHOOL

ALBERTA STREET from 110 feet north of Francis Avenue to 298 feet north of Holyoke Avenue.
STONEWALL AVENUE from 100 feet north of Francis Avenue to 123 feet north of Lyons Avenue.

SHADLE PARK HIGH SCHOOL

ASH STREET from 270 feet north of Princeton Avenue to 50 feet south of Longfellow Avenue.

FRANCES SCOTT ELEMENTARY

THOR STREET from 20 feet south of Fourth Avenue to 377 feet south of Fifth Avenue.
FREYA STREET from 15 feet south of Sixth Avenue to 156 feet south of Third Avenue.
REBECCA STREET from 283 feet south of Fifth Avenue to 65 feet south of Third Avenue.
FOURTH AVENUE from 396 feet east of Freya Street to 263 feet east of Rebecca Street.
FIFTH AVENUE from 10 feet east of Ferrall Street to 308 feet east of Rebecca Street.

SHILOH HILLS ELEMENTARY

MAGNESIUM ROAD from 63 feet east of Standard Street to 155 feet east of Dakota Street.
STONEWALL AVENUE from 254 feet east of Antietam Drive Vicksburg.

SPOKANE PUBLIC MONTESSORI

KNOX AVENUE from 52 feet west of Adams Street to 235 feet west of Cedar Street.

STEVENS ELEMENTARY

MADELIA STREET from 20 feet north of Sharp Avenue to 290 feet north of Sinto Avenue.
MAGNOLIA STREET from 30 feet north of Sharp Avenue to 270 feet north of Sinto Avenue.

NAPA STREET from 35 feet north of Sharp Avenue to 255 feet north of Sinto Avenue.
MISSION AVENUE from 60 feet east of Madelia Street to 65 feet east of Napa Street.
SINTO AVENUE from 150 feet east of Helena Street to 204 feet east of Magnolia Street.

ST. ALOYSIUS ELEMENTARY

MISSION AVENUE from 60 feet east of Madelia Street to 65 feet east of Napa Street.

WESTVIEW ELEMENTARY

MOORE STREET from 519 feet north of Central Avenue to 375 feet north of Bismark Avenue.
FOTHERINGHAM STREET from 393 feet north of Central Avenue to 104 feet north of Decatur Avenue.
DECATUR AVENUE from 554 feet west of G Street to 92 feet west of Moore Street.
BISMARK AVENUE from 520 feet west of G Street to 125 feet west of Moore Street.

WHITMAN ELEMENTARY

HELENA STREET from 170 feet north of Crown Avenue to 112 feet north of Sanson Avenue.
PITTSBURG STREET from 197 feet north of Crown Avenue to 212 feet north of Sanson Avenue.
ROWAN AVENUE from 219 feet east of Perry Street to 313 feet east of Helena Street.

WILLARD ELEMENTARY

MONROE STREET from 20 feet north of Longfellow Avenue to 310 feet north of Heroy Avenue.
WALL STREET from 60 feet north of Rockwell Avenue to 30 feet north of Princeton Avenue.
STEVENS STREET from 163 feet north of Rockwell Avenue to 265 feet north of Heroy Avenue.
LONGFELLOW AVENUE from 105 feet west of Washington Street to 211 feet west of Howard Street.
HEROY AVENUE from 120 feet west of Washington Street to 121 feet west of Wall Street.

WILSON ELEMENTARY

LINCOLN STREET from 272 feet south of 23rd Avenue to 215 feet south of 26th Avenue.
29th AVENUE from 85 feet west of Post Street to 318 feet west of Lincoln Street.

WOODRIDGE ELEMENTARY

INDIAN TRAIL ROAD from 1,294 feet north of Barnes Road to 319 feet north of Shawnee Avenue.
WOODRIDGE DRIVE from 106 feet north of Lamar Avenue to 629 feet north of Shawnee Avenue.
FARMDALE STREET from 163 feet north of Belmont Drive to 185 feet north of Alpine Drive.
SHAWNEE AVENUE from 134 feet west of Sylvia Court to 187 feet west of Woodridge Drive.
ALPINE DRIVE from 210 feet west of Elderberry Avenue to Woodridge Drive.

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

10/25/2021

Date Rec'd

10/14/2021

Clerk's File #

RES 2021-0087

Renews #**Cross Ref #****Project #****Bid #****Requisition #****Submitting Dept**

CITY COUNCIL

Contact Name/Phone

KARA ODEGARD 828-3507

Contact E-Mail

KODEGARD@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Agenda Item Name

0320 - SUSTAINABILITY ACTION PLAN ADOPTION

Agenda Wording

A Resolution adopting the City of Spokane Sustainability Action Plan.

Summary (Background)

Council tasked the Sustainability Action Subcommittee (SAS) to recommend an update to the City's 2009 Sustainability Action Plan (SAP). The SAS started public engagement around the first draft of their plan in April of 2021. The SAS conducted over 20 workshops, attended 4 public events, received 800 survey responses and dozens of emails. The feedback collected has been incorporated into this final draft of the SAP. This resolution is to adopt the attached 2021 Sustainability Action Plan.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

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

ALLERS, HANNAHLEE

Study Session\Other

9/27 PIES

Division Director**Council Sponsor**

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Briefing Paper

PIES

Division & Department:	City Council
Subject:	Resolution to adopt 2021 Sustainability Action Plan
Date:	9/27/2021
Contact (email & phone):	Kodegard@spokanecity.org; 509-828-3507
City Council Sponsor:	Breean Beggs & Lori Kinnear
Executive Sponsor:	
Committee(s) Impacted:	PIES
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment:	Spokane Municipal Code Chapter 15.05; City of Spokane Comprehensive Plan (specific sections are noted in each SAP chapter)
Strategic Initiative:	
Deadline:	With Council approval, this will be filed for consideration on 10/25
Outcome: (deliverables, delivery duties, milestones to meet)	Adoption of Sustainability Action Plan via Resolution

Background/History:

The Sustainability Action Subcommittee (SAS) convened in 2019 to provide recommendations to meet the City's climate and sustainability goals. Council tasked the SAS to recommend an update to the City's 2009 Sustainability Action Plan (SAP). The SAS started public engagement around the first draft of their plan in April of 2021. The SAS conducted over 20 workshops, attended 4 public events, received 800 survey responses and dozens of emails from individuals and organizations. The feedback collected during the six-month public engagement period has been incorporated into this final draft of the SAP. This resolution is to adopt the SAS recommended 2021 Sustainability Action Plan.

Executive Summary:

- Overarching SAP goals:
 - Reduce GHG Emissions over 28-year period to align with SMC 15.05.020
 - Create more resilient communities by investing in environmental, social, and economic sustainability
 - Prioritize those most impacted by climate change and economic downturns
- SAP takes action in 7 sectors: Buildings & Energy, Transportation & Land Use, Waste Diversion & Material Conservation, Water Resources, Economic Prosperity, Natural Environment, and Health & Wellbeing
- This is a strategic plan which focuses on laying the foundation for future sustainability related policy. Further action, including economic and social impact assessments, will need to be considered prior to implementation of policies outlined in this plan.

Budget Impact:

TOTAL COST:

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.) For various reasons, including the fact that specific policy recommendations and criteria are not yet fully defined, the budgetary and economic impacts of specific measures will be determined during implementation of the plan.

RESOLUTION NO. 2021-0087

A Resolution adopting the City of Spokane Sustainability Action Plan.

WHEREAS, the official policy of the City of Spokane, as laid out in SMC 15.05.010 is to “*acknowledge and recognize the occurrence of human-caused climate change. The City also recognizes the vast scientific consensus regarding this matter, and acknowledges that the potential impacts of climate change pose a real threat to the health and well-being of Spokane’s citizens;*” and

WHEREAS, under SMC 15.05.030, the City “*shall utilize the City of Spokane Sustainability Action Plan ... as a framework for developing and implementing the City’s efforts related to climate change mitigation and adaptation and energy security;*” and

WHEREAS, City Council adopted Resolution 2018-0110, forming an ad hoc Sustainability Action Subcommittee (“SAS”), on December 17, 2018; and

WHEREAS, Resolution 2018-0110 calls on the SAS to suggest methods of reaching the City’s 100% renewable energy and greenhouse gas emissions reductions goals no later than January 1, 2022, and to recommend changes to the City’s Sustainability Action Plan; and

WHEREAS, the extraction and combustion of fossil fuels are significant sources of greenhouse gas emissions and major contributors to climate change and pollution; and;

WHEREAS, changes in Spokane’s climate such as concurrent heat waves, smoke from wildfires, and drought, are already being felt; and

WHEREAS, scientific studies confirm that global heating is dramatically expanding nearby wildfire activity and its associated smoke, posing a serious threat to the health of Spokane’s people and our summer visitor economy;¹ and

WHEREAS, buildings account for more than half of Washington’s growth in carbon emissions since 1990; and

WHEREAS, renewable electrification of transportation and the heating and cooling of buildings, provides the most effective means to reduce carbon emissions overall; and

WHEREAS, a better reputation as a climate-friendly and sustainable community will aid Spokane’s efforts to attract visitors and new businesses, increasing economic vitality in the region; and

¹ Climate Impacts Research Consortium, Spokane Climate Project <https://www.spokaneclimateproject.org/>

WHEREAS, local, regional, and global economies are transitioning to low-carbon energy sources, and businesses are often leaders in providing energy efficiency and renewable energy technologies and services; and

WHEREAS, the development of new industries and skills that address the global climate challenge will enhance the city's economic prospects and strengthen regional workforce opportunities; and

WHEREAS, scientists have found that climate change poses a significant threat to Washington's economy and impacts that are likely to include longer and more intense wildfire seasons, diminished fish and wildlife habitat, changes in precipitation patterns that will affect agriculture and hydro-electric energy generation, and increased disease vectors and invasive species;² and

WHEREAS, all of Spokane is impacted by climate change, but communities that face socioeconomic and health inequities are most severely impacted by these risks; and

WHEREAS, it is a best practice for cities across the United States to adopt sustainability and climate action plans to meet climate pollution reduction targets and help all members of the community adapt to the changing climate; and

WHEREAS, the community members that make up the SAS spent more than two years of volunteer time lending their expertise to crafting the Sustainability Action Plan ("Plan"); and

WHEREAS, the draft Plan was released for Council Review and public feedback in April of 2021; and

WHEREAS, SAS members led multiple public engagement efforts between April and August 2021 to get feedback on the Plan from community members, including virtual & in person workshops, virtual & in-person drop-in information sessions, an online survey, dozens of community events and presentations, and media reports in various local print, radio, and TV outlets; and

WHEREAS, based on community feedback, several changes were incorporated into the final version of the Plan, including strengthened strategies around health and equity, favoring incentives over mandates in energy, including drought response measures, adding protections for farmlands, supporting anadromous fish recovery, updating water conservation targets, and strengthening language around livable, walkable communities; and

² University of Washington, Climate Impacts Group <https://cig.uw.edu/learn/climate-impacts-in-brief/>

WHEREAS, the SAS voted unanimously in favor of sending the attached Plan to City Council for adoption.

NOW, THEREFORE, BE IT RESOLVED that the Spokane City Council adopts the attached 2021 Sustainability Action Plan and formally commits to ensuring the Plan is implemented and monitored with progress updates provided regularly as outlined in SMC 15.05.060.

BE IT ALSO RESOLVED that the City Council commits to reconstituting the Sustainability Action Subcommittee and will select its initial membership as an ad hoc Subcommittee of the City Council's Public Infrastructure, Environment, and Sustainability Committee to guide and assist in implementing and financing the plan and monitor progress toward the City's sustainability goals.

Passed by the City Council this ____ day of _____, 2021.

City Clerk

Approved as to form:

Assistant City Attorney

The Sustainability Action Subcommittee's proposal to update
Spokane Sustainability Action Plan



Final Draft
9/27/21



ACKNOWLEDGMENTS



City of Spokane

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Breean Beggs, City Council President
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Michael Cathcart, Councilmember District 1
Lori Kinnear, Councilmember District 2
Betsy Wilkerson, Councilmember District 2
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All photography provided by EWU Department of Design, unless otherwise indicated

ACKNOWLEDGMENTS

Cities & Organizations

This Sustainability Action Plan was developed using multiple models for guidance, including the following:

- ❖ City of Flagstaff – Climate Action & Adaptation Plan, 2018
- ❖ City of Reno – Sustainability & Climate Action Plan 2019 - 2025
- ❖ ICLEI – Local Governments for Sustainability, USA, 2018 Template
- ❖ City of Portland – Operationalizing Equity Checklist

The Plan Authors

Members of the City’s Sustainability Action Subcommittee (SAS) researched and wrote this report. This document provides a comprehensive set of strategies and actions the SAS recommends the City adopts to ensure a more resilient future for the people living and working in Spokane. The SAS report also provides a recommended framework for Plan implementation and prioritization as well as descriptions of our development process and public engagement.

City Council created the SAS in early 2019 to provide recommendations on updating the 2009 Sustainability Action Plan. In preparation for this update, we researched solutions the City and its residents can take to both mitigate our contribution to climate change and to help make our community be more resilient in the face of future challenges.

We respectfully ask the City to consider adopting the recommendations outlined in this report as an update to the Spokane Sustainability Action Plan.

Previous Environmental Champions

This Plan is made possible today because of the courage and vision from City leaders and community members doing this work over previous decades. Thank you for leading Spokane toward the path of environmental sustainability and economic prosperity.

Mayor Mary Verner (2007-2011)

Mayor’s Task Force on Sustainability (2008-2009)

Council President Ben Stuckart (2011-2019)

Senior Executive Assistant to the Council President Adam McDaniel (2013-2019)

TABLE OF CONTENTS



Introduction	6
SAS Process	8
Why we need a plan	11
Spokane's contribution to climate change	13
Alignment with existing plans & laws	14
Vision & Goals	15

Plan Overview	16
Co-benefits	18
The Spokane People	19
The Sustainable Development Goals	20
Summary of Sector Strategies	22

Implementation & Monitoring	26
Equity Checklist	28
Environmental Justice	29
Sustainable Workforce	30
Implementation Strategies	31

35 Buildings & Energy

63 Economic Prosperity

40 Transportation & Land Use

67 Natural Environment

47 Waste Diversion & Material Conservation

76 Health & Wellbeing

53 Water Resources



How to Get Involved

Spokane's Sustainability Action Plan (SAP)

This plan updates and expands upon Spokane's 2009 Sustainability Action Plan. It identifies specific strategies and actions that will help meet our 100% renewable energy goals as adopted by the City in 2018, and to meet regulation set by the State of Washington to address greenhouse gas emissions.

While climate change is a global issue, it requires action at every level, including local action. We believe that Spokane has much to gain by embracing the opportunities presented by this challenge.

With this in mind, we are taking an approach to sustainability planning that balances the need to reduce greenhouse gas emissions with our commitment to create good jobs, a healthy environment and an equitable community.

For example, in partnership with Avista Utilities, the Spokane Regional Transportation Council, and Urbanova, we have won a \$2.5 million grant to install electric vehicle charging stations throughout Spokane County as part of a regionwide transportation electrification (TE) plan. The implementation of this regional TE plan will reduce emissions, cut transportation costs, create jobs, and bring more opportunities to historically underserved areas of our city.

While this Sustainability and Climate Action Plan helps our community become environmentally responsible, it will also help us become more resilient by preparing our community for impacts caused by changing weather patterns. It will help us incentivize the development of a local clean energy economy and secure the economic benefits of becoming a resilient city. With smart mitigation efforts, we'll be able to protect the economic and social benefits of our local tourism industry, beloved public events like Bloomsday, regional farming, the Spokane River, and our aquifer.

We hope that this plan will contribute to what Spokane has been — a hub of prosperous innovation, collaboration, and creativity — built through the efforts of community members with the vision and courage to shape their own future.



INTRODUCTION

Spokane's Sustainability Action Plan answers the City's call to address environmental and climate related requirements at both the local and State levels. Since 2009 when Spokane's first Sustainability Action Plan was adopted, the city, local leaders, organizations, and residents have worked hard to meet environmental and climate-related requirements at both the local and state levels.

In 2018, the City worked with local energy experts to adopt a goal of 100% renewable electricity by 2030, establishing Spokane as a leader in climate action.

In 2019, the State of Washington enacted legislation that requires Spokane to make meaningful changes to its energy use:

- **Clean Energy Transformation Act (2019)** – requires 100% renewable electricity use by 2045
- **Greenhouse Gas reduction targets (2019)** – 30-year targets requiring a step approach

This updated Sustainability Action Plan provides a guide to achieve these new requirements, mitigate risks from climate change, and invest in strengthening our communities. Our objective is to ensure the equitable prosperity of Spokane residents and the protection of our natural resources for generations to come.

Plan Objectives

95% Reduction by 2050

Use a step approach to reduce greenhouse gas emissions compared to 2016 levels

Build Resiliency

Ensure our neighborhoods and economy are ready for future challenges

Prioritize Most Impacted

Prioritize those most exposed to health impacts and economic downturns related to climate change

How will we know if our actions & strategies are effective?

We'll be able to measure our progress through reduced greenhouse gas emissions. We'll also measure benefits in these four key areas:

- Improved Environment
- Economic Opportunity
- Increased Equity
- Increased Health & Well Being

Areas of Action

To achieve our goals, we are acting across these seven areas



Buildings & Energy



Transportation & Land Use



Waste Diversion & Material Conservation



Water Resources



Economic Prosperity



Natural Environment



Health & Wellbeing

THE SAS PROCESS

Development of this Plan

This plan was drafted by the Sustainability Action Subcommittee with input and engagement from dozens of local, regional, and national experts. Over a period of two years, members of the SAS researched sustainability and climate policy as well as planning frameworks used by local governments throughout the US to develop this plan. Prior to adoption, this plan will undergo an additional six months of public engagement which allows time to incorporate public feedback.



Tour of the Next Level Treatment under construction at the Riverside Park Water Reclamation Facility in Sept 2019. Photo Credit: Hannahlee Allers

The Sustainability Action Subcommittee (SAS) Process

When City Council began forming the SAS in 2019, Council President Breean Beggs (then Council Member Breean Beggs) envisioned this group as “the brainchild of Spokane’s very own Project Drawdown.” According to Breean, “this means identifying the areas of city and community operations that have the highest potential to experience increased sustainability over the next five years and the action steps it would take to achieve those improvements. Areas that are at the top of my mind based on my current understanding are: water conservation (well under way), increased renewable energy generation in and around the city, energy conservation in the built environment, reduction of waste (including, reduction of packaging, recycling, composting and reuse), transportation transformation to electrical vehicles and mode shift to transit, cycling and walking.”

As the team began to take shape, CM Beggs purposely left the directive on how to achieve the above stated goals up to the volunteer citizens that make up the SAS. He wanted the subcommittee to pursue ideas that members felt passionate about. We refer to his vision as the *democratization of policy making*, where policy ideas are vetted by a broad range of local stakeholders and “bubble up” into practice rather than being mandated from a single elected official or governing body.

Membership & Workgroups

Members of the SAS have expertise or experience in the fields of energy, biofuel, planning, natural resource management, ecology, forestry, transportation, health, equity, sustainable business practices, and the built environment. Work was divided into the following workgroups:

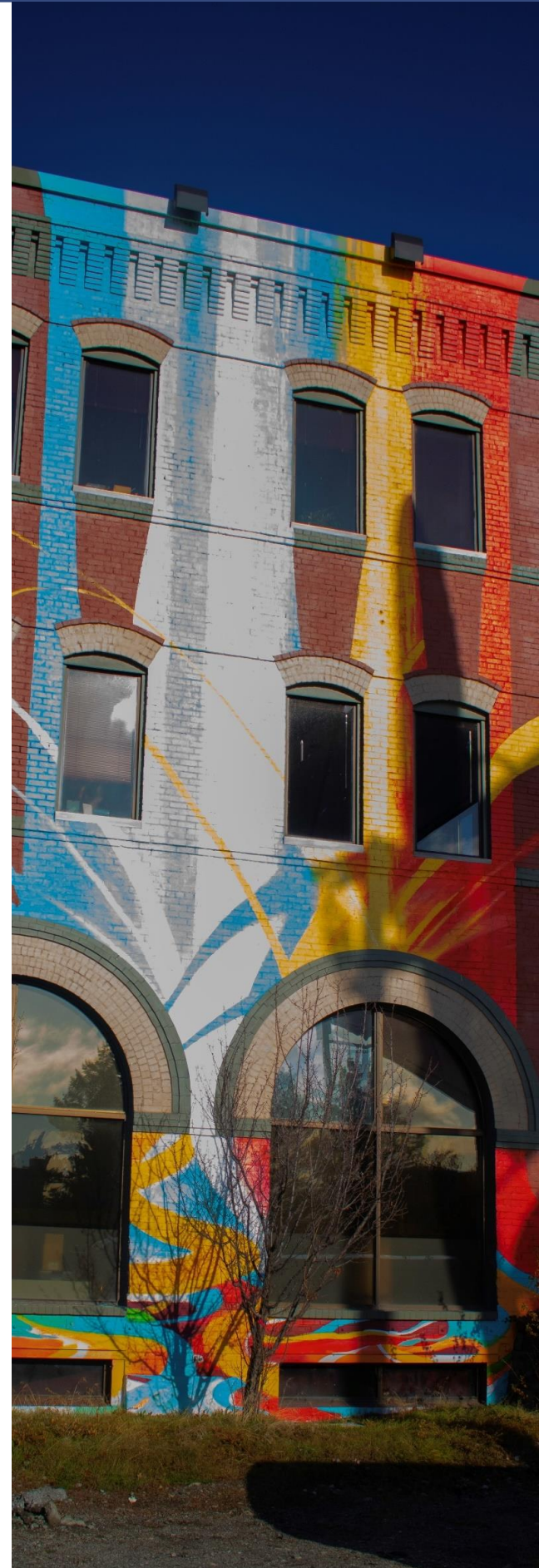
- Built Environment
- Energy
- Health & Equity
- Natural Resources
- Planning & Land Use
- Sustainability & Climate Action Planning
- Transportation
- Waste/Recycling



SAS Guiding Principles

The following principles were adopted by the SAS to help guide the development of this Plan.

1. We seek to provide future generations with a quality of life equal to or better than the quality of life we now are experiencing.
2. We seek to bring people and stakeholders together to co-create solutions and move our community towards resilience in the face of climate change
3. We believe climate strategies must address historic inequalities and environmental injustices. We will work to undo environmentally racist actions and systems.
4. We believe that equitable inclusion is imperative in sustainability planning, therefore we will engage the community often and through diverse formats of communication.
5. We believe that all people in Spokane should benefit from environmental programs and policies, not just a wealthy few.
6. In a time of uncertainty, we seek to help prepare our community for the challenges to come. We seek to protect the right of all members of our community, human and other than human, to a healthy environment.
7. We believe that every action we take must be evaluated for its impact on the climate.
8. We believe urgent action is required!



Democratizing Policy-Making

We are proud to have co-created this Plan with many active and engaged community members. The strategies outlined in this Plan are the culmination of hundreds of conversations, hours of research, and thousands of voices from our community.

This Sustainability Action Plan (SAP) was developed over two years guided by:

- More than fifty volunteer citizens of the Sustainability Action Subcommittee
- Nine workgroups addressing all aspects of environmental sustainability as well as social and economic impacts
- Dozens of additional local, state, and national subject matter experts provided guidance
- Over 1,440 community members responded to our climate survey in 2020



Six Months of Community Engagement

The SAS conducted a six-month public engagement around the first draft of this plan from April through September of 2021. During this engagement period, the SAS:

- Conducted over 30 workshops and community events
- Had over 1,600 interactions with residents through surveys, meetings & workshops, and emails
- Appeared in dozens of print, television, and radio stories
- Distributed 83,000 utility inserts

An Ongoing Process

This Plan is the next step in our ongoing efforts to keep Spokane healthy and vibrant. By adopting this document via resolution, the City of Spokane creates a foundation for acting toward the goals and vision outlined by the community, City staff, and elected leaders.

As technology advances, priorities shift, and goals are accomplished, the actions and strategies within this Plan will evolve to make room for the next iteration of Spokane's Sustainability Action Plan.



WHY WE NEED A PLAN

Why We Need a Plan

In 2018, the Climate Impact Research Consortium (CIRC) facilitated a climate adaptation project here in Spokane. CIRC is comprised of an interdisciplinary team of scientists from Universities in Washington, Oregon, and Idaho and funded by the National Oceanic and Atmospheric Administration (NOAA). CIRC scientists paired with local stakeholders to conduct research and write a [report](#) around five key areas: Temperature, Precipitation, Stream Flow, Snowpack, and Wildfires. Our research indicates that without bold action toward reducing greenhouse gas emissions, Spokane can expect to see the following impacts throughout this century:



Warmer Year-Round Temperatures

- Increases in temperatures in all seasons
- More intense temperature increases during summer months
- Longer, drier summers



Decreased Snowpack

- Changes in type and timing of precipitation (more rain in the spring and fall, less rain in the summer)
- Less snow in the mountains resulting in changes in river flow that will impact native fish and wildlife as well as recreation on the river
- Shorter winter sport season in the mountains



Increased Risk of Wildfire

- Wetter springs mean more underbrush growth for fire fuel
- Hotter, drier summers mean more intense and destructive wildfires
- Increase wildfire frequency and intensity equals loss of habitat and increase smoke



Economic & Recreational Costs

- Economic impacts -- Hoopfest and Pig Out in the Park combined bring an estimated \$54M to Spokane every year - increase heat and smoke during the summer months will impact these events
- Loss of recreation due to early season low flows on the Spokane River
- Warmer winters means shorter ski seasons



Disproportionate Impacts

Increase risk of respiratory and heat-related illness will impact people who are:

- Disproportionately exposed: children, outdoor workers, under-sheltered
- Disproportionately impacted: low-income, people with underlying health issues (asthma, heart disease, respiratory illness), elderly

x^w mene? Redband Trout

Native Redband Trout: A prized and iconic fish species native to the Spokane River. Projected lower river flows will likely increase water temperatures, favoring non-native predatory fish and result in reduced habitat quality. Degraded habitat and increased predation will further undermine this already struggling population.



Photo credit: Sean Zenishek

WHY WE NEED A PLAN

Climate Change is Already Here

As longtime residents of Spokane County attest, hazardous air quality days used to be rare in our area. When they did happen in the past it was due to blowing dust or agricultural field burning. Although forest fires have always been a feature of western ecosystems, climate change is causing larger, longer fires that result in days and even weeks of air so hazardous it is dangerous to breathe. As indicated in the graphs below, the trend toward an increasing number of hazardous air days is increasing over time.

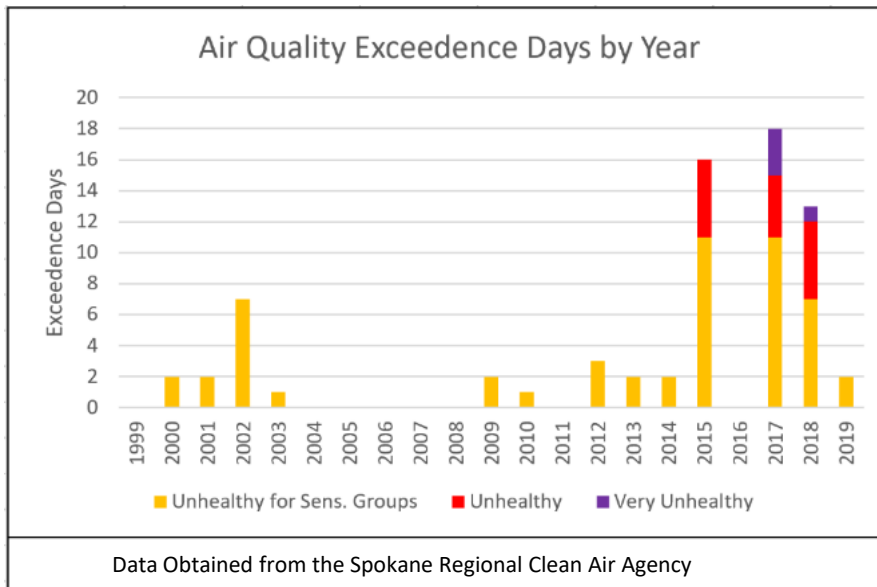


Figure 1: number of days where AQI is greater than 100 in Spokane over the most recent 20 year period

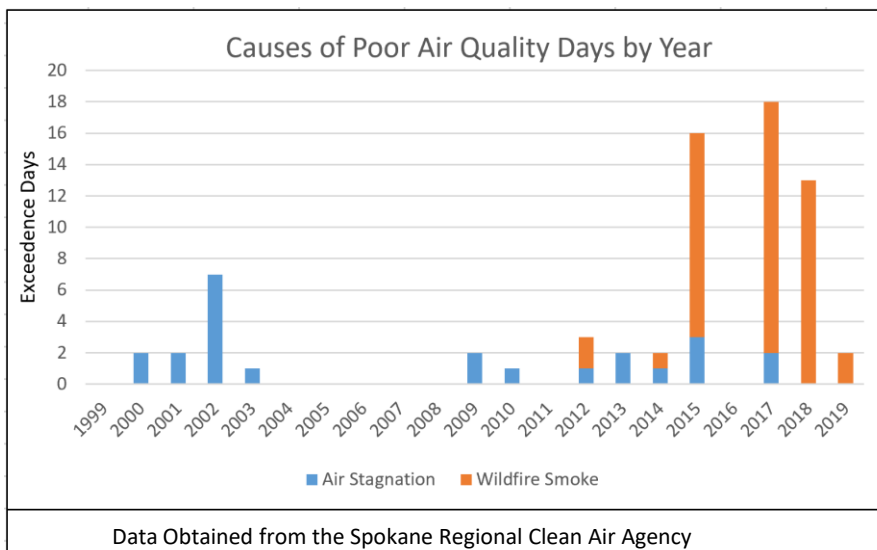


Figure 2: Causes of poor air quality in Spokane over the most recent 20 year period

According to the Spokane Regional Clean Air Agency (SRCAA), on September 13th, 2020 residents in Spokane County experienced the most hazardous air quality since 1999, the year in which the SRCAA began reporting. The air quality index (AQI) for that day reached 479 out of 500 due to regional wildfire smoke.

SPOKANE'S CONTRIBUTION TO CLIMATE CHANGE

Greenhouse Gas Emissions

Greenhouse gas (GHG) emissions (aka climate pollution) in Spokane are mostly caused by burning fossil fuels for transportation and temperature control in buildings. Other sources include the incineration of solid waste and treatment of wastewater.

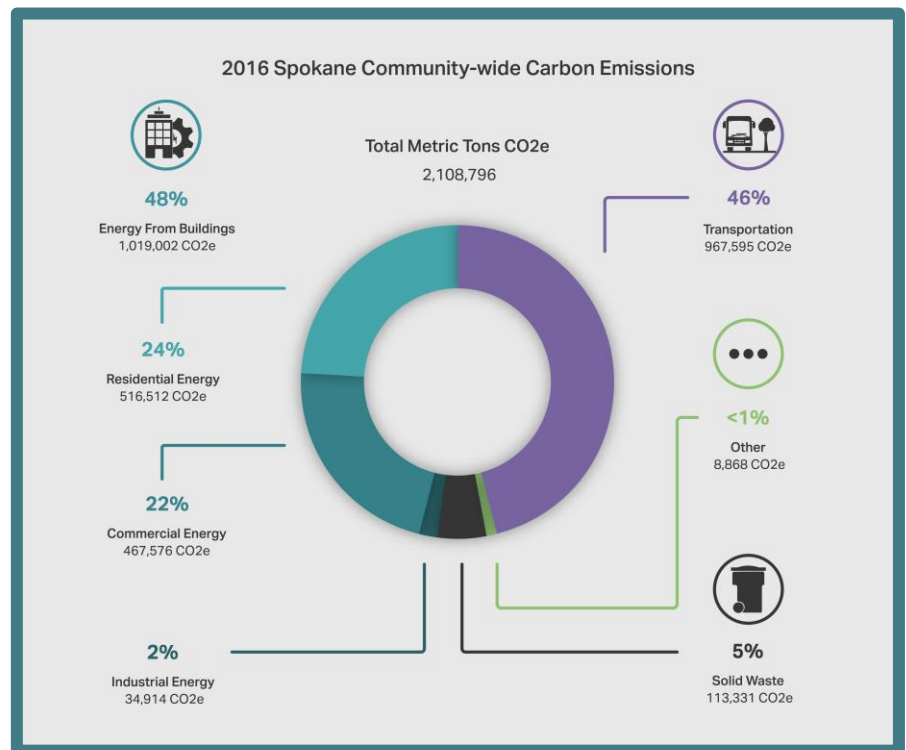
Steps to reduce climate pollution are being taken at the international, national, state, and local levels. In the Paris Agreement 194 countries committed to reducing their climate pollution. As part of that agreement, the United States committed to reduce its climate pollution 50-52% by 2030 compared with 2005 levels. In 2019 the State of Washington committed to the following GHG reduction schedule:

- by 2020 - reduce to 1990 levels
- by 2030 - 45% below 1990 levels
- by 2040 - 70% below 1990 levels
- by 2050 - 95% below 1990 levels and achieve net zero emissions

Spokane is participating in this worldwide effort. The City's first greenhouse gas inventory covered 1990-2005. In 2016, Spokane's community-wide emissions were 2,108,796 metric tons carbon dioxide equivalent (MTCO₂e). In 2017 the city set its first GHG reduction goal.

In 2018, the Spokane City Council committed to "100% renewable energy for the city of Spokane's community electricity supply by no later than 2030." (Ordinance C35668)

In 2021 Spokane City Council passed an ordinance requiring 95% reduction of climate pollution and net neutral emissions by 2050, aligning local goals with our State goals (SMC 15.05.020).



Transportation emissions include all forms: but the largest percent of the transportation emissions come from personal vehicles.

Transportation Type	Percent of Total
Passenger Vehicles and Motorcycles	44%
Light Duty Trucks	18%
Railroad	11%
Heavy Duty Vehicles	10%
Regional Airports (Spokane & Geiger Field)	16%
Public Transportation (STA)	1%
Other	1%
Total	100%

ALIGNMENT WITH EXISTING PLANS & LAWS

Relationship to Other City Plans

The SAS considered other City plans during the development of the Sustainability Action Plan (SAP).¹ These plans either inform or could be informed by the SAP. Some of these documents already emphasize climate and sustainability solutions outlined in this Plan, while others will need to be updated to integrate sustainability and climate action.

- Spokane Sustainability Action Plan (2009)
- Spokane Comprehensive Plan “Shaping Spokane” (2017)
- Spokane Housing Action Plan (currently under development)
- Spokane Water Conservation Master Plan (2020)
- Spokane City Bicycle Master Plan (2017)
- Spokane Pedestrian Master Plan (2015)

Relationship to Regional Plans & Programs

The following regional plans also have the potential to interact with the City’s sustainability and climate goals.²

- Spokane County Comprehensive Plan (updated 2019)
- Spokane County Solid Waste and Moderate Risk Waste Management Plan (2015)
- Horizon 2040: The Spokane Regional Metropolitan Transportation Plan
- Spokane Regional Health District’s Walk Bike Bus Program
- Spokane Transit Authority Moving Forward 10 Year Plan (2016)
- WSDOT Active Transportation Plan (2021, under development)
- Avista Utilities Integrated Resource Plan (2020)
- Avista Utilities Transportation Electrification Plan (2020)
- Spokane Food Policy Council’s Food Action Plan (currently under development)

Related City & State Code

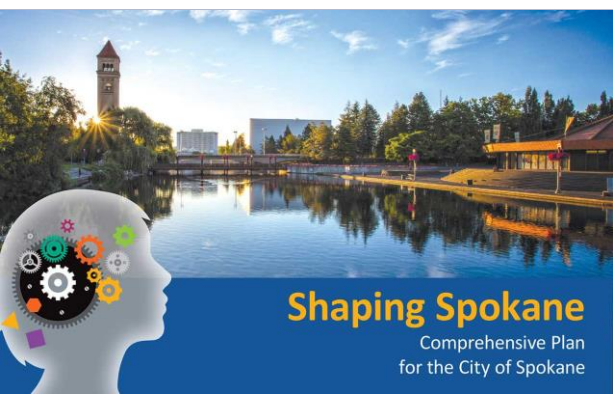
In recent years, the City of Spokane and the State of Washington have passed laws that help guide the goals and strategies outlined in this plan.³

Spokane Municipal Code Chapter 15.05 – Climate Change

- 2014 Resolution 0070 – Supporting anadromous fish recovery throughout the Upper Columbia Watershed
- 2017 Climate Change Ordinance aligns City’s climate targets with the State targets
- 2018 100% Renewable Energy Ordinance C35668
- 2021 GHG Reduction Target – net neutral by 2050

Washington State

- 2019 Clean Energy Transformation Act (CETA)
- Revised Code of Washington 70A.45.020 -- Green House Gas Emissions Reductions
- 2019 Use Food Well Washington Plan
- Revised Code of Washington 19.27A -- Washington State Energy Code



As the City’s Comprehensive Plan is the primary guiding document for citywide planning, development, and conservation, we have indicated alignment to the Comprehensive Plan at the beginning of each sector chapter.

VISION & GOALS



SAS Vision for 2050

As a community, Spokane ensures the well-being of all our people and the ecosystems of which we are a part. We do this by investing in our neighborhoods and caring for our natural habitats while building an equitable, regenerative, carbon-free economy that is resilient and sustainable.

Sustainability Action Plan Goals

In order to achieve our vision for Spokane, we have identified the following goals:

1. Reduce communitywide greenhouse gas emissions from 2016 baseline by:
 - 45% by 2030 to 1,159,838 metric tons
 - 70% by 2040 to 632,639 metric tons
 - 95% by 2050 to 105,440 metric tons and achieve net zero emissions
2. Build resilient neighborhoods by investing in our local communities, systems, and economy with these key areas in mind:
 - ☐ Healthy Ecosystems
 - ☐ Economic Opportunity
 - ☐ Equity
 - ☐ Health & Wellbeing
3. Prioritize people and communities most exposed to health impacts and economic downturns related to climate change

The Importance of Collaboration and Partnership

The strategies and actions of this plan assume and expect that Spokane and its regional partners will continue our shared history of collaboration and co-creation. Together we work smarter and more efficiently while building trust and amplifying our shared goals.

How this Plan is Organized

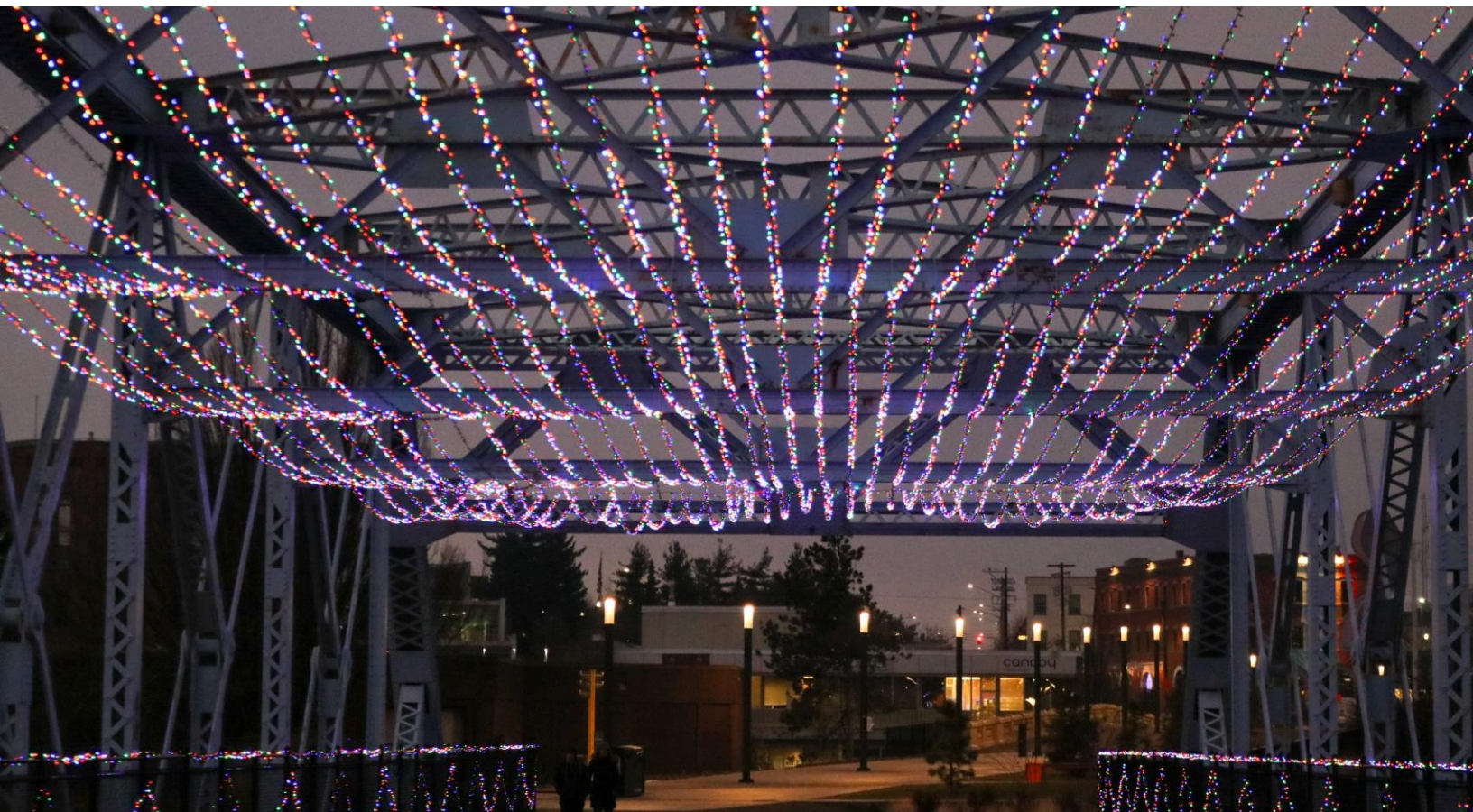
The Spokane Sustainability Action Plan presents goals, strategies, and actions to mitigate and adapt to the impacts of climate change. The Plan is organized around these focus areas:

- Equity Considerations & Strategies
- Seven Sector Strategies
- Implementation Strategies

How We Work

For each focus area, this document describes the City of Spokane's sustainability goals, related strategies, and actions for achieving those strategies. The strategies and actions outlined were identified priorities by the Spokane community, the City of Spokane, and the Sustainability Action Subcommittee. Each focus area is organized in the following manner:

- **Goals** set the vision for action that must be taken within each sector.
- **Strategies** outline a more specific framework for implementation of the Sustainability Action Plan goals.
- **Priority Actions** are actions within a strategy that are prioritized from a broader set of potential actions through an evaluation of projected cost, effectiveness, feasibility, and co-benefits.



THE 7 SECTORS



Buildings & Energy

refers to Spokane's desire to be a leader of carbon-efficient building science, helping builders and property owners meet the Washington State Energy Code's requirement for all new buildings to be emissions neutral by 2031, as well as to meet the large and growing need to retrofit buildings to reduce emissions



Transportation & Land Use

refers to promoting livable neighborhoods for people of all backgrounds and means and seeking land use strategies for the City of Spokane that minimize the negative impact on the environment while promoting equity, affordable housing, and transportation choices



Waste Diversion and Material Conservation

refers to the work that Spokane and its residents are doing to be innovative champions of materials use, reuse and conservation, and environmental stewardship



Water Resources

refers to the protection and management of the Spokane River aquatic system and the Spokane Valley-Rathdrum Prairie Aquifer to ensure a clean and sustainable water supply, and the management of the associated watershed land use and activities that impact water resources directly or indirectly



Economic Prosperity

refers to the balance of costs and opportunities associated with adapting to and mitigating the climate crisis. Creating resiliency in our City means investing in local business and neighborhoods to help them thrive both during times of economic growth and times of economic challenges



Natural Environment

refers to ensuring that clean air, clean water, and a healthy tree canopy is a community right and can prepare the community to mitigate the risks of climate change, ensure equitable access to open spaces, and provide habitat for beneficial species



Health & Wellbeing

refers to the work of creating a city with local leadership that prevents potential problems by proactively investing in public health and emergency services, housing, and resiliency infrastructure

CO-BENEFITS OF A SUSTAINABILITY PLAN



In addition to the benefits of reducing the impacts of climate change, many of the strategies and actions addressed in this SAP will enhance our lives in Spokane. For example, increasing energy efficiency in buildings will reduce the daily costs involved in heating or cooling buildings, both residential and commercial.

In 2016 Spokane Transit (STA) expected to save at least \$120,449 a year as a result of energy-efficient improvements made to its bus maintenance facilities.⁴

Improved Environment Means Higher Quality of Life for All

Spokane is known for its high quality of life.⁵ Many sustainability and climate actions recommended in this Plan will help to maintain and even improve our quality of life that may otherwise be threatened if we take no action at all. From higher-paying green jobs, and lower energy costs, to greater opportunities to enjoy outdoor activities, the SAP will help ensure that Spokane will continue to be recognized for its high quality of life. We can do better than “near perfect, near nature,” and become a community that is “near perfect, in tune with nature.”

Economic Opportunity Creates Resilience

Spokane can improve its resilience to climate change by adopting green business practices and creating living wage jobs. Capitalizing on climate solutions, rather than continuing business as usual will better position us for the economic opportunities of the future. Greater Spokane Incorporated has been recognized for its work with local businesses and community organizations to increase energy efficiency and promote conservation.⁶ To foster economic resilience for our region’s unique small businesses, Spokane Independent Metro Business Alliance launched an online Live Local marketplace in 2020. Actions like these create a stronger local economy.

Human Health & Wellbeing

The health of residents is affected by the lifestyle choices available to us and the impacts of the pollution generated by burning fossil fuels. Spokane has a strong network of recreational cycling trails, and we need additional investment to develop safe and well-maintained commuter bike routes. The Downtown and East Central neighborhoods are particularly affected by air pollution from vehicles on the freeway. Investing in bicycle infrastructure not only increases health outcomes for the cyclist, but it also reducing air pollution for all.

Increased Equity Improves Livelihoods

The poorest zip code in the northwest is 99201, downtown Spokane and West Central, where the median income is \$26,685.⁷ As we work to improve environmental outcomes and create a clean fuel economy, we will create new job opportunities and better living conditions for people who were left behind in the fossil-fuel era.

Look for these co-benefits highlighted at the beginning of each chapter!



Improved Environment



Economic Opportunity



Health & Wellbeing



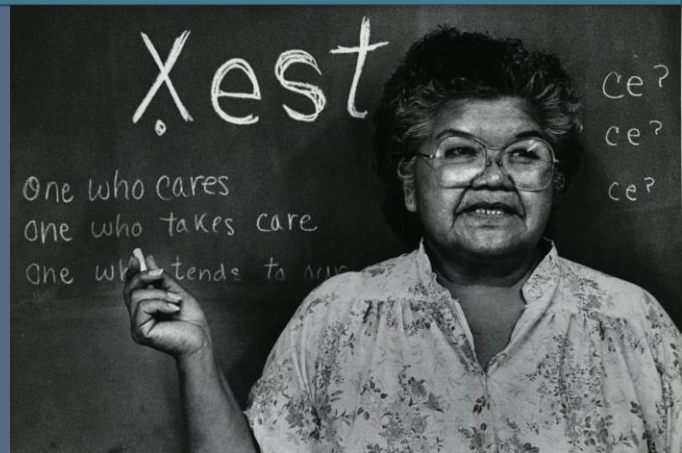
Increased Equity

THE SPOKANE PEOPLE

Pauline Flett, a Spokane Tribe elder who played an instrumental role in preserving the tribe's Salish dialect, teaches a course in 1983.

For more information on Pauline's work, watch this [video](#).⁸

Photo Credit: Spokesman Review



Acknowledgment of Tribal Lands

We acknowledge that we are on the unceded land of the Spokane people. And that these lands were once the major trading center for the Spokanes as they shared this place and welcomed other area tribes through their relations, history, trade, and ceremony. We also want to acknowledge that the land holds the spirit of the place, through its knowledge, culture, and the original peoples Since Time Immemorial. As we take a moment to consider the impacts of colonization may we also acknowledge the strengths and resiliency of the Spokanes and their relatives. As we work together making decisions that benefit all, may we do so as one heart, one mind, and one spirit. We are grateful to be on the shared lands of the Spokane people and ask for the support of their ancestors and all relations. We ask that you recognize these injustices that forever changed the lives of the Spokane people and all their relatives. We agree to work together to stop all acts of continued injustices towards Native Americans and all our relatives. It is time for reconciliation. We must act upon the truths and take actions that will create restorative justice for all people.

xest is a Salish word meaning: One who cares, one who takes care

The first language used in our region was a dialect of Salish, a family of languages spoken by indigenous people of the Pacific Northwest. This language is rich in words and expressions that convey appreciation and care for the gifts of the natural world. A few local Salish words are adopted into this plan to transmit the reverence the Spokane Tribe has always shown to preserving our water, land, and other natural resources. The word xest means, good, in the sense of one who cares, one who takes care. The Spokane Tribe has an ancient legacy of being ones who care for this beautiful spot of earth that we call home.

We honor the memory and work of Pauline Flett, pictured above, and other elders whose tireless efforts to help preserve the Salish language and the translating of many of the traditions and stories of this ancient indigenous people has enhanced our understanding of the Spokane Tribe as good stewards of the natural world. Pauline broadened our view of this beautiful land by revealing its long history. The mission statement of the Spokane Tribe's Natural Resources Department to "Preserve, Protect Manage and Enhance the long-term sustainability of the natural resources for present and future generations" is a continuation of the Native American legacy. May each of us be xest, one who cares for our natural environment.



SUSTAINABLE DEVELOPMENT GOALS

In 2015, after decades of research, consultation, and planning, all 193 nations of the world signed onto a set of Sustainable Development Goals (SDGs) to help restore a rapidly deteriorating natural world, and an unjust and unsustainable economic system.

People everywhere are being impacted by the many dire consequences of the climate crisis: rising temperatures, poor air quality, polluted water, declining ecosystems, and many other emerging problems. It is our vision that through our action, the Spokane Community will serve as a model for other cities around the globe.

Although this Spokane Sustainability Action Plan was developed using a local framework, we saw value in identifying alignment with the global project. This Plan specifically acts on the following eight SDGs.

SUSTAINABLE DEVELOPMENT GOALS



Zero Hunger

During the COVID-19 pandemic and subsequent economic crisis, we witnessed many in our community struggle to put food on the table. Creating a regional response to hunger means coordinating efforts to make our local food system stronger and more agile to emerging challenges.



Clean Water *xsetk*[™]

xsetk[™] - means "good clean water" in Salish, the language of the Spokane Tribe who has lived here for many centuries. For the Spokane People, water is sacred. For centuries, the river and the Salmon provided for many of their needs. The Spokane are "a river people," holding regular tribal gatherings on the banks of the river near our current day City Hall. Today, we all have a responsibility to protect our "good clean water."



Industry, Innovation, & Infrastructure

Buildings and industry contribute approximately 50% of Spokane's carbon emissions. By developing energy efficient buildings and finding innovative ways to approach economic growth and development, we can move toward lasting solutions to economic and environmental challenges, promote energy efficiency, and create new jobs.



Solar panels on the Catalyst Building Photo
Credit: Kara Odegard

The Sustainable Development Goals are the blueprint to achieve a better and more sustainable future for all. They address the global challenges we face, including poverty, inequality, climate change, environmental degradation, peace and justice.

SUSTAINABLE DEVELOPMENT GOALS



Sustainable Cities & Communities

Our overall goal is an equitable, inclusive, safe, livable, vibrant, fun and prosperous city. This is a challenging task. We need to talk to citizens and look to other cities around the world for the information and ideas of how to accomplish it. Other cities will in turn observe and weigh our progress in Spokane. In this way Spokane's example can have impacts far beyond our urban boundaries. If we can do it, the world can do it.



Responsible Consumption & Production

By changing the ways we produce and consume goods and resources, we can divert materials from incineration and maximize their use to reduce impacts to our environment. Responsible consumption and production means reduce, reuse, and recycle materials in that order.



Climate Action

Something as simple as planting trees, which has been a special project of Spokane for the last century, can help remove pollution in Spokane and around the world. This is a ready example of how people create solutions in their own communities that benefit the entire world. Many other projects, such as increasing the walking and biking paths, outlined in this Plan align with this Climate Action goal.



Life Below Water *nx^wyx^wyetk^w*

We enjoy beautiful fresh water sources such as lakes, streams, rivers, wetlands, and ponds in Spokane. Each of these *nx^wyx^wyetk^w* (life in the water/life from the water - water lifeways) must be protected if they are to survive for future generations. Spokane's well-established system of monitoring waterways and limiting what goes in them is an example of good stewardship that can protect our fish and serve as an example to many places in the world.



Life On Land

How land is used is a key to a clean environment. Spokane's own Riverfront Park is the perfect showplace of this idea. It replaced carbon-puffing trains with spirit-enhancing trees, the ideal of a "green economy." We can promote business while enhancing the environment. For example, the City's Urban Forestry program improves life in the city, while it contributes to a clean environment for insects, birds, animals, and humans alike.


PATH FORWARD FOR SPOKANE


The City of Spokane is committed to enhancing a 50-year legacy of action and leadership, ensuring a sustainable, equitable and secure future for all citizens. We can accomplish this by reducing greenhouse gas emission, promoting high standards for water, air and natural resources, and by following and creating best practices as determined locally, nationally and globally to help promote a sustainable ecosystem. We are intent on ensuring a just and resilient economy and a healthy community full of happy, engaged citizens.

SUMMARY OF SECTOR STRATEGIES

Plan Summary

Each strategy identified in this plan was evaluated against four primary factors: greenhouse gas (GHG) reductions, social benefits, upfront costs, and long-term economic benefits. More analysis will be necessary during the implementation stage and over time to determine specific costs and benefits.

 Buildings & Energy	
GOAL 1. Encourage efficient, renewable energy buildings that meet WA Clean Buildings Act Energy Use Intensity (EUI) targets	
BE 1	Strategy 1. Ensure new construction is as efficient as possible and ready to utilize renewable energy
BE 2	Upgrade existing buildings for high efficiency and renewable energy sources; increase energy efficiency at publicly-funded facilities
GOAL 2. Promote local production and sourcing of renewable energy	
BE 3	Invest in community-scale and distributed energy generation and storage
BE 4	Harness energy from waste resources
BE 5	Neutralize carbon emissions from fossil gas and other fossil fuels used in buildings & transportation
GOAL 3. Engage community in energy efficiency and renewable energy	
BE 6	Partner with regional building, energy, & efficiency organizations for public education & outreach

 Transportation & Land Use	
Goal 1: Encourage land use policies that support walkable, livable, sustainable communities for all	
TL 1	Advance land use planning to minimize vehicle miles traveled (VMT)
TL 2	Encourage sustainable land use that promotes varied housing options and infill development
GOAL 2. Reduce motor vehicle miles traveled (VMT) and promote active transportation modes	
TL 3	Increase transit ridership
TL 4	Increase adoption of walking, cycling, and micromobility
TL 5	Improve transportation safety
TL 6	Support existing & new programs to reduce VMT
GOAL 3. Advance alternative and low carbon fuel in regional transportation	
TL 7	Increase adoption rate of Zero Emission Vehicles (ZEVs) including electric bicycles
GOAL 4. Integrate Sustainability Action Plan goals, strategies, and actions into City planning	
TL 8	Update comprehensive plan to incorporate climate action and updated sustainability goals
TL 9	Ensure the City's process for approving development and service extensions addresses and prevents impacts to prime agricultural lands, critical wildlife habitats, and other natural areas in and around the city

SUMMARY OF SECTOR STRATEGIES



Waste Diversion & Material Conservation

GOAL 1. Invest in waste diversion programs to substantially reduce volume of Municipal Solid Waste (MSW)

WD 1 | Maximize composting of inedible food, yard waste, and other organic waste

WD 2 | Minimize food waste generated by residents and businesses

GOAL 2. Boost regional economic opportunity by promoting circular waste programs

WD 3 | Promote, support, and incentivize a circular economy

WD 4 | Support state-wide and regional waste management solutions



Water Resources

GOAL 1. Protect the Spokane River and natural aquatic ecosystems (wetlands, shorelines, aquatic ecosystems biodiversity, streams, floodplains, aquifer recharge areas)

WR 1 | Protect water quality, fish, wildlife, ecosystem function, and no-impact recreational opportunities in the Spokane River through responsible, long-term watershed planning and management

WR 2 | Build climate resilience in natural water systems through responsible watershed planning

WR 3 | Actively manage pollution within Spokane River and SRVP Aquifer

WR 4 | Support the protection, restoration, and reintroduction of native fish species and their habitats in the Spokane River Watershed

WR 5 | Improve stormwater and wastewater management

GOAL 2. Ensure sustainable water supply

WR 6 | Work with regional partners to reduce pumping from the Spokane Valley Rathdrum Prairie (SVRP) Aquifer in the face of projected population growth and future climate

WR 7 | Create clear process and policies for assessing and approving land use and development that will impact future aquifer pumping volumes

GOAL 3. Educate & engage community in water resources stewardship

WR 8 | Promote opportunities to engage the community

WR 9 | Promote and fund City programs that align with the Water Conservation Master Plan

GOAL 4. Establish partnerships with regional organizations and agencies to leverage funding and invite community input

WR 10 | Partner with regional groups to provide City input for Spokane River Watershed/SVRP Aquifer management plans and projects

WR 11 | Identify opportunities to acquire and restore critical areas, natural areas, and connect riparian corridors for protection and conservation



SUMMARY OF SECTOR STRATEGIES



Economic Prosperity

GOAL 1. Invest and promote a just, regenerative, and resilient local economy

- | | |
|------|---|
| EP 1 | Engage with regional and neighborhood business associations to create coordinated economic resiliency |
| EP 2 | Expand access to sustainable business practices & resources |

GOAL 2. Ensure local workforce has access to affordable healthcare, transportation, housing, and education

- | | |
|------|--|
| EP 3 | Adopt and implement regional policies and initiatives that support workers and individuals |
| EP 4 | Support just and sustainable State and Federal economic development policies |



SUMMARY OF SECTOR STRATEGIES



Natural Environment

GOAL 1. Establish partnerships with community organizations and agencies to leverage funding and invite community input

NE 1 | Work with regional partners to align natural resource management

NE 2 | Establish funding for management of City lands

GOAL 2. Build awareness and engage the community in Natural Resources stewardship

NE 3 | Support volunteer opportunities to engage citizens in environmental sustainability projects

NE 4 | Promote City programs and projects that align with sustainability goals

NE 5 | Establish funding for education and outreach programs that promote natural resources stewardship

GOAL 3. Increase urban tree canopy and climate-adapted plant landscapes within the built environment

NE 6 | Expand urban tree canopy to capture more carbon and moderate neighborhood microclimate

NE 7 | Establish diverse, future-climate-adapted landscaping within the built environment

GOAL 4. Protect and build climate resilience in natural spaces within Spokane

NE 8 | Strengthen & support regional land conservation

NE 9 | Prevent negative impacts to natural resources and build climate resilience



Health & Wellbeing

GOAL 1. Prioritize & invest in all communities to ensure equitable outcomes

HW 1 | Increase household food security regionwide

HW 2 | Increase access to affordable housing and healthy outcomes

GOAL 2. Implement climate adaption strategies into emergency and disaster response

HW 3 | Include climate impacts in disaster and emergency management response

GOAL 3. Create community engagement around sustainability & climate action

HW 4 | Increase community awareness of climate change risks and impacts

Implementation & Monitoring

While some of the actions within this plan are well underway, over the coming months, the City of Spokane will engage with community members, businesses, institutions, and other stakeholders through the Sustainability Action Subcommittee (SAS) to make any preparations or take additional actions needed to begin plan implementation.

These actions include:

- Creating detailed implementation plans for each sector outlined in the Sustainability Action Plan. These will be known as Sector Implementation Plans
- Establishing a multi-criteria qualitative assessment process for determining implementation priorities
- Identifying and establishing regional partnerships around the goals and strategies
- Creating citizen advisory groups for programs that require considerable community engagement
- Making necessary changes to local policies or existing programs, including staffing and budget

Establishing a monitoring process enables the City to track the impacts of the actions included in the plan and compare estimated impacts to what is achieved in terms of energy savings, renewable energy production, GHG emissions reduction, conservation, and community resiliency. Assessing the implementation status of the actions will allow us to determine whether the action is performing well and to identify corrective measures. This process is also an opportunity to understand barriers to implementation and identify best practices or new opportunities in moving forward.



EQUITABLE IMPLEMENTATION



Martin Luther King Jr. Day at the East Central Community Center, 2018 Photo Credit: City of Spokane

Equity vs. Equality

Equity does not mean everyone gets an equal share, but that benefits are broadly shared. Equity focuses on outcomes, ensuring that the benefits are distributed in a way that addresses existing barriers, disparities, or disparate needs. It is critical to consider Spokane communities facing structural inequities. This includes communities facing barriers based on race, ethnicity, income, gender or sexuality, language, and physical accessibility, as well as other marginalized groups.

Health & Equity

Social inequities across our community play a significant role in the health outcomes of our citizens. Because of this, the effects of climate change are expected to more significantly impact our most vulnerable residents. Also referred to as social determinants of health, these disparities are influenced by education, income, race, access to healthcare, and even by the neighborhoods in which we live. For more information on health equity and climate change, visit the World Health Organization's website⁹ or the Washington State Department of Health's website.¹⁰

Disproportionally Exposed vs. Disproportionally Susceptible

The indicators of harmful heat and air quality associated with climate change pose health risks to all Spokane County residents. However, these risks are unlikely to be distributed uniformly across all demographic groups. It is thus necessary to identify populations who may be either **disproportionately exposed** to these indicators or **disproportionately susceptible** to adverse health consequences of exposure. Groups commonly vulnerable to higher exposure include individuals who are low income, homeless or work outdoors, as well as school-age children and communities of color. Groups who may be disproportionately susceptible to the adverse health consequences of exposure include individuals who are elderly or disabled, individuals with pre-existing cardiovascular or respiratory disease risk factors, and individuals without access to health insurance. An evaluation of vulnerable populations in Spokane is necessary to develop mitigation and resilience strategies most effectively and equitably.

Historically, the working class, Black, Indigenous, people of color, LGBTQ, and under-resourced communities have been excluded from decision-making processes. Additionally, the benefits or burdens of policies, programs, and investments have not always been fair or shared equitably across all people. Equity can be accomplished through understanding historical discrimination and addressing the unjust systems.

Not everyone will experience the impacts of climate change the same way. Inequities that already exist in Spokane, for example in housing and healthcare, will be heightened by climate impacts.

EQUITY CHECKLIST

Operationalizing Equity

To help ensure equitable outcomes in our planning, the Sustainability Action Subcommittee used this equity checklist, originally developed by the City of Flagstaff. This framework draws on the City of Portland's Climate Action Plan. It provides a foundation for SAP's equity process. As the Sustainability Action Subcommittee developed the strategies and actions in this plan, they used the following checklist to ensure benefits could be shared equitably across our community without creating unintended negative consequences to any geographic area or group of people. An additional equity analysis will be conducted prior to implementation in order to ensure the City is prioritizing action to communities most in need.

Impact Analysis

- ☐ Disproportionate outcomes: Does the proposed action generate direct or indirect burdens (including costs) to historically underserved communities? If yes, what opportunities exist to mitigate these impacts?
- ☐ Shared benefit: Are the benefits dispersed not only equally, but equitably? Does the proposed action reduce disparities as indicated on the Washington Environmental Health Disparities Map?¹¹
- ☐ Accessibility: Are the benefits of the proposed action broadly accessible to all residents and businesses throughout Spokane, with consideration of small businesses and those owned by marginalized groups?
- ☐ Capacity: Does the proposed action help build community capacity through funding and expanded knowledge base, or other resources?
- ☐ Accountability: Does the proposed action have appropriate accountability mechanisms to ensure that the communities mentioned above, as well as any other vulnerable communities, will:
 1. Not be disproportionately harmed
 2. Share in the benefits equitably

Empowering Community

- ☐ Relationship building: Does the proposed action help foster the building of effective, long-term relationships and trust between diverse communities and local governments?
- ☐ Engagement: Does the proposed action engage and empower the above communities in a meaningful, authentic, and culturally appropriate manner? Are community stakeholders involved and engaged in implementation?
- ☐ Alignment and partnership: Does the proposed action align with and support existing priorities of the communities listed above, creating an opportunity to leverage resources and build collaborative partnerships?
- ☐ Economic opportunity and staff diversity: Does the proposed action support the above groups through workforce development, contracting opportunities, and increased diversity of City staff and volunteers?



If we don't figure out a way to create equity, real equity, of opportunity and access, to good schools, housing, health care, and decent paying jobs, we're not going to survive as a productive and healthy society.

--Tim Wise, author

Environmental justice is the movement to ensure that no community suffers disproportionate environmental burdens or goes without enjoying fair environmental benefits.

-- Van Jones, author

Environmental Justice Program

Members of the Sustainability Action Subcommittee Equity Workgroup, City staff, and community-based organizations have outlined a plan for an environmental justice project in Spokane. Initial funding for this project is provided by a National League of Cities, Resilient Communities grant award. The goal of our project is to make social and racial justice a central priority in our City's environmental work. We aim to establish an environmental justice advisory group and to partner with communities disproportionately impacted by climate change to inform the implementation of our Sustainability Action Plan. Recommendations recently published by the Washington State Environmental Justice Task Force¹² will provide a framework to guide Spokane's work.



Summer Art Program at the Corbin Art Center
Photo Credit: Spokane Parks & Recreation

Overarching Goal:

Increase resiliency in underserved and highly impacted communities in Spokane by reducing environmental health disparities exacerbated by climate change.

Environmental Justice Strategy: Identify, engage with, and prioritize support for at-risk populations (Environmental Justice Program)	
Priority Actions	
EJ 1.1	Establish an Environmental Justice & Equity Workgroup by leveraging partnerships with Community Based Organizations supporting traditionally underserved communities
EJ 1.2	Identify the communities that are disproportionately at risk of climate impacts
EJ 1.3	Identify and prioritize the most urgent issues impacting the at-risk communities
EJ 1.4	Create an environmental justice (EJ) work plan for meaningful and continued engagement around the issues identified above
EJ 1.5	Implement EJ work plan
EJ 1.6	Adopt equity framework when creating detailed implementation plans to support this Plan

▶ Action in-progress

▶ Action complete

SUSTAINABLE WORKFORCE

This Plan contemplates great economic change to our community - change that is destined to occur whether we plan wisely for it or not. Such transformations in the past have caused great economic and geographic dislocation for workers. It is our goal to bring all our citizens into the future on secure economic footing.

Photo Credit: J. Craig Sweat Photography



Sustainable Workforce

Spokane will achieve our target of becoming a low-emission, sustainable city in thirty years by investing in energy efficiency, clean energy, infrastructure improvements, materials conservation, and nature-based solutions. These ambitious initiatives will require a skilled workforce and innovative leadership ready to position Spokane businesses to take advantage of the economic opportunities this transition brings to our region. These opportunities have the potential to boost our local economy, but gains will require investments and planning will need to be made to ensure no one gets left behind. Transforming and mobilizing Spokane's workforce will require some investments and preparation in the areas of workforce development, labor protections, and place-based solutions developed by those industries and people most impacted.

In order to ensure our region is prepared to make this transition, the following actions have been identified as important next steps.

Sustainable Workforce Strategy: Invest in next generation of sustainable workforce with an emphasis on safety and security

Priority Actions

▶ SW 1.1	Establish a workforce development technical advisory group for the purpose of identifying opportunities to preserve existing skilled workforce while meeting emerging needs in clean energy, circular economy, and conservation sectors
SW 1.2	Expand local and national apprenticeship programs to meet growing demands for a skilled workforce
SW 1.3	Recruit and train next generation energy workers with an emphasis on promoting programs that advance equity and diversity
SW 1.4	Invest in local & regional projects and jobs
SW 1.5	Ensure that any equity framework for decision-making as it relates to this Plan includes an analysis of workers in potentially vulnerable sectors
SW 1.6	Partner with regional colleges, universities, businesses, nonprofits, unions, tribes, and tribal agencies to promote renewable energy projects, micro-grids, and workforce training
SW 1.7	Require workplace safety protection and labor protections for energy industry workers

▶ Action in-progress

▶ Action complete

IMPLEMENTATION STRATEGIES

Accomplish the goals outlined in this plan, it will require ongoing effort by City leadership, City staff and community members. City Council will be responsible for overseeing the implementation and progress of this plan, and an annual report on implementation progress will be completed by the SAS in conjunction with City staff and community partners.

The following strategies outline a framework for implementation of the Sustainability Action Plan goals, strategies, and actions.



Strategy 1. City of Spokane formally commits to climate action

Priority Actions

▶	IS 1.1	Continue to meet the requirements of the Global Covenant of Mayors
▶	IS 1.2	Formally adopt new greenhouse gas goals (GHG) goals into Spokane Municipal Code (SMC) to match the goals outlined in this plan (2021)
▶	IS 1.3	Continue to partner with ICLEI-Local Governments for Sustainability year over year to conduct GHG inventories and measure progress toward our goals
	IS 1.4	Develop a mitigation and adaptation matrix to help with internal City decision making
	IS 1.5	Add Climate Action to the City's Comprehensive Plan

Strategy 2. Develop foundation for successful Plan implementation

Priority Actions

	IS 2.1	The Sustainability Action Subcommittee (SAS) shall collaborate with relevant City Departments and community stakeholders to create detailed Implementation Plans for each of the seven chapters of this Plan
	IS 2.2	The SAS shall continue to provide guidance and support for the plan including community engagement around the goals and actions
	IS 2.3	Council shall develop a review process and update schedule for the Plan including requirements for an annual report. The annual report should include an analysis of all targets, strategies, and actions ensuring they remain relevant
	IS 2.4	City Council will review progress of the plan on an annual basis
	IS 2.5	The City, in partnership with the SAS and community stakeholders, will host ongoing community conversations on projected climate impacts specific to Spokane
	IS 2.6	Update City's Comprehensive Plan to include environment and climate related priorities, especially as they relate to the SAP
	IS 2.7	Review Spokane Municipal Code for alignment and make necessary updates to accommodate for Plan goals and strategies

IMPLEMENTATION STRATEGIES

Strategy 3. Support sustainability & climate action within city departments

Priority Actions	
IS 3.1	During the strategic planning process, the City shall incorporate commitment to sustainability and climate action
IS 3.2	Each City Department shall identify strategies and actions where they will provide support for the plan
IS 3.3	Each Division shall identify efforts that support their department's committed strategies and actions
IS 3.4	The Mayor's proposed budget, presented during the annual budget review process, will incorporate a report on energy efficiency, water conservation, and resiliency action projects that are funded in existing work plans or will be incorporated into work plans for the upcoming fiscal year
IS 3.5	The City shall fund and assess capital and programmatic investments that are recommended to ensure the city's ability to mitigate risks associated with climate change

Strategy 4. Elevate sustainability & climate action in City Council priorities

Priority Actions	
IS 4.1	Identify areas for Council action in support of the Plan
IS 4.2	City Council shall provide annual budget funding in support of the Plan each October
IS 4.3	Identify state and federal legislative priorities that support the goals of the Plan and enable implementation of Plan strategies and actions
IS 4.4	Prior to approving the annual budget, strategic plans, or department plans, Council will ensure that the budget or plan aligns with our commitment to the SAP

Strategy 5. Direct Sustainability Action Subcommittee (SAS) to aid in implementation of this Plan

Priority Actions	
IS 5.1	Identify and foster community partnerships in support of the plan
IS 5.2	Create a process to identify and track external funding opportunities
IS 5.3	Each SAS workgroup shall continue to ensure the strategies and actions in their sector(s) remain relevant and update sector goals, strategies, and actions on a regular basis
IS 5.4	Continue to provide ongoing policy & budgetary recommendations toward meeting plan goals

Strategy 6. Ensure adequate staff capacity to implement Plan

Priority Actions	
IS 6.1	All City staff shall be invited to participate in accomplishing the goals of the SAP
IS 6.2	Department and Division managers are responsible for communicating Department and Division goals and commitment to the plan to their staff members
IS 6.3	The Administration and Council shall partner on aligning City programs to amplify both the program itself and progress toward the Plan's goals
IS 6.4	City Council will ensure that City Departments have identified funding for their committed strategies and actions toward Plan goals prior to approving the annual budget

IMPLEMENTATION STRATEGIES

Strategy 7. Develop a city-wide climate plan integration process

Priority Actions

IS 7.1	Conduct a community-wide GHG inventory every two years using ICLEI's Clear Path protocol; the inventory shall include an assessment of local government operations as well.
IS 7.2	Partner with the City's Emergency Management Director, Council's Manager of Sustainability Initiatives, Climate Impact Research Consortium, the SAS, and other local stakeholders to complete the Climate Vulnerability Assessment (2021)
IS 7.3	Engage with regional efforts related to resiliency in order to align Plan objectives with regional priorities and collaborate where alignment occurs
IS 7.4	Integrate projected climate impacts into data models for risk assessment
IS 7.5	Develop a disaster preparedness plan for both natural and man-made disasters

Strategy 8. Integrate equity considerations into Plan implementation

Priority Actions

IS 8.1	Work with Manager of Equity & Inclusion to ensure the City uses an equity review process during implementation
IS 8.2	Work with Manager of Equity & Inclusion for on-going improvement of the equity review process
IS 8.3	Partner with community organizations, Neighborhood Councils, and others to ensure engagement with BIPOC and low-income communities not only with implementation of the plan, but also as part of the ongoing improvements to the plan
IS 8.4	Engage community members from all income levels, races and ethnicities, political persuasions, and neighborhoods in Plan outreach efforts
IS 8.5	Incorporate equity indicators into monitoring and evaluation processes

Strategy 9. Engage Spokane residents to participate in building awareness, identifying solutions, and acting on Plan goals

Priority Actions

IS 9.1	The SAS Environmental Justice & Equity and Communication Workgroups shall continue to build partnerships in the community, identify community needs, determine barriers to participation, recommend ways to make climate action events more accessible to residents, and ensure that Plan implementation follows established equity recommendations and processes
IS 9.2	Partner with Urbanova, The ZoNE Project, APIC, NAACP, and other community-based organizations to understand environmental justice issues impacting our community
IS 9.3	Roll out customized Community Climate Solutions website (2021)
IS 9.4	Support programs and opportunities for youth to be actively involved in decision-making and climate action
IS 9.5	Maintain and promote strategies and actions for community participation as part of on-going plan revisions and implementation
IS 9.6	Partner with Spokane Arts and other creative and artistic organizations to build awareness around the goals, strategies, and actions of the SAP

IMPLEMENTATION STRATEGIES

Strategy 10. Support community leadership on climate action

Priority Actions	
IS 10.1	Create comprehensive list of community partners for climate action using stakeholder mapping methodology
IS 10.2	Work with SAS to ensure continual engagement and action in various areas of the Plan: education & outreach, natural resources, waste & recycling, environmental justice, etc
IS 10.3	Partner with climate and conservation focused nonprofit organizations to align on mutual priority areas

Strategy 11. Report regularly to the community on greenhouse gas emissions and climate action

Priority Actions	
IS 11.1	Continue to update and publish greenhouse gas emissions inventories for both the City of Spokane municipal organization and the Spokane community
IS 11.2	Create an online dashboard to illustrate progress on the Plan's actions. This dashboard will be updated annually, with indicators showing which actions have been completed, which are in progress, and which have not been started





BUILDINGS & ENERGY

Co-Benefits



Offers significant opportunities for GHG reduction and improves air and water quality.



Provides substantial energy savings to businesses and building owners. Increases property values and makes Spokane a more economically desirable place to live.



Improves health outcomes by reducing air and water borne particulates, especially for vulnerable populations.



Provides energy efficiency programs that allow people of all income levels choices to realize savings on utilities.

SDG Alignment





Buildings & Energy

It is our vision to make Spokane a center of carbon-neutral building science and energy production achieving key benchmarks ahead of state mandates. We will engage the passion of our community along with commercial expertise to drive forward a thriving local green economy. We will accomplish this low-carbon, energy efficient future through investing in a skilled workforce capable of supporting the energy needs of a thriving city while also providing family-waged, sustainable employment for our residents.



Sector Level GHG Targets: Buildings & Energy

Emission Source	2016 Baseline 2,108,796 MT		2030 Reduction Target 45% & 948,958 MT		2040 Reduction Target 70% & 1,476,155 MT		2050 Reduction Target 95% & 2,003,356 MT	
	Metric Tons CO ₂ e	Percent of Total	Metric Tons CO ₂ e	Percent Reduction	Metric Tons CO ₂ e	Percent Reduction	Metric Tons CO ₂ e	Percent Reduction
Electricity	587,418	28%	83,114	80%	41,557	90%	0	100%
Gas	381,273	18%	411,163	30%	205,581	65%	24,369	95%

Comprehensive Plan Alignment

Chapter 5: Capital Facilities and Utilities

CFU 1: Adequate Public Facilities and Services

CFU 3: Coordination

CFU 5: Environmental Concerns

CFU 6.2: Economic Development

Chapter 6: Housing

H 1: Housing Choice & Diversity

H 2: Housing Quality

Chapter 7: Economic Development

ED 1: Cooperative Partnerships

ED 2: Land Availability for Economic Development

ED 6: Infrastructure

ED 8: Quality of Life and the Environment



Action in-progress



Action complete

GOAL 1. Encourage efficient, renewable energy buildings that meet WA Clean Buildings Act Energy Use Intensity (EUI) targets

Strategy 1. Ensure new construction is as efficient as possible and ready to utilize renewable energy

Priority Actions	
BE 1.1	The City will take a leadership role in providing direction and facilitating building decarbonization by working with local partners to implement the State energy code
BE 1.2	Build community awareness on the benefits of choosing electrification and develop incentives for installing electric air and water heating/cooling systems, including heat pumps
BE 1.3	Require installed electric hookup options for all appliances in new construction
BE 1.4	Incentivize electrification of all new construction (residential and commercial) including incentivizing electrification and renewable energy sources through City permitting process
BE 1.5	Require all new commercial buildings to install conduit and roof support for a future solar system if the building is in an appropriate location to utilize solar
BE 1.6	Encourage and incentivize renewable, low-carbon materials, such as cross-laminated timber, in construction
BE 1.7	Encourage the re-use of existing buildings, including efficiency retrofits, rather than demolishing and starting new

Strategy 2. Upgrade existing buildings for high efficiency and renewable energy sources; increase energy efficiency at publicly-funded facilities

Priority Actions	
BE 2.1	Evaluate all municipal buildings to determine a path to net neutral emissions by 2025 through retrofits or renewable energy installation, including off-site generation, to benefit under CETA programs
BE 2.2	Conduct an energy audit at Riverside Park Water Reclamation Facility (RPWRF) and Upriver Dam and install all feasible efficiency upgrades
BE 2.3	Develop and adopt a rental policy program requiring minimum energy efficiency standards for all housing rentals including requirements to make energy efficiency data available to renters; develop grant and loan program to pay for upgrades
BE 2.4	Participate in energy efficiency and conservation programs offered by local utilities for City owned facilities
BE 2.5	Continue to provide flexible work schedules, work-from-home, and shared workspaces for City employees to demonstrate efficient use of office resources
BE 2.6	Subsidize home energy efficiency retrofits for affordable housing units

GOAL 2. Promote local production and sourcing of renewable energy

Strategy 3. Invest in community-scale and distributed energy generation and storage

Priority Actions	
BE 3.1	Introduce local incentives for solar and continue to support solar incentives at the State & Federal level
BE 3.2	Research the feasibility and provide recommendations by 2025 for onsite renewable energy policy on new residential & commercial buildings
BE 3.3	Include energy storage solutions as part of City of Spokane's Energy Initiatives
BE 3.4	Evaluate energy storage at Waste to Energy (WTE)
BE 3.5	Partner with local energy companies to create and implement a citywide plan for large-scale, community solar installations
BE 3.6	Partner with local utility companies to identify renewable energy installations most beneficial to the grid

Strategy 4. Harness energy from waste resources

Priority Actions	
BE 4.1	Evaluate forestry slash to energy
BE 4.2	Evaluate diversion of biological waste materials to higher-value end uses, such as biofuel and soil amendments, at Waste to Energy (WTE)
BE 4.3	Plan for alternatives to biogas flaring at Riverside Park Water Reclamation Facility (RPWRF)
BE 4.4	Evaluate anaerobic digestion of green waste
BE 4.5	Evaluate electricity generation from waste straw at WTE

Strategy 5. Neutralize carbon emissions from fossil gas and other fossil fuels used in buildings & transportation

Priority Actions	
BE 5.1	Partner with Avista to increase renewable natural gas (RNG) into the gas supply
BE 5.2	Source renewable natural gas or green hydrogen for City fleet vehicles currently using compressed natural gas and expand to other heavy-duty vehicles
BE 5.3	Explore options to expand the use of compressed natural gas or green hydrogen in City owned vehicles where electricity is not a valid fuel option
BE 5.4	Partner with local businesses and compressed natural gas providers to explore expanding the use of renewable natural gas and green hydrogen in private fleet vehicles currently using compressed natural gas as a fuel source

GOAL 3. Engage community in energy efficiency and renewable energy

Strategy 6. Partner with regional building, energy, & efficiency organizations for public education & outreach

Priority Actions	
BE 6.1	Offer a clearinghouse for information, advertising grant and other programs to building owners and construction contractors; job opportunities to workers; etc.
BE 6.2	Research and amplify community energy efficiency programs particularly those with a focus on low-income households
BE 6.3	Partner with Spokane Public Schools and local energy experts to establish renewable energy & energy efficiency curriculum across all major academic areas
BE 6.4	Educate community members on ways to participate in renewable energy and energy efficiency programs focusing on cost savings and health benefits
BE 6.5	Fund and implement a contractor training program led by building scientists for carbon-efficient building methods, appliances, and products
BE 6.6	Create a public outreach and scheduling hub to connect contractors with prospective customers for clean building projects

Our energy and related industry working women and men battle the elements during ice-storms, fire-storms, and wind-storms to restore our electricity. They are among first-responders. They labor to keep us warm in the Winter and cool in the Summer during times of crisis and calm. This plan, and the strategies being proposed respects the training (as many as 5 years and ten-thousand hours in registered apprenticeship programs), expertise, and invaluable contributions that our energy and related industry workers make to our Spokane society every day. Energy and related industry workers should not be a casualty of climate change.

Exciting innovations in energy supply and storage are being made every day. We know that our Spokane energy and related industry workers are on the cutting edge of the renewable energy sources production and delivery systems. In times where technologies of the future may be unknown, the workforce and the industry need to continue to have the support of our communities as it pertains to the parallel movement of technologies and training of the workforce.



“The new Catalyst building aims to be one of the largest zero-carbon, zero-energy buildings in North America, as certified by the International Living Future Institute (ILFI). The adjacent Morris Center will be the heart of an innovative shared energy model called an Eco-District, where a centralized plant will power the two new buildings and additional buildings in the future.”

-- catalystspokane.com



TRANSPORTATION & LAND USE

Co-Benefits



Offers significant opportunities for GHG reduction and improves air and water quality.



Reduces costs for residents and keeps more dollars in our local economy while creating greater energy independence.



Improves health outcomes by reducing air and water borne particulates, especially for vulnerable populations. Offers both physical and mental health benefits.



Provides more options for housing and transportation at all income levels and improves transportation safety for people of all ages and abilities can participate.

SDG Alignment





TRANSPORTATION & LAND USE

We envision a Spokane that preserves land at the edges of the city and promotes livable neighborhoods for people of all backgrounds and means. We accomplish this by creating a set of land use strategies for the City of Spokane that minimize negative impacts on the environment while promoting equity by promoting development that:

- encourages diverse housing opportunities in all neighborhoods and for all income levels
- promotes walkable neighborhoods
- preserves and expands green spaces
- supports all modes of transportation with special consideration for sustainable modes
- reduces the financial burden of maintaining city-owned infrastructure



Sector Level GHG Targets: Transportation & Land Use

Vehicle Type	2016 Baseline		2030 Reduction Target 45% & 948,958 MT		2040 Reduction Target 70% & 1,476,155 MT		2050 Reduction Target 95% & 2,003,356 MT	
	Metric Tons CO ₂ e	Percent of Total	Metric Tons CO ₂ e	Percent Reduction	Metric Tons CO ₂ e	Percent Reduction	Metric Tons CO ₂ e	Percent Reduction
Passenger, light duty truck, motorcycle	600,227	28%	300,114	50%	60,227	90%	0	100%
City Fleet (also included above)	10,070	.5%	5,035	50%	2,517	75%	0	100%

Comprehensive Plan Alignment

Chapter 3: Land Use

- LU 1: Citywide Land Use
- LU 3: Efficient Land Use
- LU 4: Transportation
- LU 8: Urban Growth Area
- LU 10: Joint Planning

Chapter 4: Transportation (most sections)

Chapter 6: Housing

- H 1: Housing Choice & Diversity
- H 2: Housing Quality

Chapter 7: Economic Development

- ED 1: Cooperative Partnerships
- ED 2: Land Availability for Economic Development

ED 6: Infrastructure

ED 8: Quality of Life and the Environment

Chapter 10: Social Health

SH 8: Food Access & Security

Chapter 12: Parks and Recreation

PRS 3: Bicycle and Pedestrian Circulation

▶ Action in-progress

▶ Action complete

TRANSPORTATION & LAND USE

GOAL 1. Encourage land use policies that support walkable, livable, sustainable communities for all

Strategy 1. Advance land use planning to minimize vehicle miles traveled (VMT)

Priority Actions	
TL 1.1	Increase the supply of attainable housing in proximity to employment opportunities, activity centers and the high-frequency transit network
TL 1.2	Review and revise parking requirements for all types of development, including provisions and credit for bike parking
TL 1.3	Ensure new developments and major redevelopments maintain and enhance connectivity of the pedestrian, bicycle, and street networks
TL 1.4	Increase parking lot tree coverage requirements (alt: solar panel)
TL 1.5	Create and implement bicycle parking plan
TL 1.6	Facilitate mixed use development by allowing appropriately scaled commercial and multi-family use in residential zones to promote active transportation and provide varied housing options as identified in the 2021 Housing Action Plan
TL 1.7	Prioritize development of people-centered neighborhoods that promote safe walking, biking, and transit, i.e. 15-minute neighborhoods
TL 1.8	Identify commercial areas where it is appropriate to limit or restrict automobiles and prioritize walking, biking, and micromobility
TL 1.9	Encourage transit-oriented development (TOD) in City planning
TL 1.10	Build awareness on how density and effective land use help meet sustainability goals

Strategy 2. Encourage sustainable land use that promotes varied housing options and infill development

Priority Actions	
TL 2.1	Revise land use and zoning regulations to allow a variety of housing types in every neighborhood
TL 2.2	Adopt accessory dwelling unit (ADU) reform to encourage more of this housing type
TL 2.3	Audit City development code to identify and eliminate constraints and conditions to promote varied housing and infill development
TL 2.4	Revise land use and zoning to allow increased density in residential zones around high-frequency transit corridors
TL 2.5	Reduce required parcel sizes in new developments to increase density in new construction. Encourage clustered development on appropriate sites.
TL 2.6	Eliminate financial incentives for low-intensity development (i.e., surface parking)

TRANSPORTATION & LAND USE

GOAL 2. Reduce motor vehicle miles traveled (VMT) and promote active transportation modes

Strategy 3. Increase transit ridership

Priority Actions

TL 3.1	Partner with STA on their long-term planning and sustainability goals to increase frequency, coverage, and operational hours
▶ TL 3.2	Lobby for transit funding at the State and Federal Level
TL 3.3	Support STA efforts to continue upgrading bus stops and include more amenities such as shelters
TL 3.4	Work with regional partners to expand reduced and free fare programs
▶ TL 3.5	Continue to support transit-oriented development around high frequency transit lines

Strategy 4. Increase adoption of walking, cycling, and micromobility

Priority Actions

TL 4.1	Ensure that the City bicycle and pedestrian plans are updated or revised to best support VMT reduction and sustainable transportation options. Support full implementation of these plans.
TL 4.2	Build out bike network according to Bike Master Plan
TL 4.3	Plan and buildout an all ages and abilities network of neighborhood greenways, shared use paths, and protected bike lanes
TL 4.4	Plan and prioritize construction of downtown protected "micromobility" lanes
TL 4.5	Develop and implement requirements for bicycle detours as part of all City street projects
TL 4.6	Make automatic pedestrian recall the default operation at controlled intersections
TL 4.7	Prioritize walking, biking, and multimodal transportation in budgeting and local, state, and federal funding requests
TL 4.8	Identify commercial areas where it is appropriate to limit or restrict automobiles and prioritize people walking, biking, and using other forms of micromobility
TL 4.9	Ensure bike lanes and sidewalks are properly maintained including snow and debris removal throughout the year and prioritizing repairs as required



TRANSPORTATION & LAND USE

Strategy 5. Improve transportation safety

Priority Actions	
TL 5.1	Install marked or signalized crosswalks at bus stops on arterial streets where appropriate
TL 5.2	Identify funding and continue supporting Safe Routes to School programs and related campaigns
TL 5.3	Adopt Vision Zero framework to reduce fatalities and severe injuries and join national Vision Zero network
TL 5.4	Adopt protected bike lane policy for high traffic areas
TL 5.5	Operationalize objectives in City's Traffic Calming Program
TL 5.6	Prioritize Transportation Systems Management Operations (TSMO) strategies before expanding transportation infrastructure
TL 5.7	Promote awareness on Washington cycling rules to both people who bike and people who drive (i.e. Idaho stop)

Strategy 6. Support existing & new programs to reduce VMT

Priority Actions	
TL 6.1	Work with regional partners to enhance and promote the commute trip reduction (CTR) program
TL 6.2	Work with employers to encourage telecommuting, video-conferencing, and active transportation as part of their CTR plans
TL 6.3	Apply per-ride tax to ride hailing apps, put into fund for active transportation projects
TL 6.4	Promote e-bike adoption by working with private sector, state, and federal governments to provide incentives

This is an aerial view of a two-way protected cycle track demonstration on Spokane Falls Boulevard in the fall of 2019. Pop-up demonstrations like this one are a low-cost tool for testing safer bicycle and pedestrian infrastructure before investing in larger street renovation projects.

Protected bike lanes make cycling safer and more attractive for people of all ages and abilities.



Photo Credit: Spencer Gardner

TRANSPORTATION & LAND USE

GOAL 3. Advance alternative and low carbon fuel in regional transportation

Strategy 7. Increase adoption rate of Zero Emission Vehicles (ZEVs) including electric bicycles

Priority Actions

▶ TL 7.1	Work with regional partners to implement Avista's regional Transportation Electrification (TE) Plan
▶ TL 7.2	Plan and implement conversion of City fleet vehicles to carbon-negative, carbon neutral, and low-carbon alternatives; by at least 50% by 2030; 75% by 2040 with a goal of reducing fleet well-to-wheel emissions to zero by 2050
▶ TL 7.3	Support regional education efforts including the launch of a regional Transportation Electrification Experience Center
▶ TL 7.4	Support State & Federal Clean Fuel and ZEV legislation
TL 7.5	Encourage ride-share companies to adopt ZEV fleets
TL 7.6	Include e-bikes in subsidy and trade-in programs
TL 7.7	Encourage mode shift of freight, last mile delivery, and city fleet to bikes or electric bikes/cargo bikes or non-emitting vehicles, including autonomous vehicles (AV) where feasible
TL 7.8	Evaluate and update City code to encourage electric vehicle charging infrastructure in new development
▶ TL 7.9	Establish electric vehicle charging criteria for installing chargers in the public right of way and launch a residential curbside electric charging project to promote EV charging infrastructure in all neighborhoods

GOAL 4. Integrate Sustainability Action Plan goals, strategies, and actions into City planning

Strategy 8. Update comprehensive plan to incorporate climate action and updated sustainability goals

Priority Actions

▶ TL 8.1	Audit the Comprehensive Plan to align SAP policies to existing policies and programs and to identify gaps in order to update the Comp Plan with sustainability & climate goals
TL 8.2	Bring forward amendments to the comprehensive plan during the annual update cycle where opportunities exist to integrate sustainability into comprehensive plan goals, policies and discussions prior to the 2026 major update
TL 8.3	Ensure SAS is a stakeholder in the 2026 Comp Plan major update process
TL 8.4	Reassess centers and corridors for new opportunities to encourage more sustainable land use
TL 8.5	Review and update City code to preserve urban forest and mitigate urban heat island impacts

TRANSPORTATION & LAND USE

Strategy 9. Ensure the City’s process for approving development and service extensions addresses and prevents negative impacts to prime agricultural lands, critical wildlife habitats, and other natural areas in and around the city

Priority Actions

▶ TL 9.1	Work with regional stakeholders to develop and maintain an inventory and GIS database of the county’s natural, critical, and endangered lands based upon their value to human and biotic communities. This data, updated yearly, will be consulted when making planning and service decisions
TL 9.2	Review land use planning and zoning policies that protect natural resources within City owned properties and revise, if necessary, to prioritize undeveloped natural areas.
TL 9.3	Work with regional partners to explore strategies and develop a plan to preserve urban farmland throughout the county
▶ TL 9.4	Review and update as necessary the City’s water retail amendment process to prevent loss of critical wildlife habitat areas, wetlands, working farms, and prime agricultural lands (same as WR 6.5)
TL 9.5	Partner with regional jurisdictions, businesses, and community-based organizations to preserve prime agricultural lands, critical wildlife habitats, working farms, and other natural areas both inside and outside city boundaries



Left: A Spokane-style directional chevron. Designed by Emeline Gardner for the 2019 Spokane in Motion bicycle “popup” event. This prototype became a permanent stencil a year later.



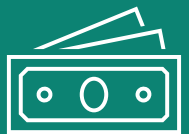


WASTE DIVERSION & MATERIAL CONSERVATION

Co-Benefits



Results in fewer emissions and improves air and water quality. Reduces the environmental impacts of resource exploitation.



Reduces cost of waste management to the City and ratepayers while making funds available for other purposes. Transition on circular economy creates jobs and economic opportunities.



Improves health outcomes, especially for those with respiratory and cardiovascular illnesses. Increases food security.



Reduces hunger and food insecurity for low-income community members.

SDG Alignment





WASTE DIVERSION & MATERIAL CONSERVATION

Spokane and its residents are innovative champions of materials use, reuse and conservation, and environmental stewardship.

Guiding Principles for Waste Diversion and Material Conservation:

- Divert waste materials toward the highest and best use
- Prioritize materials re-use and conservation to minimize climate impacts
- Consider environmental equity in waste/recycling policy
- Minimize economic costs of waste management systems for low-income residents



City employees participating in a recycling audit in 2020. These “lid lifts” help identify contamination in the recycling stream. Photo credit: Kris Major

Sector Level GHG Targets: Waste Diversion & Material Conservation

Vehicle Type	2016 Baseline		2030 Reduction Target 45% & 948,958 MT		2040 Reduction Target 70% & 1,476,155 MT		2050 Reduction Target 95% & 2,003,356 MT	
	Metric Tons CO ₂ e	Percent of Total	Metric Tons CO ₂ e	Percent Reduction	Metric Tons CO ₂ e	Percent Reduction	Metric Tons CO ₂ e	Percent Reduction
WTE	100,533	5%	65,346	35%	50,267	50%	5,027	95%
Biogenic*	136,713		68,357	50%	34,178	75%	6,836	95%

*Biogenic emissions in this table refer to the combustion of biological material in the municipal waste stream. It is outside the scope of our community GHG inventory; however, these emissions can be reduced through food rescue initiatives, composting biological material into soil amendments, or digesting into biofuels. In other words, there is a higher and better use for these materials outside of direct incineration.

Comprehensive Plan Alignment

Chapter 5: Capital Facilities and Utilities

CFU 5.5 Waste Reduction and Recycling

Chapter 7: Economic Development

ED 8.4 Environmental Protection Business Opportunities

Chapter 9: Natural Environment

NE 5.3 Packaging Reduction

NE 5.4 Profit from Waste

Chapter 10: Social Health

SH 8: Food Access & Security

▶ Action in-progress

▶ Action complete



WASTE DIVERSION & MATERIAL CONSERVATION

Waste Trends: National and Local

The US EPA has found that the average municipal waste output per person in the US has risen from 2.7 pounds in 1960 to 4.9 pounds in 2018 – an increase of about 81%. Of that total, about 3.03 pounds of waste per person per day was sent to landfills or incinerated. In 2018, the residents of Spokane County produced 310,677 tons of waste that was burned at the WTE incinerator or landfilled. This averages about 3.3 pounds per person per day.

It is reasonable to assume that the waste production per person for the City is about the same as for the county, and that it has reached that figure following a similar trend to the rest of the nation. There are many reasons for the increase in waste output: changing patterns of consumption; the variety, quality and durability of consumer products; increased packaging; and Americans' attitudes and habits about thrift and conservation.

Managing and disposing of municipal waste is one of the great challenges that every city faces. The cost of this is a direct burden on the citizens, which is paid as part of the utility bill. Conserving materials, reducing waste, and diverting it from incineration and landfills would save money and reduce greenhouse gas emissions.

This is a complex issue inextricably tied to long-term worldwide trends in manufacturing, packaging, and materials valuation, use and management. The City cannot simply impose a solution. The roots of the problem are global, and the branches are cultural. Solving it will entail many strategies: fostering a conservation ethic among citizens; promoting laws at every level of government that do not allow manufacturers to externalize costs; and better technical engineering. The City of Spokane will engage in efforts to change people's habits and attitudes about consumption and will promote conservation of the food, materials, and products our residents use. There will still be waste, and that will be addressed in the most efficient manner, producing the least emissions and impacts possible.

Our Waste-to-Energy (WTE) Plant is one of Washington's top emitters of greenhouse gases. In 2014, the WTE plant released more than 235,000 metric tons of carbon dioxide into the atmosphere. Incinerating waste to generate energy does release less greenhouse gases than burying it in a landfill. However, prioritizing reduced consumption, reuse, and recycling efforts to decrease the amount of municipal garbage is the most effective way to reduce carbon emissions, as well as all other harmful substances produced by combustion at the WTE plant.

Our goal is to reduce waste and divert materials towards the highest and best use while also holding producers accountable for the product and packing waste they create. By promoting smart solutions in our region, Spokane will become a leader in the circular economy where waste disposal is minimized, and economic opportunities are maximized. These efforts will create jobs, reduce pollution, and improve the way of life for all community members.



Spokane County Recycles artist, Ava King, North Central High School, Grade 7

*There is no good way to deal with trash except
not to make it in the first place.*

*--Kris Major, Waste Reduction Education Coordinator,
City of Spokane*

WASTE DIVERSION & MATERIAL CONSERVATION

GOAL 1. Invest in waste diversion programs to substantially reduce volume of Municipal Solid Waste (MSW)

Strategy 1. Maximize composting of inedible food, yard waste, and other organic waste

Priority Actions	
WD 1.1	Work with businesses, schools, and institutions to develop systems for separation and collection of inedible food waste from other waste materials for composting
WD 1.2	Promote and facilitate the use of compostable packaging and foodservice ware
WD 1.3	Develop a residential food waste collection system to divert food waste from the Waste to Energy (WTE) plant by providing all residents with composting bins at no additional cost
WD 1.4	Use trash audits to inform residential and business sources of best practices in food waste separation

Strategy 2. Minimize food waste generated by residents and businesses

Priority Actions	
WD 2.1	Support diversion of excess edible food from commercial & institutional kitchens and grocery outlets to community members in need through food rescue programs
WD 2.2	Educate business owners, schools, institutions and residents on the impacts of food waste and best practices to reduce it

The New Clean Materials System

The Center for Sustainable Infrastructure is a Washington State nonprofit dedicated to helping the Pacific Northwest move toward a smarter, more sustainable materials management system. CSI provides education and advocacy that will lead us toward better environmental and economic outcomes.

Read more about their projects at sustaininfrastructure.org

Transforming the PNW Waste & Recycling System



WASTE DIVERSION & MATERIAL CONSERVATION

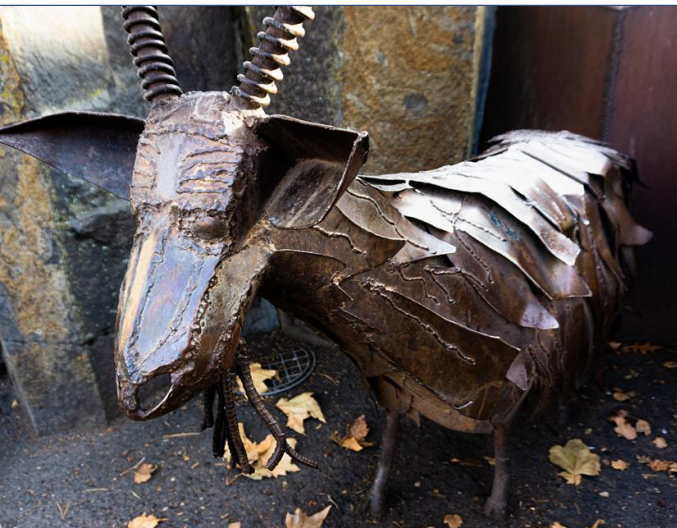
GOAL 2. Boost regional economic opportunity by promoting circular waste programs

Strategy 3. Promote, support, and incentivize a circular economy

Priority Actions	
WD 3.1	Incentivize the production and usage of durable goods
▶ WD 3.2	Support policies that prioritize easily recyclable, and compostable packaging (ex. extended producer responsibility (EPR))
WD 3.3	Build on the progress of standing networks addressing waste reduction outreach to continually update residents and business owners on current waste management regulations
▶ WD 3.4	Increase enforcement of curbside recycling contamination and fund seasonal cart-tagging programs for recycling
WD 3.5	Promote markets for recycled or reused materials, such as through increased local business purchasing of recycled products and reusing of materials
WD 3.6	Transform recycling infrastructure to maximize materials separation and recovery and minimize contamination
WD 3.7	Increase access to sustainable purchasing
WD 3.8	Support and promote sharing and exchange economy among residents
▶ WD 3.9	Support a statewide Industrial Symbiosis program to create circularity in manufacturing

Strategy 4. Support state-wide and regional waste management solutions

Priority Actions	
WD 4.1	Build regional recycling infrastructure and markets
▶ WD 4.2	Support policies and regulations that reduce waste, especially difficult to recycle waste including extended producer responsibility policies
WD 4.3	Incubate industrial solutions to waste and recycling (eco-district)



Circular Economy: *A circular economy is designed intentionally to eliminate waste by keeping products and materials in use and preserving the value of resource inputs in perpetuity.*

WASTE DIVERSION & MATERIAL CONSERVATION

Existing Waste Diversion and Material Conservation Initiatives

There are many organizations at both the regional and state level working on reducing waste. Below are just a few of those initiatives.

Food Waste & Food Security:

Washington Department of Ecology: Use Food Well Washington Plan
Spokane County Food Security Coalition
Spokane Food Policy Council
Feed Spokane
Spokane Food Fighters

Packaging & bags:

Statewide plastic grocery bag ban
Department of Ecology Plastics Study
Proposed state extended producer responsibility bill

Recycling & Waste Diversion:

Spokane County Solid Waste Advisory Committee
Spokane County Comprehensive Solid Waste Management Plan
Spokane Recycling Taskforce
Zero Waste Washington



Photo Credit: Sea to Sky Removal

Left: Employees at Sea to Sky Removal, a Vancouver, BC company dedicated to reducing waste in the construction sector, created this list of “REs” to consider before throwing materials into the trash. We think it makes for good policy!

Right: A trophy designed from trash was awarded for team recognition during the 2013 Spokane River Clean Up. A creative reinvention of discarded material!



Photo Credit: Kris Major



WATER RESOURCES

Co-Benefits



Improves watershed management and conservation to support aquatic and riparian habitat and encourage regenerative agricultural practices resulting in healthier ecosystems, cleaner water, and greater food security.



Protects SVRP Aquifer capacity while stabilizing utility costs through water conservation interventions. Ensures Spokane remains a premier destination for conventions and tourism.



Ensures Spokane River is healthy, clean, swimmable and fishable, and SVRP Aquifer remains a sustainable, potable water source.



Advances watershed education within all communities and protects fish resources as a cultural food source.

SDG Alignment





WATER RESOURCES

Our River & Aquifer

The Spokane River is the central feature of Spokane's natural environment. The lifeways of Spokane's original inhabitants revolved around the river: it was their main source of sustenance and their cultural touchstone. When European settlers arrived, they chose the site along the Spokane River to access all the benefits that a major river provides. The Spokane River is a critical component of the City's heritage.

Spokane's natural environment has been greatly impacted by water, from historic floods to the more frequently occurring summer droughts. While our climate is defined by relatively low annual precipitation, our region abounds with lakes, wetlands, streams and our beautiful Spokane River.



The Spokane Valley-Rathdrum Prairie Aquifer flows beneath our feet throughout a large section of our area and is an Environmental Protection Agency designated 'sole source aquifer', signifying that our drinking water is almost entirely supplied by this gift of groundwater. As more people move to this region, we must project how increased water consumption will both impact the aquifer and the Spokane River, which are physically connected and feed water to one another.

To protect our aquifer and the Spokane River, the City must creatively manage wastewater and stormwater runoff that our growing urban area creates. Direct interventions are in place to increase pollutant removal from wastewater through tertiary treatment before it is discharged into the Spokane River. Our City has also made smart investments to redirect urban stormwater to holding tanks where it is 'metered' in and combined and treated with municipal wastewater. Innovative solutions are rolling out to increase on-site stormwater treatment projects like storm gardens and bioswales. Natural and managed water resources do not exist independently of one another. We all live within a watershed, and every one of our activities directly or indirectly affects the health and quality of our shared water. The interconnections of our water, both seen and unseen, are complex.

Because the aquifer is a regional treasure with a carrying capacity, ensuring its conservation and recharge is critical. The City of Spokane is committed to working collaboratively with our regional partners to ensure it remains abundant and unpolluted for future generations.



WATER RESOURCES

Water Resources include natural and managed water systems that humans and other living things rely on to survive. Natural water systems encompass surface water (i.e., Spokane River and its tributaries, wetlands, lakes, and seasonal streams) and groundwater (i.e., the aquifer). City-managed water resource processes include operating Upriver Dam, pumping and delivering drinking water, as well as wastewater/stormwater treatment and discharge.

The City of Spokane envisions a healthy water future for our area. Our region abounds with plentiful lakes, streams and the beautiful Spokane River.



Sector Level GHG Targets: Water Resources

Emissions from Pumping	2016 Baseline		2030 Reduction Target 45% & 948,958 MT		2040 Reduction Target 70% & 1,476,155 MT		2050 Reduction Target 95% & 2,003,356 MT	
Accounted for in B&E Sector	Metric Tons CO ₂ e	Percent of Total	Metric Tons CO ₂ e	Percent Reduction	Metric Tons CO ₂ e	Percent Reduction	Metric Tons CO ₂ e	Percent Reduction
Electricity	6,846	>1%	1,369	80%	685	90%	0	100%
Gas	209	>1%	209	0%	209	0%	10	95%

Comprehensive Plan Alignment

Chapter 3: Land Use

- LU 1: Citywide Land Use
- LU 3: Efficient Land Use
- LU 8: Urban Growth Area
- LU 9: Annexation Boundaries

Chapter 5: Capital Facilities and Utilities

- CFU 1: Adequate Public Facilities and Services
- CFU 3: Coordination
- CFU 5: Environmental Concerns

Chapter 7: Economic Development

- ED 6: Infrastructure
- ED 8: Quality of Life & the Environment

Chapter 9: Natural Environment

- NE 1: Water Quality
- NE 2: Sustainable Water Quality
- NE 3: Shorelines
- NE 4: Surface Water
- NE 6: Native Species
- NE 7: Natural Land Forms
- NE 8: Agricultural Lands
- NE 15: Natural Aesthetics
- NE 16: Quality of Life
- NE 17: Natural Environment Education
- NE 18: Energy Conservation
- NE 19: Flood Hazards Management

Chapter 10: Social Health

- SH 8: Food Access & Security

Chapter 14: Shorelines

▶ Action in-progress

▶ Action complete

WATER RESOURCES

GOAL 1. Protect the Spokane River and natural aquatic ecosystems (wetlands, shorelines, aquatic ecosystems biodiversity, streams, floodplains, aquifer recharge areas)

Strategy 1. Protect water quality, fish, wildlife, ecosystem function, and no-impact recreational opportunities in the Spokane River through responsible, long-term watershed planning and management

Priority Actions

WR 1.1	Maintain minimum instream flow rule for the Spokane River through water conservation and drought action planning and policy
WR 1.2	Determine feasibility for banking City senior water rights and other water rights in a trust to ensure future base River flows
WR 1.3	Identify, reduce, and mitigate impacts to the Spokane River that are a direct result of regional pumping of the Spokane Valley Rathdrum Prairie (SVRP) Aquifer
WR 1.4	Protect aquatic ecosystem biodiversity, native species, and their habitats
WR 1.5	Pursue options for adding the Spokane River Gorge to Natural Area status

Strategy 2. Build climate resilience in natural water systems through responsible watershed planning

Priority Actions

WR 2.1	Protect the following sensitive resources through acquisition, maintenance, and restoration strategies: wetlands, riparian areas, and spawning and rearing habitats of native fish species
WR 2.2	Prioritize preventing ecologically-damaging actions during development permitting process over post-development mitigation strategies, including restoration or habitat creation
WR 2.3	Maintain healthy buffers and assume lead role in restoring damaged riparian areas to prevent erosion and re-establish water-protecting ecological services
WR 2.4	Partner with regional agencies and organizations to develop a flood risk assessment to responsibly manage areas projected to experience increased flooding events resulting from climate change
WR 2.5	Enforce protection of wetlands, including exploring wetland restoration/creation options, updating wetland delineation maps, and enforcing wetland buffer requirements

WATER RESOURCES

Strategy 3. Actively manage pollution within Spokane River and SRVP Aquifer

Priority Actions	
WR 3.1	Commit to following regulations and guidelines of the Clean Water Act (CWA) to reduce pollutants entering the Spokane River
WR 3.2	Work with regional partners to implement policies and strategies that support the Spokane Tribe's pollution standards for PCBs in the Spokane River
▶ WR 3.3	Continue to support river clean-up efforts by Spokane Code Enforcement, The Spokane Riverkeeper, The Lands Council, Spokane River Forum, and other community-based organizations
▶ WR 3.4	Continue to support Department of Ecology efforts to reduce toxic pollution in the Spokane River
WR 3.5	Access Spokane County SVRP Aquifer water quality data to identify well locations where contaminant levels are rising and address potential sources of pollution

Strategy 4. Support the protection, restoration, and reintroduction of native fish species and their habitats in the Spokane River Watershed

Priority Actions	
WR 4.1	Support the development and operation of a Lead Entity for the Spokane River Watershed to guide restoration of native Redband Trout and anadromous fish habitats through a collaborative framework that functions in concert with local socio-economic and cultural needs
WR 4.2	Support a Lead Entity Coordinator in their development of a Technical Advisory Group and Citizens Committee, inclusive of tribes, county and city governments, state agencies, conservation districts, business and industry, non-government organizations and citizens
WR 4.3	Support a Lead Entity to identify native priority fish species based on their historical distribution, population status, and value to indigenous communities and culture
WR 4.4	Support the identification of habitat limiting factors that may be impacting native fish species
WR 4.5	Support the development and implementation of a habitat restoration strategy that identifies habitat improvement projects addressing previously identified limiting factors



City Council Resolution 2014-0070 : BE IT RESOLVED that the Spokane City Council expresses support for the NPCC's program's inclusion of anadromous fish passage above Grand Coulee Dam, and other regional processes that may result in anadromous fish reintroduction into their historical habitats that lie within the City of Spokane and throughout the Upper Columbia Region

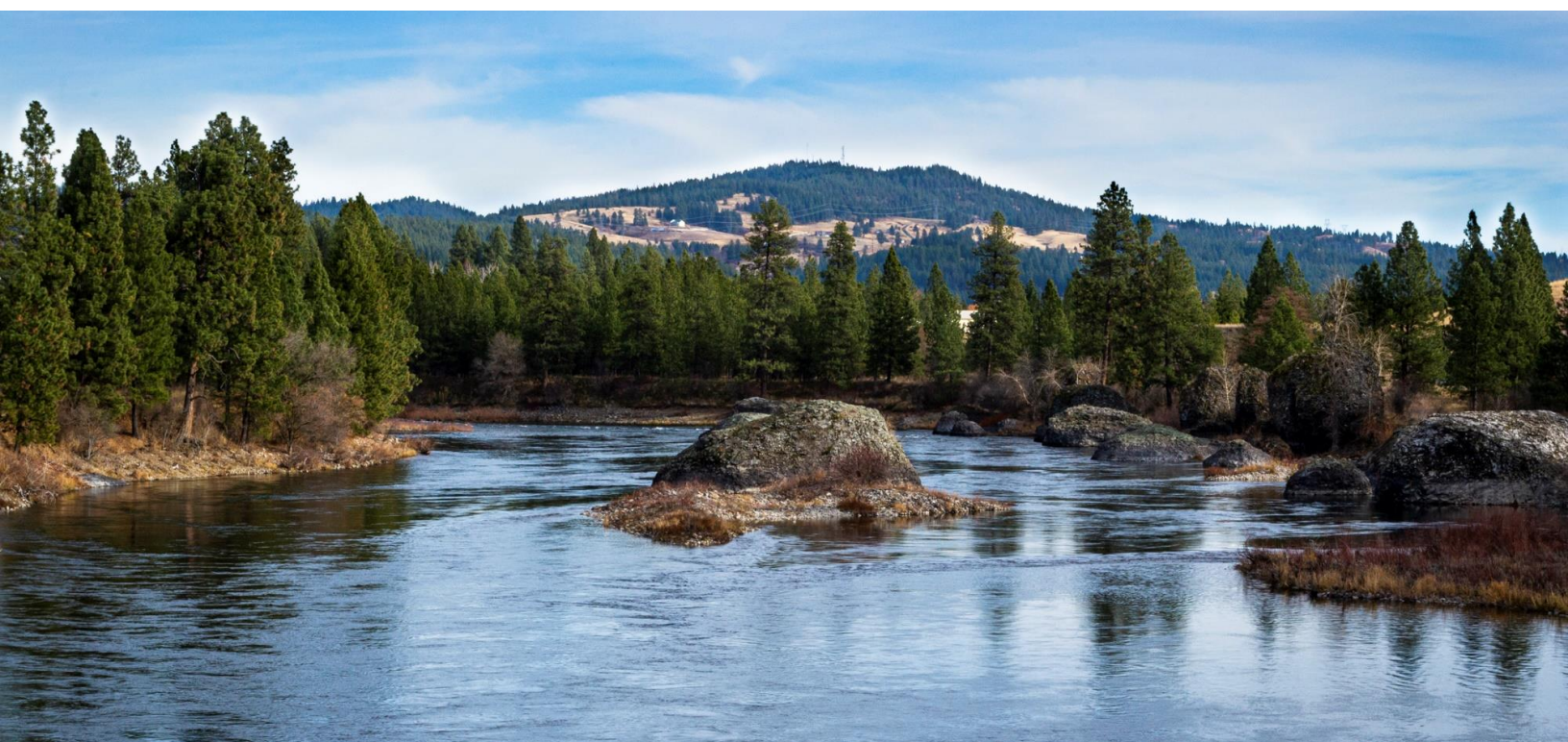
Photo Credit: Inland Northwest Land Conservancy
Spokane Tribal Fisheries department releasing 50 Chinook Salmon into the Little Spokane River at Waikiki Springs, August 6th 2021

WATER RESOURCES

Strategy 5. Improve stormwater and wastewater management

Priority Actions

WR 5.1	Continue to invest in stormwater management strategies and wastewater treatment upgrades and innovations to reduce pollutants entering Spokane River and the SVRP Aquifer
WR 5.2	Prioritize low impact development (LID) practices in City projects, including reducing impervious surface expansion
WR 5.3	Develop policy that requires clear, achievable on-site stormwater management for new developments
WR 5.4	Build community awareness around our wastewater system; use artwork and signage
WR 5.5	Collaborate with regional partners to ensure permitted dischargers meet Department of Ecology clean water requirements



qeʔqs čštím łuʔ qeʔ čyaʔtín. Salish for let us care for our resources. čyaʔtín refers to the things we hold dear to us, precious resources. čštím is the act of caring for something.

WATER RESOURCES

GOAL 2. Ensure sustainable water supply

Strategy 6. Work with regional partners to reduce pumping from the Spokane Valley Rathdrum Prairie (SVRP) Aquifer in the face of projected population growth and future climate

Priority Actions	
WR 6.1	Fund and conduct a regional aquifer study to determine future impacts to water availability including impacts from climate change and projected growth aquifer-wide and identify opportunities for regional collaborative solutions by 2023
▶ WR 6.2	Adopt updated water conservation target by April 2022 of 25% reduction in annual pumping (based on 2015-2019 average) over the next ten years
▶ WR 6.3	Adopt drought response plan that is tied to real-time Spokane River instream flows and hydrological health by April 2022 to prioritize maintaining water capacity during critical summer season
▶ WR 6.4	Ensure the City's Water Conservation Master Plan is reviewed every five years and updated as needed
▶ WR 6.5	Prioritize water conservation strategies that address critical importance of lowering summer, outdoor water use through efficient irrigation and landscape standards
WR 6.6	Adopt tiered water rate adjustments to incentivize water conservation for high water users
▶ WR 6.7	Continue to invest in and prioritize water conservation in City Parks, golf courses, and other City-owned property
WR 6.8	Explore the possibility of reusing or recycling wastewater from Riverside Park Water Reclamation Facility to irrigate municipal green spaces such as parks, golf courses, medians, fire stations, etc
▶ WR 6.9	Expand commercial water efficiency program and continue to offer water conservation support for larger water users as well as new and existing commercial water accounts
▶ WR 6.10	Expand current efforts that support education and outreach aimed at assisting residents in decreasing water use through conservation and efficiency strategies

Strategy 7. Create clear process and policies for assessing and approving land use and development that will impact future aquifer pumping volumes

Priority Actions	
WR 7.1	Develop an annual water supply and water quality report card (by 2023) and establish strategies for addressing results (by 2025)
WR 7.2	Examine the policy and process for new intertie agreements to ensure those actions meet defined criteria for protecting base river flows and do not encourage exporting water outside of the Spokane Basin; include conditional, legal agreements for some cases (by 2023)
▶ WR 7.3	Review City's practice of approving water retail amendment process to ensure compliance with both state law and the City's Comprehensive Plan
WR 7.4	Review and update as necessary the City's water retail amendment process to prevent loss of critical wildlife habitat areas, wetlands, working farms, and prime agricultural lands (same as TL 9.4)

WATER RESOURCES

GOAL 3. Educate & engage community in water resources stewardship

Strategy 8. Promote opportunities to engage the community

Priority Actions	
WR 8.1	Support the development of a 'Water Conservation Ambassador' Program to train citizen volunteers to take City messaging around water conservation targets and drought actions to larger community
▶ WR 8.2	Continue to support programs that engage community in watershed understanding, river-aquifer relationship, and sustainability planning
▶ WR 8.3	Expand City program that recognizes individuals and businesses who contribute to protecting water resources (low water users, turf conversion, innovative design)
WR 8.4	Provide civic engagement opportunities for K-12, college, and university students, as well as established community youth programs around watershed programming and planning

Strategy 9. Promote and fund City programs that align with the Water Conservation Master Plan

Priority Actions	
WR 9.1	Increase visibility and understanding through City website, City social media, and signage of projects that demonstrate City leading by example on water conservation
WR 9.2	Create more opportunities for community input in decision-making during all stages: before, during, and after both planning & implementation
WR 9.3	Create physical signage and online resources that educate the public on the SVRP Aquifer and our watersheds including the interaction between the river and the aquifer (City includes four watersheds: Middle Spokane, Lower Spokane, Little Spokane River, Hangman Creek)
WR 9.4	Create plaza designs with natural elements that include signs to educate the community around water conservation to support the health of our river



WATER RESOURCES

GOAL 4. Establish partnerships with regional organizations and agencies to leverage funding and invite community input

Strategy 10. Partner with regional groups to provide City input for Spokane River Watershed/SVRP Aquifer management plans and projects

Priority Actions

WR 10.1	Create a Spokane River Vision Plan with regional partners, including jurisdictions, tribes, universities, colleges, nonprofits, and businesses throughout the SVRP aquifer area
WR 10.2	Continue participation in the Idaho Washington Aquifer Collaborative (IWAC)
WR 10.3	Continue participation in Spokane Aquifer Joint Board
WR 10.4	Support organization and agency management plans and programs that address watershed level sustainability strategies
WR 10.5	Collaborate regionally to develop disaster response plan for shared water resources like the SVRP aquifer and Spokane River
WR 10.6	Hire an employee to act as a Tribal liaison to improve collaboration with Tribes within the Spokane River watershed

Strategy 11. Identify opportunities to acquire and restore critical areas, natural areas, and connect riparian corridors for protection and conservation

Priority Actions

WR 11.1	Seek partnerships with agencies and organizations to purchase and protect critical shoreline areas that will maintain existing riparian corridors and/or connect undeveloped regional land to water resources for wildlife benefit
WR 11.2	Develop partnership with Washington Department of Ecology, Spokane County Conservation District, the Spokane Tribe of Indians, the Coeur d'Alene Tribe, and non-governmental organizations to restore shorelines of the Spokane River and its tributaries
WR 11.3	Partner with regional colleges and universities to grow opportunities for data collection and analysis that inform strategic land acquisition and restoration strategies



“Plans to protect air and water, wilderness and wildlife, are in fact plans to protect man.”

— Stewart L. Udall, Secretary of the Interior
from 1961 to 1969

Existing Watershed Initiatives

There are many organizations at both the regional and state level working on protecting our waterways and aquifer.¹³

Watershed:

- Greater Spokane River Regional Conservation Partnership Program (RCPP)
- Spokane County Voluntary Stewardship Program
- WRIA 54 (Lower Spokane Watershed) Watershed Plan (2009)
- WRIA 55 (Little Spokane) and 57 (Middle Spokane) Watershed Plan (2005)
- WRIA 56 (Hangman) Watershed Plan (2005)
- WRIA 55 (Little Spokane Watershed Planning) Spokane County Watershed updates: [link](#) (Hirst decision on permit exempt wells)

Rivers & Streams:

- City of Spokane Shoreline Master Plan
- Family Forest Fish Passage Program
- Spokane Regional Toxics Taskforce Comprehensive Plan to Reduce PCBs in the Spokane River
- The Great Spokane River Gorge Strategic Master Plan
- Upper Columbia United Tribes and Spokane Tribe Department of Natural Resources Anadromous Fish Recovery
- Spokane Tribe of Indians – Anadromous Fish Recovery Program

Spokane-Valley Rathdrum Prairie Aquifer:

- SVRP Aquifer Atlas
- Water Offset Projects--Managed Aquifer Recharge 2020 Field Report:
- Idaho Washington Aquifer Collaboration (IWAC) Efficient Irrigation and Landscape Design Handbook
- Cleaner Water Faster signage campaign (Centennial Trail) IWA
- Spokane Valley-Rathdrum Prairie bi-state aquifer study



ECONOMIC PROSPERITY

Co-Benefits



Reduces wasted resources and pollution while creating a healthy environment where humans and nature coexist.



Positions Spokane as a leader in clean energy, material conservation, and innovation, to take advantage of the opportunities available to communities who embrace sustainable development.



Builds a workforce with access to living wages and benefits to keep loved ones healthy and thriving. Increases economic vitality of the region while ensuring our residents have access to healthy food.



Creates a just distribution of opportunities and benefits gained from taking actions toward a more prosperous and resilient economy.

SDG Alignment





In 2020, we ushered in a year of devastating economic impacts as a result of the COVID-19 pandemic. Although there are some success stories, in many ways, our community was left unprepared to quickly adapt to the challenges our economy faced. As leaders throughout the Spokane region determined actions needed for their economic recovery, we soon discovered that the same strategies employed to address the pandemic also apply in preparing our community for climate change. The core priority of City leadership is to ensure the prosperity of city residents, and to do this, the City needs to invest in the basic human needs of healthcare, housing, and workforce development.

The strategies and actions outlined in this chapter are dedicated to building resiliency through economic development and preparedness. These actions will better prepare Spokane residents for future challenges of any kind, including those challenges expected to arise with a changing climate.



City Council Member, Betsy Wilkerson, at a press conference in 2020. Photo credit: City of Spokane

Current City and Regional Initiatives¹⁴

Creating resilient communities means that residents have equitable access to housing, employment, healthcare, and education. The following projects and initiatives are currently underway in support of these goals.

- Spokane Housing Action Plan (under development)
- Washington State Universal Health Care Work Group
- Ubanova's Neighborhood Impact and Smart & Connected Streetlight Projects
- The ZoNE's Equitable Employment Pathways Program

Comprehensive Plan Alignment

Chapter 3: Land Use

LU 1: Citywide Land Use

Chapter 4 Transportation

TR 1: Transportation Network for All Users

TR 9: Promote Economic Opportunity

Chapter 6: Housing

H 1: Housing Choice & Diversity

H 2: Housing Quality

Chapter 7: Economic Development (most sections)

▶ Action in-progress

▶ Action complete

ECONOMIC PROSPERITY

GOAL 1. Invest and promote a just, regenerative, and resilient local economy

Strategy 1. Engage with regional and neighborhood business associations to create coordinated economic resiliency

Priority Actions	
EP 1.1	Re-establish City department dedicated to centralizing and addressing economic development planning
EP 1.2	Work with regional businesses to fully understand current challenges for local small business and develop a plan to address those challenges
EP 1.3	Partner with regional and neighborhood business associations to develop resiliency plans for specific sectors of our economy, including retail, hospitality, skilled labor, nonprofit, and food processing & supply
EP 1.4	Continue to develop and invest in local purchasing campaigns designed to educate local consumers on how to support local businesses
EP 1.5	Evaluate and update scoring criteria that the City uses to determine infrastructure and capital investments to ensure equitable investments, especially in historically underserved and underinvested neighborhoods or districts
EP 1.6	Work with regional organizations to develop Best Practice Guidelines to help small businesses be more agile and adaptable
EP 1.7	Identify and recognize creative local strategies that have proven beneficial during challenges (co-op model, shared services, online marketplace)
EP 1.8	Work with regional partners to conduct an analysis on supply chain resiliency and develop plan to prioritize regional supply and infrastructure
EP 1.9	Partner with local universities, colleges, and private organizations to support research and development opportunities for Spokane's small and medium sized business community
EP 1.10	Develop a centralized marketing program for all City-sponsored business districts. This program should build on the Live Local marketplace developed in response to the 2020 pandemic and should be an ongoing resource for local business, rather than an ad hoc program during crises

Strategy 2. Expand access to sustainable business practices & resources

Priority Actions	
EP 2.1	Provide resources to small businesses helping them save money through energy efficiency and resource conservation strategies
EP 2.2	Create public, private partnerships to pilot programs for waste diversion including reducing food waste, expanding commercial composting, and developing programs to address hard to recycle materials

Building a Stronger Local Food System

The Spokane region is located within a rich agricultural area, but very few crops and livestock grown here feed our residents. We spend over \$1.5 billion each year buying food from outside our region and less than \$5 million buying locally grown food.¹⁹ If people who live in Spokane eat more locally grown food, we will create a more resilient local food system, strengthen our economy and reduce climate impacts associated with transporting food great distances. Citizens, neighborhoods, growers, food-related businesses, non-profit organizations and local governments need to work together to take the far-reaching actions that are needed to localize and strengthen Spokane's food system.

ECONOMIC PROSPERITY

GOAL 2. Ensure local workforce has access to affordable healthcare, transportation, housing, and education

Strategy 3. Adopt and implement regional policies and initiatives that support workers and individuals

Priority Actions



EP 3.1	Continue to support and implement Spokane Housing Action Plan
EP 3.2	Work with public and private partners to create citywide program for increasing access to capital for homeownership at all income levels
EP 3.3	Invest in and support public transit infrastructure that increases access to affordable and convenient transportation options
EP 3.4	Use the City's 5 th Avenue Initiative as a model for prioritizing investment in historically underserved communities citywide
EP 3.5	Coordinate local workforce training needs through Public Development Authorities (PDAs) to align with the needs of large regional employers and industries (ex. IT support, healthcare)
EP 3.6	Prioritize economic development and projects that commit to maintaining a sustainable workforce, including local hire provisions, paying prevailing wages, expediting permitting, and labor agreements.

Strategy 4. Support just and sustainable State and Federal economic development policies

Priority Actions



EP 4.1	Support State and Federal healthcare reform that will allow workers and individuals to maintain affordable healthcare benefits and access to healthcare regardless of employment status
EP 4.2	Support statewide efforts to incorporate climate action, affordable housing, and transportation within the Growth Management Act (GMA)
EP 4.3	Implement industrial symbiosis strategies in conjunction with statewide efforts and in coordination with the local PDAs

We will move to a low-carbon world because nature will force us, or because policy will guide us. If we wait until nature forces us, the cost will be astronomical.

-- Christiana Figueres

There are costs to addressing sustainability and climate impacts -- sometimes significant costs -- but there are huge opportunities as well. Innovation and technology are at the heart of mitigating climate change and Spokane is well positioned to take advantage of those opportunities. From an eco-district on the West Plains, to energy innovators in the University District, and a thriving local food economy, Spokane has a lot to offer and a lot to gain by committing to and investing in environmental sustainability.



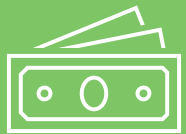


NATURAL ENVIRONMENT

Co-Benefits



Grows urban tree canopy and protects, connects, and expands natural ecosystems to strengthen healthy habitat and build climate resilience within the Spokane River Watershed



Improves livability measures, supports value added strategies that keep natural resource industry by-products (agriculture, forestry) in our local markets, and supports a visitor economy.



Increases positive social, mental, and physical health outcomes and protects agricultural land to support community food sovereignty and resilience.



Equitably increases tree-planting in underserved neighborhoods, improves equitable community access to green space and encourages Tribal involvement in plan development.

SDG Alignment





The citizens of Spokane are caring stewards of their natural environment, protecting for future generations the beauty, amenities, and ecosystem services it provides.

A scenic landscape photograph showing a rocky outcrop in the foreground, covered in moss and lichen. The rocks are light-colored with some darker patches. Behind the rocks is a dense forest of evergreen trees, mostly pines and firs, with some deciduous trees visible in the distance. The background features rolling hills and mountains under a bright blue sky with wispy clouds. The overall scene is a natural, outdoor setting.

In the 21st century, the economy has changed and relatively few citizens rely directly on the natural resources of the region for their livelihoods. Still, the quality of the natural environment bears a direct impact on the quality of life for Spokane's citizens and attracts visitors to our region.

The City of Spokane supports the goal of ensuring clean air, clean water, healthy terrestrial ecosystems, and a robust, equitably distributed tree canopy as a right of the community to best adapt to impacts of climate change. The City will prioritize protecting remaining natural areas that are connected regionally to land supporting diverse plant communities, wildlife, soils and water. The City also recognizes the critical role it plays in restoring and protecting the heart of our city, the Spokane River. These natural resources will be managed through a proactive process to ensure ecological services provide environmental resilience to climate change impacts. It will be critical to balance protection of biodiversity and natural cycles within healthy green and blue spaces along with our most precious gift, our incredible river. We will pursue smart growth strategies, including providing equitable community access to nature, and ensuring there is clean and flowing water that protects the biodiversity and integrity of our river for the benefit of our community.



NATURAL ENVIRONMENT

Natural Environment refers to vital living and non-living systems that encompass water, air, soil, plants, and wildlife. These natural resources are largely interdependent and require a certain level of health and connectivity in order to support the viability of the larger ecological community. This focus area places value on the health of these systems and attempts to ensure their optimal function. Thoughtful planning and protection of open spaces and natural areas throughout our region can improve environmental quality and resilience; these healthy ecosystems in return support a vibrant, life-sustaining home now and for future generations.



Comprehensive Plan Alignment

Chapter 3: Land Use

- LU 1: Citywide Land Use
- LU 6: Adequate Public Lands and Facilities
- LU 8: Urban Growth Area

Chapter 5: Capital Facilities and Utilities

- CFU 3: Coordination
- CFU 5: Environmental Concerns

Chapter 7: Economic Development

- ED 8: Quality of Life and the Environment

Chapter 9: Natural Environment (most sections)

Chapter 10: Social Health

- SH 1: Funding Mechanisms to Support Social Health
- SH 8: Food Access & Security

Chapter 12: Parks & Recreation

- PRS 1: Preservation and Conservation
- PRS 2: Parks and Open Space System

Chapter 14 Shorelines



Action in-progress



Action complete



Benefits of Trees

We know that trees take in carbon from the air to produce energy for their growth. In doing so, they reduce greenhouse gases which are responsible for warming the climate. More analysis is needed to fully quantify the climate benefits of Spokane's tree canopy, but we have estimates of other economic benefits trees provide. In 2012, the City of Spokane conducted an economic analysis of the City's street trees, and the results are impressive!

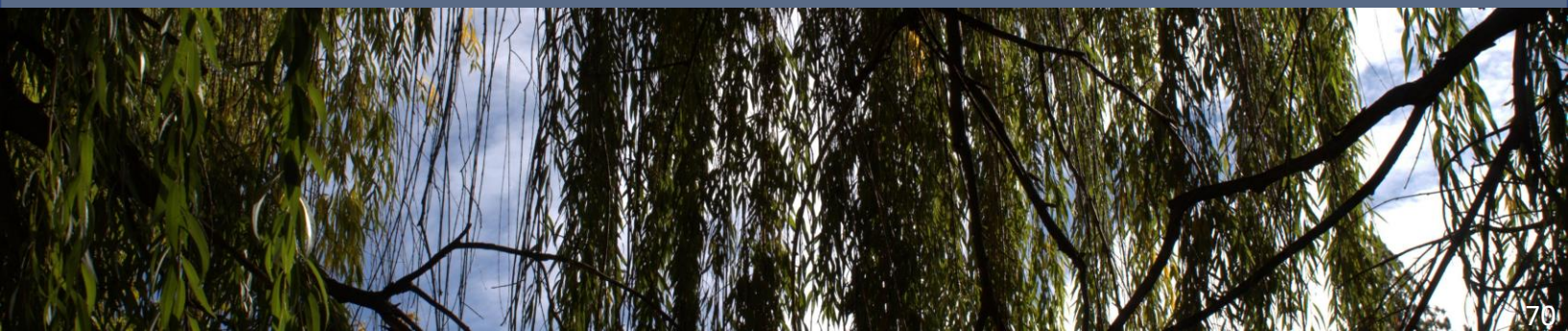
The following are figures for 76,533 street trees inventoried and analyzed for value and benefits in the City of Spokane. The information is an especially useful tool to evaluate the condition of our tree population and provide factual foundation for policy and management decisions. These 76,533 street trees provided the following benefits in 2012:¹⁵

- \$714,302 is saved annually in reduced heating and cooling costs.
- \$75,778 is saved annually in reduction of atmospheric CO₂.
- \$113,296 is saved annually in air quality improvements.
- \$290,602 is saved annually in stormwater mitigation by rain interception and storage.
- The beauty of Spokane's urban forest attracts tourists and businesses, lowers crime rates, increases marketability and property values at a value of \$2,850,251 annually.

You can calculate the benefits of trees on your property or the right-of-way by using the National Tree Benefit Calculator.¹⁶

Trees give us many benefits that are equally important but are not easily converted to dollar savings. A few examples are listed below.

- By shading soil and pavement surfaces, trees mitigate the urban heat island effect of hotter summers.
- Tree foliage filters particulate matter from the air, reducing the incidence of respiratory illnesses.
- Research has shown pavement shaded by trees lasts 10 years longer than exposed pavement, saving street maintenance costs.
- People are more likely to shop in business districts with treescaping and tend to spend more.¹⁷
- Patients with even just a view of greenery like parks, gardens, and/or trees heal faster.¹⁸
- Trees provide critical wildlife habitat for feeding, nesting and migration.
- Dense plantings of trees and shrubs can reduce traffic noise by 6-15 decibels.



NATURAL ENVIRONMENT

GOAL 1. Establish partnerships with community organizations and agencies to leverage funding and invite community input

Strategy 1. Work with regional partners to align natural resource management

Priority Actions

NE 1.1	Work collaboratively with regional partners to support existing efforts to update the Critical Areas Report by 2022
NE 1.2	Support statewide inventory of at-risk species and ecosystems
NE 1.3	Assess regional wildfire risks and develop plans to mitigate risks in native forests in and around the City (by 2023)
NE 1.4	Support Spokane County Noxious Weed Board efforts to identify and control noxious weeds
NE 1.5	Collaborate with research community to incorporate appropriate species and management methods for future climate into City plans
NE 1.6	Work collaboratively with regional partners to support and fund an economic impacts study of our regional farms and prime agricultural soils

Strategy 2. Establish funding for management of City lands

Priority Actions

NE 2.1	Increase City budget for Natural Resources Management and Environmental Programs
NE 2.2	Partner with community organizations and agencies that will leverage City funding budget and capacity, and maximize partner funding opportunities
NE 2.3	Conduct feasibility assessment for creation of a climate justice fund that ensures investment in projects that will directly benefit underserved segments of the community
NE 2.4	Partner with organizations and agencies to promote equitable access to City natural areas and the Spokane River



hec člčil is Salish for trees, forests. It means many things standing up.

NATURAL ENVIRONMENT

GOAL 2. Build awareness and engage the community in Natural Resources stewardship

Strategy 3. Support volunteer opportunities to engage citizens in environmental sustainability projects

Priority Actions

NE 3.1	Support a Conservation Ambassador Program (or similar program) to train volunteers to take sustainability and climate action messaging out to the community
NE 3.2	Develop a Green Corps Program (or similar program) to generate citizen volunteers trained to implement planting, monitoring and maintenance phases of PLANT Ordinance
▶ NE 3.3	Expand on current efforts to create pollinator gardens programs to establish habitat for our local pollinators, and provide education to the public about the critical role they play in the ecosystem
NE 3.4	Create opportunities within K-12 education, colleges, and universities for students to contribute input and service work to City natural resources programs and projects
NE 3.5	Assess opportunities for citizen science work to contribute to a database that can be accessed to better understand ecosystem health and management needs within natural areas
▶ NE 3.6	Build public awareness around existing environmental sustainability programs

Strategy 4. Promote City programs and projects that align with sustainability goals

Priority Actions

▶ NE 4.1	Expand incentive programs like SpokaneScape that encourage residents to replace lawn with mulch and native, drought-tolerant plant species in connection with Water Resources strategy 6
NE 4.2	Create signage for City Parks turf conversion projects, pollinator gardens and native landscaping
NE 4.3	Increase visibility and accessibility of sustainability programs on City website and establish an effective social media campaign (by 2022)
▶ NE 4.4	Partner with Department of Natural Resources to create climate-informed and fire-adapted community strategies around urban canopy, particularly near urban-wildland interface

Strategy 5. Establish funding for education and outreach programs that promote natural resources stewardship

Priority Actions

NE 5.1	Partner with community organizations and agencies already implementing work that supports City natural resource management goals to build strong multi-agency grant opportunities
NE 5.2	Develop and encourage the use of curricula in local schools to build a stewardship ethic and climate science understanding in young people
NE 5.3	Expand opportunities for voluntary contributions in utility bills to collect funds for urban forestry and other City programs
NE 5.4	Partner with BIPOC-led organizations to build awareness and promote natural resource stewardship across broad populations within the city.

NATURAL ENVIRONMENT

GOAL 3. Increase urban tree canopy and climate-adapted plant landscapes within the built environment

Strategy 6. Expand urban tree canopy to capture more carbon and moderate neighborhood microclimate

Priority Actions

NE 6.1	Create a Master Planting Plan (by 2022) to increase City's urban canopy from the current level of 23% to 40% cover by 2030; use an equity framework to prioritize low-canopy and low-income neighborhoods
NE 6.2	Review and revise the approved street tree list (following adoption of Master Planting Plan) and update tree list regularly to provide more information on drought and heat tolerance; water requirements; and resistance and resilience to disease, pests, and storm damage
NE 6.3	Retrofit residential streets where possible to provide adequate street strips for planting
NE 6.4	Identify long-term funding and strategies for tree monitoring and maintenance phases, including supplemental watering and pruning, to increase survivability
NE 6.5	Implement policy that incentivizes private property owners, public property owners, and developers to establish additional trees and consider alternatives to removing established trees

Strategy 7. Establish diverse, future-climate-adapted landscaping within the built environment

Priority Actions

NE 7.1	Establish policy to require inclusion of regionally native and climate-adapted plants in future planting projects on City owned properties
NE 7.2	Reduce water and chemical inputs on City-maintained land, promoting water and wildlife conservation
NE 7.3	Incentivize establishment of native, climate-adapted plant landscaping for private landowners and developers, and enlist help from landscape designers and plant nurseries to promote City strategies

At The Lands Council, we have a vision to increase our city-wide urban tree canopy using an environmental justice and equity lens. Our canopy efforts will be focused on areas at the intersection of low-income and low canopy coverage in an effort to bridge that canopy gap and offer the ecosystem benefits that trees provide to all residents.

--Chelsea Updegrove, Director of Development & Communications at The Lands Council



NATURAL ENVIRONMENT

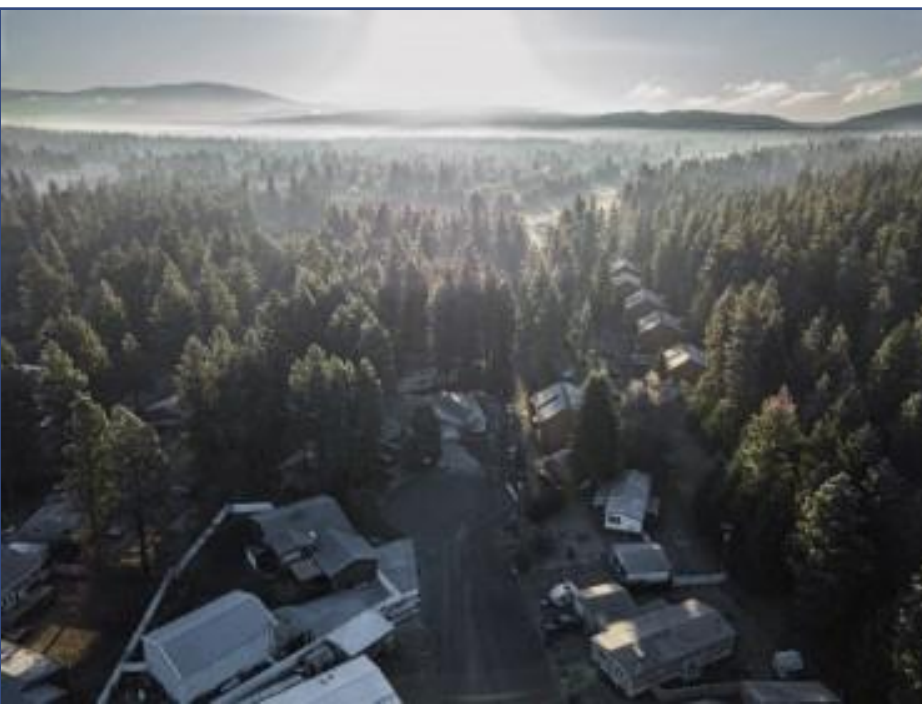
GOAL 4. Protect and build climate resilience in natural spaces within Spokane

Strategy 8. Strengthen & support regional land conservation

Priority Actions	
NE 8.1	Support regional conservation and restoration of natural areas and corridors
NE 8.2	Prioritize evaluating biodiversity within City Natural Areas so that at-risk species and habitats are protected through focused management actions
NE 8.3	Identify and restore damaged riparian areas and prioritize the protection of habitat along streams and rivers (by 2030)
NE 8.5	Partner with regional agencies, nonprofits, colleges, universities, and local businesses to explore ways in which Spokane can support the national 30 by 30 initiative that aims to protect 30 percent of our land and 30 percent of our ocean areas by 2030 ¹⁹

Strategy 9. Prevent negative impacts to natural resources and build climate resilience

Priority Actions	
▶ NE 9.1	Adopt land management practices that protect and improve ecosystem health (soil, plant and animal habitat) on City owned property
NE 9.2	Address and prevent potential impacts to natural resources during planning phases of land development rather than relying on mitigation as a post-development strategy
NE 9.3	Evaluate overall health of natural areas on a regular, established cycle to identify ecosystem transition and disease and pest outbreaks; develop management strategies to address risks
NE 9.4	Support regional partnerships to manage forest in order to reduce wildfire risk, including forest drought mitigation planning
NE 9.5	Review chapter 9 (Natural Environment) of the Comprehensive Plan to ensure alignment to the SAP and recommend revisions as needed



How we treat our land, how we build upon it, how we act toward our air and water, in the long run, will tell what kind of people we really are.

-- Laurance S. Rockefeller

NATURAL ENVIRONMENT

Urban Fire Prevention

The wildland-urban interface (WUI) is where homes are built near or among lands prone to wildland fire. These areas have become more desirable for homeowners for their privacy, natural beauty, and access to recreational opportunities like our parks and trails. Developers and builders are accommodating this desire by building neighborhoods inside these areas. As a result, the Spokane Fire Department (SFD) must fight fire and protect homes and infrastructure within these wildland-urban interface areas.

To help adapt to this need, the SFD participated in a 2014 workgroup that developed a Wildland Fire Protection 10-Year Strategic Plan that collaborates with the State Department of Natural Resources and Federal Partners. The plan encourages several critical initiatives within the SFD described below.



Photo Credit: Dean Percy

The current SFD Wildland-Urban Interface (WUI) programs integrate the State of Washington's Wildland Fire Protection 10-Year Strategic Plan with the SFD's Strategic Positioning Plan. This integration allows SFD resources to be assigned into divisional work plans and elevates the threat from WUI fires to prioritize the organization's efforts. In addition, the SFD participates and supports the Community Wildfire Protection Plan Program and provides access for DNR's Community Assistance Grants for property owners. In 2020, and as an unexpected outcome from the Pandemic, SFD joined DNR in the Fuel Management Mapping System that integrates SFD's Intterra System to better plan for and respond to wildland fire incidents throughout our protection area. Intterra allows real-time access to critical wildland fire data in the hands of responders and incident decision-makers. Also, in 2020, the SFD and Parks collaborated to create three pilot programs to reduce horizontal and vertical continuity in fuels to limit fire propagation. Traditional techniques such as pruning, thinning, mastication, and prescribed burning were very expensive or politically challenging. With the support of the City Council, the departments developed a goat grazing program. After thorough research, the deployment of goats has emerged as the most effective, nearly carbon-neutral, cost-effective, nontoxic, and nonpolluting method of thinning fuel. In the 2022 budget, the SFD will be adding a cost-neutral Wildland Fire Planning position to its budget. The purpose of the role is to manage the existing programs and to accomplish future improvements to the City's resilience and safety from the threat of WUI incidents.

- Spokane Fire Department's Chief Brian Schaeffer

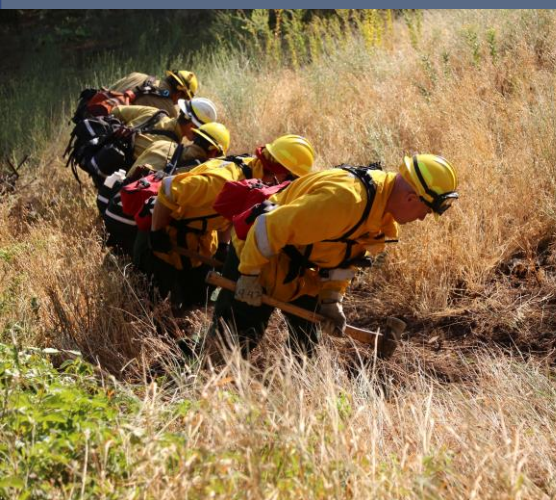


Photo Credit: Dean Percy

Existing Natural Resource Planning and Management Initiatives²⁰

There are many organizations at both the regional and state level working on protecting our natural environment

Forests:

Washington State Department of Natural Resources

- Washington Forest Action Plan (2020)
- 20-Year Forest Strategic Plan (2020)

Wildlife:

- Washington Department of Fish and Wildlife Landscape Planning for Washington's Wildlife

Plant Communities:

- Spokane County Noxious Weed Board: Identifying and Controlling Noxious Weeds in Spokane County

Sensitive Species & Habitats (Critical Areas):

- Spokane County: Protection of Critical Areas ([link](#))
- Washington Department of Fish and Wildlife: Priority Habitats and Species ([link](#))
- City of Spokane Critical Areas Report (1994) [link](#)

Wildfire:

- DNR Wildland Fire Protection 10-year Strategic Plan [link](#)
- Firewise Program (Spokane County Conservation District in collaboration with Department of Natural Resources)

Climate Resilience:

- Washington State Department of Natural Resources; Plan for Climate Resilience (2020)
- The Lands Council & City of Spokane Spocanopy Initiative



HEALTH & WELLBEING

Co-Benefits



Empowers Spokane residents with information on how they can take climate and sustainability actions within their own lives. Promotes local food systems, reduces environmental degradation, and preserves urban farmland.



Decreases healthcare costs over time and increases the safety and security of Spokane residents.



Improves health outcomes for people disproportionately exposed and/or susceptible to the impacts of climate change including low-income, people of color, the elderly, children, and people with pre-existing health conditions.



Ensures benefits are enjoyed equitably across our community by prioritizing access and investment in underserved communities.

SDG Alignment





The impacts of climate change will intensify issues that Spokane residents face today like financial insecurity, affordable housing, food security, and healthcare access. The COVID-19 pandemic exposed how a crisis disproportionately impacts vulnerable communities. By investing in the health and wellbeing of our residents, Spokane can ensure our city has the systems in place to adapt to the impacts of a changing climate. We envision a city with local leadership that proactively invests in public health, access to healthy food, affordable housing, emergency services, and resiliency infrastructure. Empowering communities by making these investments will result in a stronger Spokane.



2020 First Responder's Parade Photo Credit: City of Spokane

Current City and Regional Initiative²¹

Creating resilient communities means that residents have equitable access to housing, employment, healthcare, and education. The following projects and initiatives are currently underway in support of these goals.

- Spokane Housing Action Plan (under development)
- Washington State Universal Health Care Work Group

Comprehensive Plan Alignment

Chapter 3: Land Use

- LU 1: Citywide Land Use
- LU 4: Transportation
- LU 6: Adequate Public Lands and Facilities

Chapter 5: Transportation

- TR 1: Transportation Network for All Users
- TR 20: Bicycle/Pedestrian Coordination

Chapter 6 : Housing

- H 1: Housing Choice and Diversity
- H 2: Housing Quality

Chapter 10: Social Health

- SH 1: Funding & Mechanisms to Support Social Health
- SH 2: Facilities for Special Needs Populations
- SH 4: Diversity & Equity
- SH 5: Public Benefit Uses
- SH 8: Food Access & Security

▶ Action in-progress ▶ Action complete



2018 District 3 health education fair. Photo credit: City of Spokane

As we move toward implementation of this plan, it is critical that our leaders and community members develop a shared understanding of what public health is and its role in community wellbeing. Public health is prevention-focused, population-wide targeting, and seeks to address the causes of social inequity leading to differentials in health. Public health is not health care.

Success from a public health perspective means decisions must be based on science, outcomes must be evaluated and course-corrected as indicated, and we must be constantly mindful of social justice and equity.

HEALTH & WELLBEING

GOAL 1. Prioritize & invest in all communities to ensure equitable outcomes

Strategy 1. Increase household food security regionwide

Priority Actions

HW 1.1	Support the Spokane Food Policy Council (SFPC) in studying, identifying and implementing sensible and achievable codes, policies, and requirements that eliminate barriers and reduce costs for urban farms and community gardens and expand local control of food grown, processed, and sold directly to consumers
HW 1.2	Work with regional partners, including SFPC, to develop and adopt a regional food plan. This document will outline the needs of the community and a blueprint for meeting these needs.
HW 1.3	Partner with local nonprofits, advocacy groups, and other governmental organizations to create a Regional Food System Partnership. This Partnership will bring stakeholders together to maximize our local food system capacity, efficacy, and efficiency.
HW 1.4	Partner with other public entities, local business organizations, and food producers to launch a local food campaign to educate the public on the benefits of eating local

Strategy 2. Increase access to affordable housing and healthy outcomes

Priority Actions

HW 2.1	Continue to invest in affordable housing, low-barrier housing, and safe, accessible, affordable public transportation
HW 2.2	Fund grants for sustainable home upgrades that benefit resident health and transition renters to improved housing
HW 2.3	Support policy that addresses low-income access to healthcare and health services, including health services for non-working individuals
HW 2.4	Collaborate with regional partners to create a robust regional response to homelessness
HW 2.5	Ensure schools and early learning facilities meet acceptable clean indoor air quality standards
HW 2.6	Support efforts to engage community leaders from underrepresented communities to determine barriers to health & healthcare access and create a 5-year plan to address those barriers
HW 2.7	Partner with local medical and nursing schools and community-based organizations to increase healthcare outreach to low-income communities and unhoused persons

Household Food Security

According to the USDA, food insecurity occurs when “consistent access to adequate food is limited by a lack of money and other resources at times during the year.” In Spokane, it is estimated that 1 in 5 children live in food insecure households. Food security for a household in Spokane is dependent on two things: the existence of a secure and robust supply network that produces food and brings it to market; and the economic ability of a household to access it. This Sustainability Action Plan addresses Spokane’s ability to ensure household food security for all residents.



Under HW Strategy 1, Spokane will strengthen our local food supply network to decrease dependency on global networks.

Actions in the TL & WR chapters help protect farmlands while action EP 1.3 will improve the viability of local businesses, including those involved in food production and processing. About 18% of Spokane residents fall below the federal poverty level.²¹ That is why this plan recommends actions to both strengthen household income and divert edible food to those in need.

HEALTH & WELLBEING

GOAL 2. Implement climate adaptation strategies into emergency and disaster response

Strategy 3. Include climate impacts in disaster and emergency management response

Priority Actions

▶ HW 3.1	Finalize Climate Vulnerability Assessment by 2021
▶ HW 3.2	Ensure City's disaster and emergency management plans include specific strategies to prepare for vulnerabilities identified in the Climate Vulnerability Assessment and from other relevant sources
HW 3.3	Partner with regional emergency and disaster response teams to ensure a regional approach is used to respond to any future crisis or challenge
HW 3.4	Develop regional plan to respond to impacts of increased heat and wildfire smoke on vulnerable populations, including identifying public buildings to function as cooling and clean air centers and addressing associated mental health needs

GOAL 3. Create community engagement around sustainability & climate action

Strategy 4. Increase community awareness of climate change risks and impacts

Priority Actions

▶ HW 4.1	Promote science-based climate change curriculum adoption in all k-12 classrooms
HW 4.2	Develop public outreach campaign on how residents should respond to high heat risks and wildfire smoke
▶ HW 4.3	Provide community tools and opportunities for the public to participate in sustainability and climate action
▶ HW 4.4	Partner with Community Centers and local community organizations working with vulnerable populations to find alignment and opportunities to promote shared goals of health and wellbeing for Spokane residents
HW 4.5	Create a community engagement plan for implementation and improvement of the Sustainable Action Plan goals among underserved communities



According to the American Academy of Pediatrics, climate change poses threats to human health, safety, and security, and children are at particularly high risk. The effects of climate change on child health include:

- Cumulative physical and psychological impacts of recurring weather disasters (eg., wind events, wildfires, flooding)
- Increased heat stress
- Decreased air quality
- Altered vector-borne disease patterns
- Food, water, and nutrient insecurity

Photo from Party in the Park, 2016 Credit: City of Spokane

HOW TO GET INVOLVED

Boards & Commissions



Committees



Public Infrastructure, Environment, & S...



Sustainability Action Subcommittee



Sustainability Action Subcommittee

Wondering how you can contribute? Find resources and tips for reducing your environmental impact on the Sustainability Action Subcommittee [website](#) under "Take Action." Coming early 2022, residents of Spokane will have access to the "Sustainable Spokane" portal, a program from the City of Spokane to help residents take climate action together as a community. While you're visiting the SAS website, sign up to receive our newsletter.

<https://my.spokanecity.org/sas>



Our Community, Our Future

Thank you to everyone who completed the Climate Action Plan Survey. We'll use your input to inform more community involvement and planning for a sustainable Spokane. [Download the Survey Summary.](#)



Vulnerability Assessment

A changing climate brings specific risks to the Spokane region in terms of increased temperatures, more intense wildfires, and changes in snowpack which affect the health of our river and our aquifer. [Learn more in this vulnerability assessment,](#) co-



Take Action

Our team is collecting a list of Green Tips for you to implement at your work or home. [Discover ways](#) in which you can implement actions and strategies for making Spokane a greener place to live.



SustainableSpokane.org

Over 60% of the city's emissions come from 5 basic household categories - home heating, electricity use, transportation, food and waste. The great news - we now have affordable and accessible options for all 5 that enable you to make a significant difference on climate! The platform makes it simple and easy to discover your household impact, explore solutions, and find actions that are right for you. Each action comes with resources and how-to-guides that make it easy to make a difference. Whether you rent or own your house, this program is for you. Explore the platform at SustainableSpokane.org!

1. Existing City Plans

- Spokane Sustainability Action Plan (2009)
<https://static.spokanecity.org/documents/publicworks/environmental/sustainability-action-plan.pdf>
- Spokane Comprehensive Plan (2017)
<https://my.spokanecity.org/shapingspokane/comprehensive-plan/>
- Spokane Water Conservation Master Plan (2020)
<https://static.spokanecity.org/documents/publicworks/water/water-conservation-master-plan-2020-04-27.pdf>
- Spokane City Bike Master Plan <https://my.spokanecity.org/projects/bicycle-master-plan/>
- Spokane Pedestrian Master Plan
<https://static.spokanecity.org/documents/projects/pedestrianplan/spokane-final-pedestrian-plan-adopted-2015-11-02.pdf>

2. Existing Regional Plans

- Spokane County Comprehensive Plan (updated 2019) <https://www.spokanecounty.org/4474/2019-Comprehensive-Plan-Amendments>
- Spokane County Solid Waste and Moderate Risk Waste Management Plan (2015)
<https://www.spokanecounty.org/4725/Spokane-County-ComprehensiveSolid-Waste->
- Horizon 2040: The Spokane Regional Metropolitan Transportation Plan <https://www.srtc.org/wp-content/uploads/2017/10/H2040-Flier-Edit-and-Digital-Copy.pdf>
- Spokane Regional Health District Bike Walk Bus Program: <https://walkbikebus.org/>
- Spokane Transit Authority Moving Forward 10 Year Plan (2016): <http://stamovingforward.com/>
- WSDOT Active Transportation Plan: <https://wsdot.wa.gov/travel/commute-choices/bike/plan>
- Avista Utilities Integrated Resource Plan (2020): <https://www.myavista.com/about-us/integrated-resource-planning>
- Avista Utilities Transportation Electrification Plan (2020): <https://www.myavista.com/energy-savings/green-options/electric-transportation>
- Spokane Food Policy Council's Food Action Plan (currently under development):
<https://www.spokanefoodpolicy.org/>

3. City & State Code

- Spokane Municipal Code Chapter 15.05 – Climate Change:
<https://my.spokanecity.org/smc/?Chapter=15.05>
- Res 2014-0070 Anadromous Fish Recovery:
<https://publicdocs.spokanecity.org/cityclerkrecords/tempimages/5jcwafmtmltysmhs34naxjc2/3551795.pdf>

Washington State

- 2019 Clean Energy Transformation Act (CETA): <https://www.commerce.wa.gov/growing-the-economy/energy/ceta/>
- 2019 Revised Code of Washington 70A.45.020 -- Green House Gas Emissions Reductions:
<https://app.leg.wa.gov/RCW/default.aspx?cite=70A.45.020>
- 2019 Use Food Well Washington Plan: <https://ecology.wa.gov/Waste-Toxics/Reducing-recycling-waste/Organic-materials/Food-waste-prevention/Food-waste-plan>
- RCW 19.27A.160 Residential and Nonresidential construction permitted under **the 2031 state energy code must achieve a 70 percent reduction in annual net energy consumption** (compared to the 2006 state energy code)
- RCW 19.27A.020 Construct increasingly efficient homes and buildings that help achieve the broader goal of building **zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031**

4. McKinstry, 2016: <https://www.mckinstry.com/2016/09/23/spokane-transits-facility-upgrades-serve-money-and-energy/>)
 5. The Spokesman Review, 2019: <https://www.spokesman.com/stories/2019/sep/29/shawn-vestal-there-it-is-again-the-center-of-spoka/>
 6. Seattle Business Magazine, 2009: <https://www.seattlebusinessmag.com/article/2009-green-washington-awards>
 7. The Active Times, 2018 : <https://www.theactivetimes.com/adventure/best-cities-outdoor-enthusiasts-ranked/slide-2>
 8. Pauline Flett Video: <https://vimeo.com/401997642> Produced by FactoryTown
 9. World Health Organization on health equity: <https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health>
 10. Washington State Department of Health Website on Health Equity: <https://www.doh.wa.gov/CommunityandEnvironment/HealthEquity>
 11. Washington Environmental Health Disparities Map: <https://www.doh.wa.gov/DataandStatisticalReports/WashingtonTrackingNetworkWTN/InformationbyLocation/WashingtonEnvironmentalHealthDisparitiesMap>
 12. Report to the Washington State Governor and Legislature: Environmental Justice Taskforce – Recommendations for Prioritizing EJ in Washington State Government -- https://healthequity.wa.gov/Portals/9/Doc/Publications/Reports/EJTF%20Report_FINAL.pdf
13. Existing Watershed & Aquifer Plans & Initiatives
- Greater Spokane River Regional Conservation Partnership Program (RCPP) “The Regional Conservation Partnership Program (RCPP) was developed by the 2014 Farm Bill. It is a partner-driven, locally led approach to enhancing conservation efforts in a targeted area. It offers new opportunities for the USDA Natural Resources Conservation Service (NRCS) to promote innovation, gather new partners to the conservation mission, and demonstrate the value and worth of voluntary, private land conservation.”: <https://www.sccd.org/rcpp/>
 - Spokane County Voluntary Stewardship Program: Four categories: Agriculture Stewardship, Forestry Stewardship, Livestock Stewardship, and ‘Grown Local, Sold Local’ (innovation around protecting critical areas): <https://conservationmap.sccd.org/page/start>
 - WRIA 54 (Lower Spokane Watershed) Watershed Plan (2009): http://spokanewatersheds.org/files/documents/WRIA54Plan_Aug2009_wfigures.pdf and Implementation Plan (2010): http://spokanewatersheds.org/files/documents/WRIA54-ImplementationPlan_Final12-20-10.pdf
 - WRIA 55 (Little Spokane) and 57 (Middle Spokane) Watershed Plan (2005): <http://spokanewatersheds.org/files/documents/WRIA-55-57-Watershed-Management-Plan-Final-1-31-06.pdf>
 - WRIA 56 (Hangman) Watershed Plan (2005): <http://spokanewatersheds.org/files/documents/Hangman-Creek-Watershed-Managment-Plan.pdf>
 - WRIA 55 (Little Spokane Watershed Planning) Spokane County Watershed updates: link (Hirst decision on permit exempt wells): <https://www.spokanecounty.org/3843/WRIA-55-Watershed-Plan-Update>
 - City of Spokane Shoreline Master Plan: <https://my.spokanecity.org/projects/shoreline-master-program-periodic-update/>
 - Family Forest Fish Passage Program (Spokane County Conservation District in collaboration with WA State Department of Natural Resources) Financial and technical help around removing in-stream barriers to fish passage on private land: <https://sccd.org/departments/water-resources/family-forest-fish-passage-program-2/>
 - Spokane Regional Toxics Taskforce Comprehensive Plan to Reduce PCBs in the Spokane River: http://srrttf.org/wp-content/uploads/2016/04/2016_Comp_Plan_Final_Approved.pdf
 - The Great Spokane River Gorge Strategic Master Plan: <https://spokaneriver.net/initiatives/great-gorge-plan/>
 - SVRP Aquifer Atlas: <https://www.spokanecounty.org/DocumentCenter/View/3178/2015-Edition-SVRP-Aquifer-Atlas-PDF>

- Water Offset Projects--Managed Aquifer Recharge 2020 Field Report: https://www.spokanecounty.org/DocumentCenter/View/33794/Managed-Aquifer-Recharge-MAR-Field-Investigation-Report-06_18_2020
- Idaho Washington Aquifer Collaboration (IWAC) Efficient Irrigation and Landscape Design Handbook: <https://www.spokaneaquifer.org/irrigation-landscape-design-standards/mobile/index.html>
- Cleaner Water Faster signage campaign (Centennial Trail) IWA: <https://www.spokaneaquifer.org/cleaner-water-faster-centennial-trail-signs/>
- Spokane Valley-Rathdrum Prairie bi-state aquifer study: <https://pubs.usgs.gov/sir/2007/5044/>

14. Current Economic & Social Wellbeing Initiatives

- Washington State Universal Health Care Work Group: <https://www.hca.wa.gov/about-hca/universal-health-care-workgroup>
- Urbanova: <https://urbanova.org/projects/>
- The ZoNE: <https://thezonespokane.org/impact#key>

15. Spokane Urban Forestry Tree Benefits Website: <https://my.spokanecity.org/urbanforestry/tree-benefits/>

16. National Tree Benefit Calculator: <http://www.treebenefits.com/calculator/>

17. Nature Within: <http://www.naturewithin.info/consumer.html>

18. Green Plants for Green Buildings: <https://greenplantsforgreenbuildings.org/>

19. National 30x30 initiative: <https://www.doi.gov/sites/doi.gov/files/report-conserving-and-restoring-america-the-beautiful-2021.pdf>

20. Current Natural Environment related Initiatives

- Washington State Department of Natural Resources
 - Washington Forest Action Plan (2020): https://dnr.wa.gov/publications/rp_2020_forest_action_plan.pdf?3bb1xp
 - 20-Year Forest Strategic Plan (2020): <https://www.dnr.wa.gov/ForestHealthPlan#read-the-plan>
- Washington Department of Fish and Wildlife Landscape Planning for Washington's Wildlife: ---Managing for Biodiversity in Developing Areas (A Priority Habitats and Species Guidance Document) (2009): <https://wdfw.wa.gov/publications/00023>
- Spokane County Noxious Weed Board: Identifying and Controlling Noxious Weeds in Spokane County: <https://www.spokanecounty.org/DocumentCenter/View/21339/Identifying-and-Controlling-Noxious-Weeds-in-Spokane-County-55-pg-booklet>
- Spokane County: Protection of Critical Areas: <https://www.spokanecounty.org/DocumentCenter/View/662/BP-44-Critical-Areas-PDF>
- Washington Department of Fish and Wildlife: Priority Habitats and Species: <https://wdfw.wa.gov/species-habitats/at-risk/phs/maps>
- City of Spokane Critical Areas Report (1994): <https://static.spokanecity.org/documents/business/resources/studies/other/critical-areas-report-1994.pdf>
 pg. 2 'Many existing City plans contain goals and policies pertaining to critical areas issues. The following City plans were reviewed and used in developing this report: Generalized Land Use Plan, Shoreline Master Program, Spokane Wetlands Protection Program, Park and Open Spaces Plan, Latah Creek Specific Plan, Lincoln Heights Specific Plan, and Indian Trail Specific Plan. In addition, Spokane County's Critical Areas section of its Comprehensive Plan was also used during the City's critical areas planning process, to help fulfill the interest in coordinating with the County on critical areas planning.
- DNR Wildland Fire Protection 10-year Strategic Plan: https://www.dnr.wa.gov/publications/rp_wildfire_strategic_plan.pdf?ucjvq
- Firewise Program (Spokane County Conservation District in collaboration with Department of Natural Resources): <https://sccd.org/programs/firewise/>
- Washington State Department of Natural Resources; Plan for Climate Resilience (2020): https://www.dnr.wa.gov/publications/em_climateresilienceplan_feb2020.pdf

21. Spokane Regional Health District, Demographics and Social Characteristics report (2015), p. 10: <https://srhd.org/media/documents/DemographicsSpokaneCounty2017.pdf>



Agenda Sheet for City Council Meeting of:
10/25/2021

Date Rec'd	10/14/2021
Clerk's File #	RES 2021-0088
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	RISK MANAGEMENT
Contact Name/Phone	MICHAEL ORMSBY X6287
Contact E-Mail	MORMSBY@SPOKANECITY.ORG
Agenda Item Type	Resolutions
Agenda Item Name	5800 - SETTLEMENT OF CLAIM FOR STEPHEN KESSLER

Agenda Wording

Execution of Settlement and Release of Claims

Summary (Background)

Execution of Settlement and Release of Claims

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense \$ \$60,000

Select \$

Select \$

Select \$

Budget Account

99999

#

#

#

Approvals

Dept Head ORMSBY, MICHAEL

Division Director WALLACE, TONYA

Finance WALLACE, TONYA

Legal PICCOLO, MIKE

For the Mayor ORMSBY, MICHAEL

Council Notifications

Study Session\Other F&A 10-18-2021

Council Sponsor CM Wilkerson

Distribution List

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Additional Approvals

Purchasing

Briefing Paper Study Session

Division & Department:	City Legal
Subject:	Settlement of Claim – Stephen Kessler
Date:	October 18, 2021
Author (email & phone):	Michael Ormsby, mormsby@spokanecity.org, 6287
City Council Sponsor:	Betsy Wilkerson, bwilkerson@spokanecity.org, 6258
Executive Sponsor:	Michael Ormsby
Committee(s) Impacted:	Finance 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:	Continued Operation of City
Deadline:	October 25, 2021
Outcome: (deliverables, delivery duties, milestones to meet)	Execution of Settlement and Release of Claims
<u>Executive Summary:</u> Settlement of claim filed by Stephen Kessler in the amount of \$60,000.	
<u>Budget Impact:</u> Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If new, specify funding source: Risk Management. Other budget impacts: (revenue generating, match requirements, etc.)	
<u>Operations Impact:</u> 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 RE SETTLEMENT OF
CIVIL CLAIM AGAINST CITY OF SPOKANE

WHEREAS, a claim for damages was filed with the City of Spokane by Stephen Kessler on September 16, 2019 arising out of an incident occurring on May 9, 2019, in the City of Spokane, as more fully described in the claim for damages; and

WHEREAS, the City has determined to resolve all claims with Claimant and any third parties who may claim a subrogated interest against the City, its officers, agents, employees and contractors, for a payment of SIXTY THOUSAND DOLLARS (\$60,000.00).

WHEREAS, Claimant has agreed to accept said payment and in return to release any and all claims against the City of Spokane.

NOW THEREFORE, be it resolved by the City Council of the City of Spokane:

1. The City of Spokane authorizes that payment in the amount of SIXTY THOUSAND and NO/100 DOLLARS (\$60,000.00), to be paid to Claimant through his counsel, Benjamin Rascoff, with the law firm of Winston & Cashatt, in trust for Stephen Kessler, without admission of fault or liability, as a full settlement and compromise of the above-referenced litigation and/or claim, and in exchange the Claimant will provide a signed release fully extinguishing all claims by Claimant in connection with the incident and pledging to fully protect and indemnify the City of Spokane, its officers, agents, employees, contractors, and insurers, against all loss or liability in connection with said claim.

PASSED the City Council this _____ day of _____, 2021.

City Clerk

Approved as to form:

Assistant City Attorney

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

10/25/2021

Date Rec'd

10/14/2021

Clerk's File #

RES 2021-0089

Renews #**Cross Ref #****Submitting Dept**

RISK MANAGEMENT

Contact Name/Phone

MICHAEL ORMSBY X6287

Project #**Contact E-Mail**

MORMSBY@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #**Agenda Item Name**

5800 - SETTLEMENT OF CLAIM FOR ERIN STACEY

Agenda Wording

Settlement of claim filed by Erin Stacey in the amount of \$62,500.

Summary (Background)

Settlement of claim filed by Erin Stacey in the amount of \$62,500.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact**Budget Account**

Expense \$ \$62,500

99999

Select \$

#

Select \$

#

Select \$

#

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

ORMSBY, MICHAEL

Study Session\Other

F&A 10-18-2021

Division Director

ORMSBY, MICHAEL

Council Sponsor

CM Wilkerson

Finance

WALLACE, TONYA

Distribution List**Legal**

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mcarlos@spokanecity.org**For the Mayor**

ORMSBY, MICHAEL

mormsby@spokanecity.org;
sfaggiano@spokanecity.org**Additional Approvals**

ddaniels@spokanecity.org; ablain@spokanecity.org

Purchasing

Briefing Paper Study Session

Division & Department:	City Legal
Subject:	Settlement of Claim - Erin Stacey
Date:	October 18, 2021
Author (email & phone):	Michael Ormsby, mormsby@spokanecity.org, 6287
City Council Sponsor:	Betsy Wilkerson, bwilkerson@spokanecity.org, 6258
Executive Sponsor:	Michael Ormsby
Committee(s) Impacted:	Finance 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:	Continued Operation of City
Deadline:	October 25, 2021
Outcome: (deliverables, delivery duties, milestones to meet)	Execution of Settlement and Release
<u>Executive Summary:</u> Settlement of claim filed by Erin Stacey in the amount of \$62,500.	
<u>Budget Impact:</u> Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If new, specify funding source: Risk Management. Other budget impacts: (revenue generating, match requirements, etc.)	
<u>Operations Impact:</u> 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 RE SETTLEMENT OF
CIVIL CLAIM AGAINST CITY OF SPOKANE

WHEREAS, a claim for damages was filed with the City of Spokane by Erin Stacey on May 28, 2021 arising out of an incident occurring on June 30, 2019, in the City of Spokane, as more fully described in the claim for damages; and

WHEREAS, the City has determined to resolve all claims with Claimant and any third parties who may claim a subrogated interest against the City, its officers, agents, employees and contractors, for a payment of SIXTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$62,500.00).

WHEREAS, Claimant has agreed to accept said payment and in return to release any and all claims against the City of Spokane.

NOW THEREFORE, be it resolved by the City Council of the City of Spokane:

1. The City of Spokane authorizes that payment in the amount of SIXTY-TWO THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$62,500.00), to be paid to Claimant through her counsel, Timothy Nodland, in trust for Erin Stacey, without admission of fault or liability, as a full settlement and compromise of the above-referenced litigation and/or claim, and in exchange the Claimant will provide a signed release fully extinguishing all claims by Claimant in connection with the incident and pledging to fully protect and indemnify the City of Spokane, its officers, agents, employees, contractors, and insurers, against all loss or liability in connection with said claim.

PASSED the City Council this ____ day of _____, 2021.

City Clerk

Approved as to form:

Assistant City Attorney

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

10/25/2021

Date Rec'd

10/13/2021

Clerk's File #

ORD C36121

Renews #**Submitting Dept**DSC, CODE ENFORCEMENT &
PARKING SERVICES**Cross Ref #****Contact Name/Phone**

JESTEN RAY 509-625-6819

Project #**Contact E-Mail**

JRAY@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

1460 - ORDINANCE RELATED TO THE PARKING ADVISORY COMMITTEE

Agenda Wording

Ordinance related to the Parking Advisory Committee, to relocate the committee from under Title 07, Finance to under Title 04, Administrative Agencies and Procedures. Recommended for Council approval by the Parking Advisory Committee 4/27/21.

Summary (Background)

The Parking Advisory Committee was created in 2016 as an official City committee, however, it resided under Title 07, Finance. This ordinance amends SMC section 07.08.130 relocating the Parking Advisory Committee sections to a new chapter (04.38) under Title 04, Administrative Agencies and Procedures consistent with all other boards and commissions.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Neutral \$

Budget Account

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Dept Head**

BECKER, KRIS

Council Notifications**Study Session\Other**Urban Experience
10.11.21**Division Director**

BECKER, KRIS

Council Sponsor

CM Kinnear and Stratton

Finance

ORLOB, KIMBERLY

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For the Mayor

ORMSBY, MICHAEL

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Additional Approvals

tszambelan@spokanecity.org;

Purchasing

kstratton@spokanecity.org;

lkinnear@spokanecity.org;

ORDINANCE NO. C36121

AN ORDINANCE relating to the Parking Advisory Committee amending SMC section 07.08.130; adding a new chapter 04.38 to title 04; adopting new sections 04.38.010, 04.38.020, 04.38.030, 04.38.040, 04.38.050, 04.38.060, 04.38.070, and 04.38.080 to chapter 04.38 of the Spokane Municipal Code; and setting an effective date.

WHEREAS, the Parking Advisory Committee as an official City committee should be located under Administrative Agencies and Procedures instead of Finance, and;

WHEREAS, the City desires code to spell out the purpose of the Parking Advisory Committee, duties and functions, appointment, membership, officers, compensation, support staff and meetings, and;

WHEREAS, the Parking Advisory Committee reviewed and approved the proposed code changes April 27, 2021, and; --- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 07.08.130 is amended to read as follows:

Section 07.08.130 Parking System Fund

- A. There is created and shall be maintained in the office of the City Treasurer a special revenue fund designated the “parking system fund.” All City parking revenue from on and off-street (~~((meter-))~~)systems, miscellaneous parking fees, permits, etc., along with other sums appropriated in the budget from the City general fund shall be deposited into the fund upon receipt. One hundred percent (100%) of the total amount of the parking infraction revenue collected, less the expenditures of the municipal court parking violations program from the prior calendar year, will be transferred from the general fund to the parking system fund.
- B. Money deposited into the fund shall be accumulated or expended to pay for operations and maintenance of the parking system, to include parking enforcement and collections, the parking violation system and to maintain, improve, and enhance the customer environment in those areas where parking revenue is generated within the City.
- C. City Council priorities for expenditures from the parking system fund are parking system investments, parking environment improvements, administration, and safety and security of the parking system. For purposes of this section, “parking environment” shall mean all infrastructure in the public right-of-way that contributes to the interface between the (~~((downtown-))~~)resident, visitor or worker and the(~~((-downtown))~~) built environment. This infrastructure includes, but is not limited to, parking stalls, payment systems, parking asset management, streetscapes (including landscaping and pedestrian lighting investments), street furniture, wayfinding systems, public safety, vehicle, bicycle, and pedestrian rights-of-way, public spaces, gateways and all other

aspects of((~~downtown~~)) common areas, which contribute to the overall experience ((~~of downtown~~))within the Paid Parking Zone.

~~((D. — Parking Advisory Committee.~~

- ~~1. A thirteen-member parking advisory committee will be created to advise the City on investments in the parking environment, policy, and rate setting as informed by the downtown parking study. The committee shall be facilitated by Business Improvement District staff and shall be composed of the following stakeholders to be appointed by the City Council: one (1) downtown property owner, one (1) owner of a large downtown business, one (1) owner of a downtown small business, one (1) resident of downtown, one (1) downtown worker, one (1) designee from Spokane Transit Authority, one (1) representative of the Arts community; three (3) members chosen at the discretion of the Business Improvement District; two (2) city council members in non-voting, *ex officio* roles; and the (1) Parking Services Manager in a non-voting, *ex officio* role. The committee members shall serve staggered terms of three (3) years. The committee chair shall be elected by a vote of the committee and shall serve a (1) year term, however, the Committee may vote to extend the chairperson's term by (1) additional year.~~
- ~~2. The Committee shall propose to the City Council, on an annual basis, a set of recommended projects to improve the downtown parking environment, guidance on parking rate setting, and other public policy recommendations concerning the downtown parking system, as well as a description and analysis of the outcomes of the prior years' parking fund investments.~~
- ~~3. In forming its recommendations, the Parking Advisory Committee shall observe the following process:~~
 - ~~a. City Council and the City administration, though their *ex-officio* Committee positions, shall provide the Committee with priorities for the Committee's consideration during their annual project planning process.~~
 - ~~b. With consideration given to the input received in this process from City Council and the Administration, The Committee shall develop an annual recommended budget and capital project list for the parking system fund. This list will be presented to the City Council on or before November 1 of each year. The City Council shall then consider for approval the list of projects and recommended investments as part of the normal annual budget process. Projects will be placed in the six-year capital program as needed.~~
 - ~~c. The parking advisory committee, in collaboration with City Council and staff Committee designees, will develop a set of indicators that will track downtown vitality as a result of improvements made from parking system fund investments. These data will be available in the annual report.))~~

D. City Council goals for the parking system fund include: (1) the establishment of a parking system fund reserve of \$500,000, and (2) the set-aside of not less than ten percent (10%) of the parking system fund for the support of emergency projects in the parking environment.

- E. Any available parking funds must first be used to cover the debt service on Series 2005B LTGO bonds (Bonds) or any subsequent refinancing of these bonds. In the event the Bonds are refinanced and result in a reduction of remaining debt service, said reductions may be utilized for economic development purposes in the City subject to City Council Resolution.

Section 2. That there is adopted a new chapter 04.38 to title 04 of the Spokane Municipal Code to read as follows:

Chapter 04.38 Parking Advisory Committee

Sections:

- 04.38.010 Purpose
- 04.38.020 Duties and Functions
- 04.38.030 Appointment
- 04.38.040 Membership
- 04.38.050 Officers
- 04.38.060 Compensation
- 04.38.070 Staff Support
- 04.38.080 Meetings

Section 04.38.010 Purpose

The Parking Advisory Committee advises the City administration, the Mayor, and the City Council on investments in the parking environment, policy, and rate setting as informed by adopted parking studies. For purposes of this section, “parking environment” shall mean all infrastructure in the public right-of-way that contributes to the interface between the resident, visitor or worker and the built environment. This infrastructure includes, but is not limited to, parking stalls, payment systems, parking asset management, streetscapes (including landscaping and pedestrian lighting investments), street furniture, wayfinding systems, public safety, vehicle, bicycle, and pedestrian rights-of-way, public spaces, gateways, and all other aspects of common areas, which contribute to the overall experience of areas within the Paid Parking Zone ([SMC 16A.04.100G](#)).

Section 04.38.020 Duties and Functions

The Parking Advisory Committee has the power and duty to:

- A. Evaluate funding requests for eligible activities and projects and, on an annual basis, propose a set of recommended projects to the City Council to improve the parking environment;
- B. Provide guidance on setting or changing parking rates for on-street parking;
- C. Make recommendations for public policy relating to the parking system;

- D. Issue an annual report to the Mayor and City Council on the parking system along with achievements for the past year and goals for the coming year;
- E. Adopt rules;
- F. Hold regular public meetings and keep a written record of its proceedings which is a public record;

Section 04.38.030 Appointment

- A. The Parking Advisory Committee consists of thirteen members nominated by the Mayor and appointed by the City Council to staggered three-year terms.
- B. Appointees need not be residents of the City of Spokane.
- C. Appointees shall serve three (3) year terms and may be eligible for one (1) reappointment for a three (3) year term reappointment.
- D. Each appointee is eligible for establishing a single designee, who may attend committee meetings in lieu of appointee attendance. Establishment of a designee is subject to committee approval.
- E. Vacancies are filled by appointments to unexpired terms in the same manner.

Section 04.38.040 Membership

The membership as a whole shall reflect a broad range of opinion, experience, and expertise with the objective of providing sound advice representative of the citizenry. The Committee shall include two (2) City Council members in non-voting, ex officio roles; and one (1) City Parking Services Manager in a non-voting, ex officio role. The remaining eleven (11) members shall be appointed with intent to maintain diversity among the following stakeholder categories:

- A. Representative of the University District;
- B. Designee from the Business Improvement District;
- C. Owner/operator of a parking lot or garage within the Paid Parking Zone;
- D. Resident of downtown;
- E. Downtown worker;
- F. Designee from Spokane Transit Authority;
- G. Representative of the hospitality industry;
- H. Representative of the arts and entertainment community;
- I. Realtors, developers, property managers or business owners within the Paid Parking Zone.

Section 04.38.060 Officers

The Committee on an annual basis elects a chair and a vice chair from its membership to preside over meetings and perform such other functions as may be prescribed by rule.

Section 04.38.050 Compensation

Members serve without compensation.

Section 04.38.070 Staff Support

The mayor assigns a City employee to provide technical and administrative assistance to the Committee.

Section 04.38.080 Meetings

All meetings are held in accordance with the Open Public Meetings Act, chapter 42.30 RCW. Minutes of all meetings are kept as public records.

Section 3. Effective Date. This ordinance shall take effect and be in force on December 2, 2021.

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

10/25/2021

Date Rec'd

10/15/2021

Clerk's File #

ORD C36122

Renews #**Cross Ref #****Submitting Dept**DSC, CODE ENFORCEMENT &
PARKING SERVICES**Contact Name/Phone**

TAMI PALMQUIST X6157

Project #**Contact E-Mail**

TPALMQUIST@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

4700 - REMOVE UNIT 12 FROM RIVERPOINT VILLAGE PUD

Agenda Wording

An Ordinance approving an amendment to the Riverpoint Village PUD that will remove Unit 12 from the boundaries of the PUD so that it may be developed independent of the PUD, in accordance with the standards of the existing zoning regulations.

Summary (Background)

Pursuant to the type III land use application process, the Hearing Examiner held a public hearing on the proposal to remove Unit 12 (parcel number 35173.3003) from the Riverpoint Village PUD on August 18, 2021 on the request of the owner. On September 20, 2021, the Hearing Examiner recommended approval subject to conditions. The appeal period for this decision ended on October 4, 2021.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

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

BECKER, KRIS

Study Session\Other

UE 10/11/21

Division Director

BECKER, KRIS

Council Sponsor

CM Karen Stratton

Finance

ORLOB, KIMBERLY

Distribution List**Legal**

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rbenzie@spokanecity.org

tpalmquist@spokanecity.org

Briefing Paper

Urban Experience Committee

Division & Department:	Development Services Center - Planning
Subject:	Riverpoint Village PUD (Type III land use application) – Remove Parcel
Date:	October 11, 2021
Author (email & phone):	Tami Palmquist, Principal Planner, tpalmquist@spokanecity.org, 509.625.6157
City Council Sponsor:	Karen Stratton
Executive Sponsor:	Kris Becker
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 17G.060.170 Land Use Application Procedures Decision Criteria SMC 17G.060T Land Use Application Tables Spokane Comprehensive Plan
Strategic Initiative:	Urban Experience, Safe and Healthy
Deadline:	Ordinance Adoption proposed for November 2021
Outcome: (deliverables, delivery duties, milestones to meet)	Adoption of the Hearing Examiners decision, findings and conclusions and changing the City's zoning map PUD overlay to remove Unit 12 (parcel 35173.3003) from the Riverpoint Village PUD.
Background/History: Pursuant to the type III land use application process, the Hearing Examiner held a public hearing on the proposal to remove Unit 12 (parcel number 35173.3003) from the Riverpoint Village PUD on August 18, 2021 on the request of the owner. On September 20, 2021, the Hearing Examiner recommended approval subject to conditions. The appeal period for this decision ended on October 4, 2021.	
Executive Summary: <ul style="list-style-type: none"> The applicant is proposing to remove Unit 12 (parcel number 35173.3003) from the Riverpoint Village PUD. All procedural requirements were completed prior to the application being heard before the Hearing Examiner on August 18, 2021. The City's Hearing Examiner approved the removal on September 20, 2021. The Appeal Period ended on October 4, 2021. The next step is to adopt the Hearing Examiner Decision and updates to the City's Zoning Map. The proposal is consistent with multiple goals and policies from the land use, economic development, and urban design chapters of the Comprehensive Plan. The Zoning remains DTU (Downtown University). The proposal includes 1 parcel. <ul style="list-style-type: none"> Parcel number: 35173.3003 (.70 acres) 	
Attachments – Proposed Ordinance, Current and Proposed Zoning Maps	
Budget Impact: N/A Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A If new, specify funding source: N/A no budget impact to this site specific rezone (type III land use permit) Other budget impacts: (revenue generating, match requirements, etc.) N/A	
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: N/A Known challenges/barriers: N/A	

ORDINANCE NO. C36122

An Ordinance approving an amendment to the Riverpoint Village PUD that will remove Unit 12 from the boundaries of the PUD so that it may be developed independent of the PUD, in accordance with the standards of the existing zoning regulations. The parcel number is 35173.3003, located in the City and County of Spokane, State of Washington, by amending the Official Zoning Map.

WHEREAS, the Hearing Examiner held a public hearing on August 18, 2021, on the request of the owner of certain property generally located on the northeast corner of the intersection of Riverpoint Blvd and Riverpoint Village Condominiums; and on September 20, 2021, approved said removal from the PUD Overlay subject to conditions; and

WHEREAS, this designation is not a major action significantly affecting the quality of the environment; and

WHEREAS, the City Council, upon public hearing, adopts the Findings, Conclusions, and Decision of the Hearing Examiner dated September 20th, 2021, and does not produce adverse effects on the local environment; NOW, THEREFORE - - -

The City of Spokane does ordain that the Director of Planning Services be directed to change the Official Zoning Map adopted by Spokane Municipal Code Section 17A.040.020, so as to designate the property depicted in Exhibit A and legally described as:

UNIT 12, 10TH AMENDMENT TO CONDOMINIUM PLAN FOR RIVERPOINT VILLAGE, AS SHOWN ON SURVEY MAP AND FLOOR PLAN RECORDED DECEMBER 3, 1999 UNDER RECORDING NO. 4436559, IN VOLUME 6 OF CONDOMINIUMS, PAGE(S) 62, RECORDS OF SPOKANE COUNTY, AND AS IDENTIFIED IN DECLARATIONS RECORDED AUGUST 19, 1993, SEPTEMBER 9, 1993, APRIL 28, 1994, JUNE 1, 1994, AUGUST 10, 1994, MARCH 3, 1995, MAY 31, 1995, OCTOBER 18, 1995, OCTOBER 19, 1995, DECEMBER 20, 1995, JULY 30, 1996, DECEMBER 3, 1996, APRIL 25, 1997, JUNE 24, 1997, DECEMBER 16, 1997, DECEMBER 3, 1999, JUNE 26, 2000, NOVEMBER 13, 2000, MARCH 29, 2001, MAY 8, 2002, JUNE 5, 2002, MAY 23, 2007, MARCH 31, 2005, NOVEMBER 20, 2008, FEBRUARY 15, 2012 AND AUGUST 8, 2018, UNDER RECORDING NOS. 9308190392, 9309090453, 9404280587, 9406010386, 9408100184, 9503030268, 9505310335, 9510180392, 9510190283, 9512200526, 4019928, 4058923, 4097123, 4114721, 4170172, 4436558, 4492816, 4532789, 4571109, 4723682, 4735345, 5539634, 5197580, 5737469, 6067377 AND 6732169, RESPECTIVELY, RECORDS OF SPOKANE COUNTY; SITUATE IN THE CITY OF SPOKANE, COUNTY OF SPOKANE, STATE OF WASHINGTON.

be removed from the Riverpoint Village PUD Overlay zoning designation.

Passed the City Council _____

Council President

Attest:

Approved as to form:

City Clerk

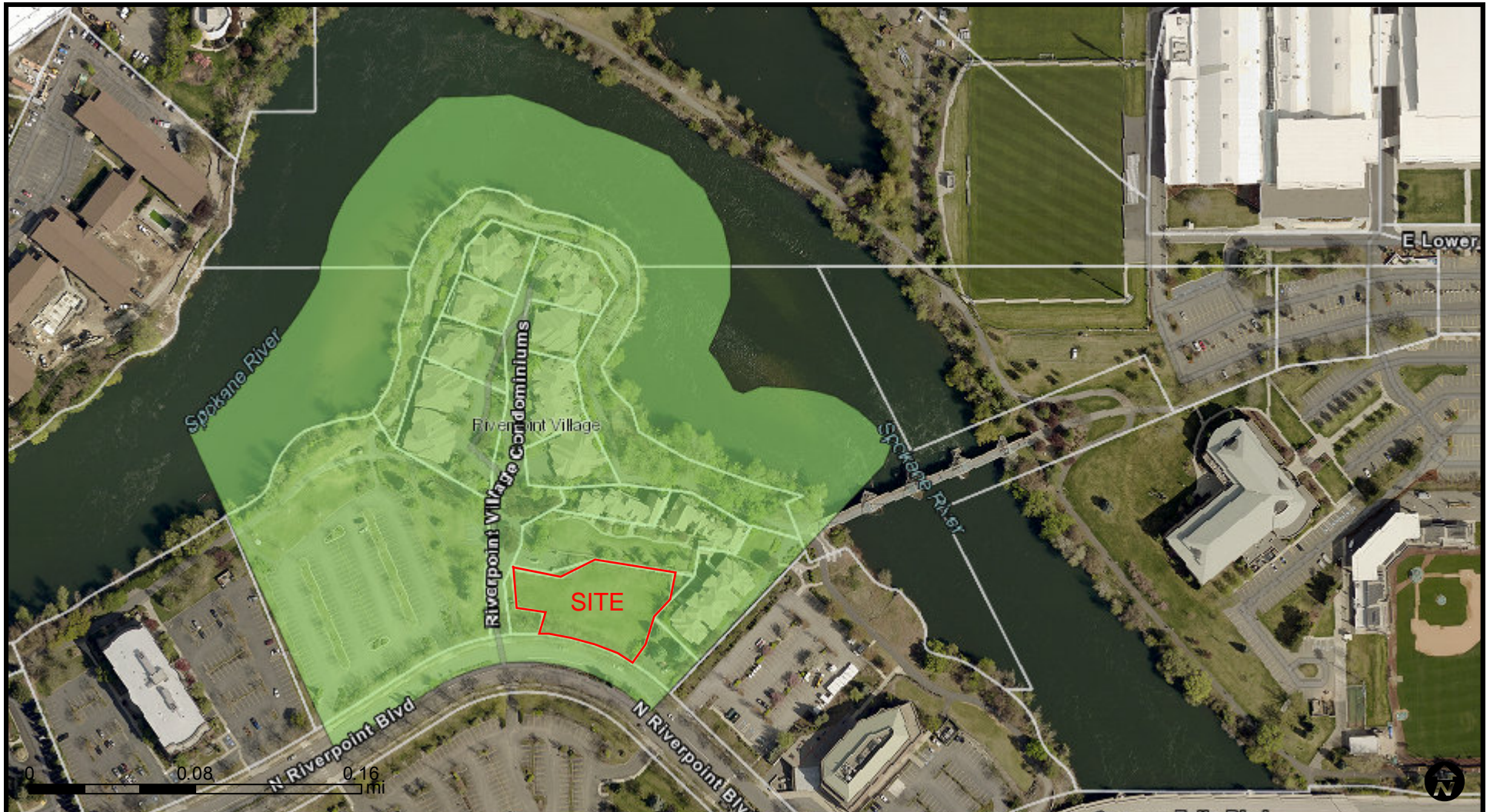
Assistant City Attorney

Mayor




Date

Effective Date

City of Spokane Map



Legend

-  City of Spokane Boundary
-  PUD
-  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 in relationship to property lines, section lines, streets, etc.

CITY OF SPOKANE HEARING EXAMINER

Re: Application to Amend the Riverpoint) FINDINGS, CONCLUSIONS,
Village Planned Unit Development) AND DECISION
(PUD) to remove Unit 12 from the)
PUD) FILE NO. Z21-105PPUD

SUMMARY OF PROPOSAL AND DECISION

Proposal: The applicant is requesting approval of an amendment to the Riverpoint Village PUD that will remove Unit 12 from the boundaries of the PUD so that it may be developed independent of the PUD, in accordance with the standards of the existing zoning regulations.

Decision: Approved, with conditions.

FINDINGS OF FACT **BACKGROUND INFORMATION**

Applicant/Agent: Goodale & Barbieri Company
Attn: Stephen Barbieri
818 W Riverside Ave, Suite 300
Spokane, WA 99201

Owner: Huckleberry Bay Company
818 W Riverside Ave, Suite 300
Spokane, WA 99201

Property Location: The subject property is located on parcel number 35173.3003, addressed as 643 N Riverpoint Boulevard, in the City of Spokane, Washington.

Legal Description: The legal description of the property is provided in Exhibit 1A.

Zoning: The property is zoned DTU (Downtown University).

Comprehensive Plan (CP) Map Designation: The property is designated as Downtown.

Site Description: The subject property is 30,377 square feet in size. It is undeveloped and irregular in shape. The site is relatively flat and is currently a large grassy area. This parcel is identified as Unit 12 in the Riverpoint Village PUD plan.

Surrounding Conditions and Uses: The land adjacent to the site, to the north, south, east and west, is zoned Downtown University (DTU). Adjacent land uses to the north and east are residential uses, which are within the existing Riverpoint Village PUD. The Spokane River forms the northerly border of the Riverpoint Village PUD. On the other side of the Spokane River, the land is zoned Community Business to the northwest, Residential High Density to the north, and General Commercial to the northeast. Gonzaga University's

campus is located northeasterly of the site, on the opposite side of the Spokane River. To the south, west, and east is the campus of WSU-Spokane.

Project Description: The applicant is proposing an amendment to remove Unit 12 from the Riverpoint Village PUD. Removing Unit 12 will allow it to be developed separately from the PUD. At this time, there are no immediate development plans for Unit 12. No specific project is being proposed in conjunction with the requested amendment.

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code (SMC) 17C.124, Downtown Development; SMC 17G.060, Land Use Application Procedures; SMC 17G.070, Planned Unit Developments; and SMC 17G.060.170, Decision Criteria.

Notice of Community Meeting: Mailed: April 30, 2021
Posted: May 5, 2021

Notice of Application/Public Hearing: Mailed: July 30, 2021
Posted: August 3, 2021

Community Meeting: May 20, 2021

Site Visit: August 17, 2021

Public Hearing Date: August 18, 2021

State Environmental Policy Act (SEPA): The May 1, 1992, Mitigated Determination of Non-Significance (MDNS) for Riverpoint Village PUD was adopted by reference pursuant to SMC 17E.050.180 and Washington Administrative Code (WAC) 197-11-600.

Testimony:

Donna deBit, Assistant Planner II
City of Spokane Planning & Development
808 W. Spokane Falls Boulevard
Spokane, WA 99201

William Lenz
Witherspoon Kelley
422 W. Riverside Avenue, Suite 1100
Spokane, WA 99201

Russell Oakley
639 N. Riverpoint Boulevard, 3W
Spokane, WA 99202

Stephen Barbieri
Goodale & Barbieri Company
818 W Riverside Ave, Suite 300
Spokane, WA 99201

Roger Felice
639 N. Riverpoint Boulevard, 6E
Spokane, WA 99202

Susan McLaughlin
PO Box 30522
Spokane, WA 99223

Submitted Comments to the Record or Present but did not Testify:

Bruce & Pam Gallaher
639 N. Riverpoint Boulevard, H103
Spokane, WA 99202

Larry & Betty Guenther
larryguenther@outlook.com
betsyguenther@outlook.com

Kathleen & James McLean
Kmclean888@hotmail.com

Constance Scarpelli
639 N. Riverpoint Boulevard, J307
Spokane, WA 99202

Michael Hinnen
639 N. Riverpoint Boulevard, 9W
Spokane, WA 99202

Giotom Tsegay
639 N. Riverpoint Boulevard, J308
Spokane, WA 99202

Jill Serbousek
639 N. Riverpoint Boulevard, H101
Spokane, WA 99202

Exhibits:

Staff Report, dated 08/11/21, including the following exhibits:

1. Application Materials, including:
 - A General Application
 - B Planned Unit Development Application
 - C Notification Map Application
2. Request for Agency Comments dated 06/23/21, including:
 - A Spokane Tribe of Indians
 - B City of Spokane Treasury Accounting
 - C Avista
 - D City of Spokane Engineering
3. Noticing Documents, including:
 - A Notice of Public Hearing Instructions dated 06/21/21
 - B Notice of Public Hearing for 08/18/21 Hearing
 - C Noticing Affidavits
4. Public Comments
5. Community Meeting Materials, including:
 - A Community Meeting Instructions dated 04/26/21
 - B Notice of Community meeting for 05/20/21
 - C List of Meeting Participants
 - D Affidavits
 - E Community Meeting Recording
6. Historical Documents, including:
 - A Exceptions
 - B Original Recorded Plat
 - C Original Zone Change and PUD Application
 - D Original Hearing Date
 - E Title Report, Vesting Deed, Corporate Resolution
 - F Original PUD Decision
7. Staff Presentation

FINDINGS AND CONCLUSIONS

To be approved, an amendment to a PUD must comply with the criteria set forth in Section 17G.060.170 SMC. The Hearing Examiner has reviewed the application and the evidence of record with regard to the application and makes the following findings and conclusions:

- 1) *The proposal is allowed under the provisions of the land use codes. See SMC 17G.060.170(C)(1).*

The Applicant seeks to remove a parcel of land from an existing PUD. Modifications to a PUD are allowed, so long as the proposal goes through the Type II or Type III review process as appropriate. *Testimony of D. deBit.* In this case, a Type III process was required because the proposal to remove Unit 12 from the PUD was considered a “major modification.” *See id.*; *see also* SMC 17G.070.200(D)(6)(c). This process is not out of the ordinary. In fact, land has been removed from this same PUD previously. *Testimony of D. deBit.*

There is no statute, rule, or regulation, to the Hearing Examiner’s knowledge, that prohibits the removal of land from a PUD. The original decision approving the PUD, similarly, does not include conditions that preclude the removal of Unit 12 from the PUD. *Testimony of D. deBit*; *see also* Exhibit 6F. In addition, Staff noted that the PUD would continue to comply with the original decision criteria after the removal of that parcel. *See* Staff Report, p. 4. Thus, approving this proposal will not create a nonconformity or put the remainder of the site into noncompliance with the project conditions or the original decision criteria.

Removing the parcel from the PUD will permit the property to be developed without the restrictions imposed by the PUD. However, a new development will be required to meet any applicable land use standards at the time of submittal. *See* Staff Report, p. 4; *Testimony of D. deBit.* Compliance with those development standards would have to be reviewed at the time a development application is submitted. *See id.* This review will ensure that the future use and development of the property will comply with the land use codes.

- 2) *The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property. See SMC 17G.060.170(C)(2).*

The CP does not contain any goals, policies, or commentary that are especially relevant to a proposal to remove a parcel of land from an existing PUD. In addition, the mere removal of the property from the PUD is not a specific project action. This makes evaluating specific goals or policies more difficult. Even so, the CP does lend general support to this proposal, as the following discussion illustrates.

As the Staff noted, any future proposal to develop the property must demonstrate consistency with this land use designation, in addition to satisfying the applicable zoning and development regulations. *See* Staff Report, p. 4. Thus, when a specific development project is proposed, consistency with the CP will be one of the requirements. In addition, future development proposals will also be required to satisfy concurrency standards, which will ensure that public infrastructure and services are adequate to support the future use. *See id.* This fulfills Policy LU 1.12, Public Facilities and Services. *See* CP, Chapter 3, Policy LU 1.12, p. 3-14. This will also promote the efficient use of land by

focusing growth in areas where adequate facilities and services are available. See CP, Chapter 3, Policy LU 3.1, p. 3-17.

Given the nature of this proposal, the goals and policies of the CP are of limited application. However, to the extent the CP is relevant at this stage, the Hearing Examiner agrees with Staff that the proposal is consistent with the CP.

- 3) *The proposal meets the concurrency requirements of Chapter 17D.010SMC. See SMC 17G.060.170(C)(3).*

On June 23, 2021, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 2. In response, the City received comments from various agencies regarding the proposal. See e.g. Exhibits 2A-2D. None of the commenting agencies or departments reported that concurrency was not satisfied. See Staff Report, p. 4. The Hearing Examiner concludes that this criterion is met.

- 4) *If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features. See SMC 17G.060.170(C)(4).*

The proposal is to remove a parcel of property from an existing PUD. No specific development project is being proposed at this stage. As a result, there is no site plan to consider. Since this criterion assumes a site plan is under consideration, this criterion is not especially relevant to this proposal.

That being said, the site was previously evaluated and approved for development. In accordance with the original PUD, the site is an appropriate location for single-family residences, parking areas, and a parking garage. See Exhibit 7 (Riverpoint Village PUD History); see *also* Exhibit 6F. There is little reason to believe the site cannot support other types of development as well. For example, the site is relatively flat, contains sufficient area to support various uses, and is adjacent to a public road, among other things. There is no evidence in this record suggesting that the physical characteristics of the property make it inappropriate for future development. In any case, Staff correctly noted that any new development proposed for this site will be reviewed by Development Services to determine suitability regarding site planning, soils, drainage, as well as building and land use codes. See Staff Report, p. 4.

There are no known historic or cultural features on the development site. See Exhibit 2A. However, the Spokane Tribe of Indians indicates a high probability of encountering cultural resources within the area. See *id.* The Tribe also recommended an inadvertent discovery plan be implemented in the scope of work. See Exhibit 2A. Staff proposed specific project conditions to address the Tribe's concerns. Those conditions have been incorporated into this approval. See Conditions 1 & 2.

The Hearing Examiner concludes that the property is suitable for future development separate from the Riverpoint Village PUD, given the conditions and characteristics of the site. As a result, this criterion is satisfied.

- 5) *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effect or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use. See SMC 17G.060.170(C)(5).*

As stated previously, there is no specific development project associated with this proposal. The mere removal of the site from the PUD will not result in environmental impacts. Removal of the site from the PUD will allow the owner to develop the property in various ways. However, the owner will be required to develop the site in compliance with all current regulations concerning land use and environmental protection. See Staff Report, p. 5. In addition, future development proposals will require a new SEPA review unless it is found to be categorically exempt per SMC 17E.050.070. See *id.* Finally, approval of this proposal will not diminish or alter the conditions of approval applicable to the remainder of the PUD. See *id.* Thus, the remainder of Riverpoint Village PUD will continue to be required to meet the conditions of the 1992 approval and the MDNS issued on May 1, 1992. See *id.* The Hearing Examiner concludes that this criterion is, therefore, satisfied.

- 6) *The remainder of Riverpoint Village PUD will continue to comply with the PUD criteria after the removal of Unit 12.*

When the Hearing Examiner approved the Riverpoint Village PUD in 1992, he found that the proposal was consistent with the decision criteria for PUDs. See Exhibit 6F (referencing former SMC 11.19.361); see also Staff Report, p. 5. The Staff determined that the Riverpoint Village PUD will continue to satisfy these criteria after Unit 12 is removed from the PUD. The Hearing Examiner agrees. No testimony or evidence presented at the hearing undermined the Staff's conclusion. The Hearing Examiner adopts and incorporates the Staff's analysis of this issue, found on page 5 of the Staff Report.

- 7) *The Hearing Examiner concludes that request to remove Unit 12 from the PUD should be approved despite the objections to the proposal.*

A number of objections and criticisms were raised about the proposal, both in written comments and in public testimony. The primary concerns raised in the public comments are discussed below.

Loss of Green Space. Condominium owners objected that the proposal would result in the loss of green space that they enjoy. See Exhibit 4 (E-mail of B. Guenther 8-12-2021, 3:42 PM). Some owners purchased their properties because of the green space provided by Unit 12. See Exhibit 4 (E-mail of G. Tsegay 8-4-2021, 10:00 AM; Letter of J. Serbousek 7-2-2021). Others believed the loss of green space would negatively impact both the environmental health of the area as well as the aesthetics of the district. See Exhibit 4 (E-mail of K. McLean 8-11-2021, 2:39 PM; Letter of C. Scarpelli 8-14-2021); *Testimony of R. Felice.*

The Hearing Examiner is sympathetic to these concerns. However, Unit 12 is a privately owned lot. *Testimony of S. Barbieri & W. Lenz.* The property was not designated as green space or open space when the PUD was approved. *Testimony of D. deBit.* One condominium owner contended that Unit 12 was designated as a "Group Limited Common Element" in the recorded Condominium Association ("Association") documents. See

Exhibit 4 (Letter of J. Serbousek 7-2-2021). However, she did not identify the specific provisions that supported this claim. The Hearing Examiner concludes that Ms. Serbousek is mistaken. At the hearing, both the owner and the Association specifically confirmed that Unit 12 was not a common element or a limited common element of the condominium.

Testimony of S. Barbieri & W. Lenz.

Unit 12 is maintained as a grassy, open area by the current owner, at its expense. The owner is not required to continue this arrangement indefinitely. In fact, that was never the intent. Under the original PUD, Unit 12 was to be developed with single-family residences, parking areas, and a parking garage. See Exhibit 7 (Riverpoint Village PUD History); see also Exhibit 6F. The removal of the site from the PUD may result in a different kind of development than originally contemplated. However, the proposal does not eliminate green space that was set aside for the benefit of the condominium owners or others.

Violation of Condominium CC&Rs. The Association contended that removing Unit 12 from the PUD violates the Covenants, Conditions, and Restrictions (CC&Rs) of the condominium. *Testimony of W. Lenz*; see also Exhibit 8. Under those covenants, the owner had the option to remove Unit 12 from the PUD, but had to do so by a stated deadline. See *id.* That deadline expired in 2003. See *id.* Thus, the owner missed its opportunity to remove Unit 12 from the PUD, and cannot legally do so now. See *id.*; see also Exhibit 4 (E-mail of B. Gallaher 8-13-2021, 10:12 AM; Letter of J. Serbousek 7-2-2021). The Association also pointed out that Unit 12 could be developed with a residential use, consistent with the CC&Rs. *Testimony of W. Lenz.* However, any proposal to convert the property to a non-residential use is prohibited. See *id.*; see also Exhibit 8.

The removal of Unit 12 may or may not be permissible under the terms of the CC&Rs. The CC&Rs may or may not operate to preclude non-residential uses of the site. Unfortunately, the Hearing Examiner does not have authority to answer these legal questions through this administrative process. The Hearing Examiner's authority is limited to rendering a decision on the application presented, based upon the relevant codes and regulations that govern this type of application. See *Chausee v. Snohomish County Council*, 38 Wn.App. 630, 636-37, 689 P.2d 1084 (1984) (holding that a hearing examiner can only exercise the powers specifically conferred by the local legislature). The Hearing Examiner cannot interpret and enforce CC&Rs, grant equitable remedies, or award damages. For these types of relief, the Association or its members must turn to the courts. The Hearing Examiner concludes that he has no jurisdiction to interpret and enforce the terms of private covenants.

Noncompliance with Condominium Act. The Association argued that the Applicant must comply with the requirements of the Condominium Act in order to withdraw Unit 12. See Exhibit 8. In order to withdraw the property from the condominium, the Applicant must prepare, execute, and record an amendment to the CC&Rs as well as a new/certified survey map and plans. See *id.* (Citing to Revised Code of Washington [RCW] 64.34.232 & .264). Those procedures have not been followed to date. See *id.* Any attempt to withdraw without following these procedures is invalid, according to the Association. See *id.*

The application before the Hearing Examiner seeks to remove Unit 12 from a PUD. A PUD is a form of subdivision of land authorized by local ordinance. As the Association notes, it is a "planning construct" created by the City to facilitate the efficient and beneficial use of land. See Exhibit 8. The creation of a condominium, by contrast, is a private arrangement by or among the owners of real estate. See *id.* The condominium process is legally distinct

from the creation of a PUD. The Hearing Examiner has no role in that process and no jurisdiction to apply or enforce condominium law in the context of a land use application. The Hearing Examiner concludes that this issue is outside the scope of his authority. As with the controversy over the effect of the CC&Rs, this issue can only be resolved in the courts.

Lack of Specific Development Proposal. Several public comments were made objecting to the fact that the owner did not submit a specific development proposal for Unit 12. The Association emphasized that more specificity was necessary in order to properly evaluate the effect of the proposal. *Testimony of W. Lentz.* One condominium owner stated that it was difficult to determine the purpose for the change, given the uncertainty regarding the future use. *Testimony of R. Felice.* Other owners predicted that there would be a range of impacts, if the property was ultimately developed in a more intense way, such as a commercial or institutional use. See e.g. Exhibit 4 (E-mail of K. McLean 8-11-2021, 2:39 PM; E-mail of R. Oakley 8-7-2021, 9:40 AM).

The proposal seeks to remove a parcel from a PUD, in order to permit development consistent with the current zoning. There is no rule mandating that an owner formulate a specific development plan as a precondition to removing a parcel from a PUD. *Testimony of D. deBit.* In addition, proposals to remove property from a PUD has been approved in the past, including at Riverpoint Village. See *id.* The proposal is in the nature of a non-project action, like a rezone. Rezones can be approved without specific development plans attached. Often, changes of that type are made with only long-term plans in mind. Moreover, the uncertainty surrounding this proposal is not materially different than occurs with any undeveloped parcel. An undeveloped parcel can be developed in a variety of ways, depending on the zoning, the market conditions, and the intent of the owner.

Ultimately, any future development proposal will require a new application and review for compliance with SEPA requirements. The developer will be required to provide all the salient details about such a proposal. The project will be subject to the City's application review process. The environmental impacts of any non-exempt project would also be considered at that time. In other words, there is a process in place to consider the project-specific impacts. That process will take place at the time a specific development application is submitted to the City.

Potential Impacts of Proposal. Project opponents predicted that removal of Unit 12 from the PUD would damage views; create noise impacts; lower property values; exacerbate parking problems; increase traffic and congestion; create safety hazards; and increase crime, among other concerns. See e.g. Exhibit 4 (E-mail of K. McLean 8-11-2021, 2:39 PM; E-mail of R. Oakley 8-7-2021, 9:40 AM; E-mail of G. Tsegay 8-4-2021, 10:00 AM; and Letter of J. Serbousek 7-2-2021). For various reasons, the Hearing Examiner concludes that these concerns do not justify denial of the proposal.

As previously discussed, Unit 12 was not set aside as open/green space for the benefit of neighboring owners or the community. It is a parcel of private property that was always slated for development. The original plan included a parking garage, single-family residences, and parking areas. The views across Unit 12 were never going to be preserved. In addition, a neighboring owner does not have a right to a view across another person's land, in the absence of an easement or covenant preserving the view. No objecting party contended that such an easement or covenant existed. Finally, the Hearing Examiner agrees with the Applicant that Riverpoint Village is primarily oriented toward the

Spokane River, rather than to the south. *Testimony of S. Barbieri*. There is also an existing parking garage and common areas that provide some buffer between Unit 12 and the residential units in the PUD. See *id.* Ultimately, Unit 12 was not intended to be preserved as a view amenity.

The other impacts listed by project opponents are more appropriately considered when a specific development proposal is submitted. It is difficult to see how the mere removal of the property from the PUD will result in such negative outcomes. The predictions of noise, traffic, congestion, crime, unsafe conditions, lower property values, etc. reflect generalized fears regarding how the property might be developed in the future. However, unsubstantiated fears of area residents do not constitute a substantive basis for denial of a land use application. See *Sunderland Family Treatment Services v. Pasco*, 127 Wn.2d 782, 796-97, 903 P.2d 986 (1995). Similarly, general community fears or displeasure are not a proper basis to condition or deny a project. See *Maranatha Mining, Inc. v. Pierce County*, 59 Wn. App. 795, 804, 801 P.2d 985 (1990).

In this case, there is no specific evidence in this record substantiating the predicted impacts. For example, there is no data supporting the idea that removing the property from the PUD will actually cause a drop in property values, an increase in crime, or any of the other impacts. There was no expert testimony explaining why the listed impact would necessarily arise from this proposal. It is also entirely possible that none of the predicted impacts will occur, depending upon the ultimate proposal. It is also possible that entirely different impacts will have to be considered or mitigated. At this stage, the predictions are essentially speculative.

To address its concerns, the Association suggested a range of project conditions, including a prohibition on tree removal; subjecting future development to architectural committee review; ensuring compliance noise and light regulations; and requiring the developer to be responsible for any utility modifications or relocations. See Exhibit 4 (E-mail of R. Oakley 8-7-2021, 9:40 AM). The Hearing Examiner does not believe these proposed conditions are appropriate.

First, the Hearing Examiner has no authority to require a property owner to preserve the trees¹ on his or her land. There is no rule or regulation upon which to base such a condition. In addition, there was no condition requiring the preservation of trees in the original decision approving the PUD. Thus, tree removal is at the discretion of the property owner, regardless of whether the property is developed for residential purposes or not.

Second, the Hearing Examiner does not have authority to interpret and enforce the CC&Rs of the Association, as previously discussed. Thus, the Hearing Examiner is not inclined to condition any future projects upon approval by the architectural review committee of the Association. As with the other questions related to the CC&Rs, the courts will have to determine whether future projects must comply with the architectural review provisions of the Association documents.

Third, the remaining, proposed conditions are unnecessary. Any future development will be required to satisfy the applicable regulations. That includes compliance with regulations

¹ "Street trees" located within the public right-of-way, by contrast, cannot be removed by the adjacent property owner without first obtaining a permit. See SMC 12.02.900 *et seq.* Incidentally, these types of permits are only granted in limited circumstances. See *id.*

regarding noise and light/glare. In addition, the developer will certainly be responsible to move utility lines as necessary to accommodate the development of Unit 12. That work must be done with necessary permits and in coordination with the utility providers.

Inconsistency with PUD Approval. The Association maintains that the Hearing Examiner's original decision required that the PUD "be made subject to the Declaration and be for the purpose of residential development." See Exhibit 8; see *also* Exhibit 6F. As a result, the Association concludes that the removal of Unit 12 from the PUD is inconsistent with the Hearing Examiner's original decision approving the PUD. Thus, the proposal should be denied. The Hearing Examiner disagrees with the Association's reasoning.

As the Association contends, the Hearing Examiner's decision approving the PUD states that the PUD shall be subject to the terms and conditions of the CC&Rs of the Riverpoint Village Planned Unit Development. See Exhibit 6F (Conditions 21 & 22). The primary purpose of these conditions, however, is to ensure that there is a mechanism to allocate a fair share of the costs of maintaining the common areas before sale of any lots/units. This also provides fair warning to future buyers regarding the obligations that go with ownership. The Association's argument seems to suggest that by requiring CC&Rs to be put in place before the development could proceed, the Hearing Examiner intended to adopt all the terms and conditions of those CC&Rs as conditions of approval for the PUD. The Hearing Examiner rejects this suggestion. This PUD conditions do not purport to dictate all the specific terms and conditions that must be included in the CC&Rs. Nor do the PUD conditions incorporate all the specific terms of the CC&Rs as conditions of the PUD itself.

The Hearing Examiner concludes that the proposal is consistent with the original decision approving the PUD. Nothing in those project conditions precludes the Hearing Examiner from approving this proposal.

DECISION

Based on the findings and conclusions above, it is the decision of the Hearing Examiner to approve the proposed PUD amendment, subject to the following conditions:

1. If any artifacts or human remains are found upon excavation, The Spokane Tribe of Indians and the City of Spokane shall be immediately notified, and the work in the immediate area cease. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources. RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from the Washington State Department of Archaeology & Historic Preservation (WSDAHP) before excavating, removing, or altering Native American human remains or archaeological resources in Washington.
2. Prior to any land disturbing activities an Inadvertent Discovery Plan (IDP) shall be provided to the City, in a form satisfactory to the Planning Department. The IDP shall be kept on site during all land disturbance activity.
3. The land remaining within the Riverpoint Village PUD is and will remain subject to the applicable conditions of approval as set forth in the Hearing Examiner's decision dated June 16, 1992, including the MDNS issued on May 1, 1992.

4. The land removed from the PUD will be subject to such regulations and standards for land development as are in effect at the time that a development proposal is submitted.
5. If any existing easements exist on the subject property, they shall remain in place and in full force and effect until legally abandoned.

DATED this 20th day of September 2021.



Brian T. McGinn
City of Spokane Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Appeals of decisions by the Hearing Examiner are governed by Spokane Municipal Code 17G.060.210 and 17G.050.

Decisions of the Hearing Examiner amendments to PUDs are final. They may be appealed to the City Council. All appeals must be filed with the Planning Department within fourteen (14) calendar days of the date of the decision. The date of the decision is the 20th day of September 2021. **THE DATE OF THE LAST DAY TO APPEAL IS THE 4th DAY OF OCTOBER 2021, AT 5:00 P.M.**

In addition to paying the appeal fee to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing a verbatim transcript and otherwise preparing a full record for the City Council.



Agenda Sheet for City Council Meeting of:
10/25/2021

Date Rec'd	10/13/2021
Clerk's File #	ORD C36120
Renews #	

Submitting Dept	DSC, CODE ENFORCEMENT &	Cross Ref #	
Contact Name/Phone	ELDON BROWN 6305	Project #	
Contact E-Mail	EBROWN@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	4700 - STREET VACATION OF ADAMS ST. AND THE ALLEY BETWEEN 3RD, I-90,		

Agenda Wording

Vacation of Street Vacation of Adams St. and the nearby alley between 3rd, I-90, Adams, and Jefferson, as requested by the VOA Hope House

Summary (Background)

At its legislative session held on September 20, 2021, the City Council set a hearing on the above vacation for October 25, 2021. Staff has solicited responses from all concerned parties.

Lease? NO Grant related? NO Public Works? NO
Fiscal Impact **Budget Account**

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

Approvals

<u>Dept Head</u>	BECKER, KRIS
<u>Division Director</u>	BECKER, KRIS
<u>Finance</u>	ORLOB, KIMBERLY
<u>Legal</u>	RICHMAN, JAMES
<u>For the Mayor</u>	ORMSBY, MICHAEL

Additional Approvals

<u>Purchasing</u>		kbecker@spokanecity.org
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		rbenzie@spokanecity.org
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Council Notifications

<u>Study Session\Other</u>	PIES - 08/23/2021
<u>Council Sponsor</u>	CM Lori Kinnear

Distribution List

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kbecker@spokanecity.org

rbenzie@spokanecity.org

City of Spokane
Development Services Center
808 West Spokane Falls Blvd.
Spokane, WA 99201-3343
(509) 625-6300

ORDINANCE NO. C36120

An ordinance vacating the east 55 feet of Adams Street from the south line of 3rd Avenue to the north line of I-90, Together with the alley between 3rd Avenue and I-90, from the east line of Adams Street to the west line of Jefferson Street.

WHEREAS, pursuant to Chapter 35.79 RCW, the City may initiate by resolution the vacation of any street or portion thereof when it is in the public interest; and

WHEREAS, the City Council desires to set a time and date through this resolution to hold a public hearing on the petition to vacate the above property in the City of Spokane;

The City of Spokane does ordain:

Section 1. That the east 55 feet of Adams Street, from the south line of 3rd Avenue to the north line of I-90, Together with the alley between 3rd Avenue and I-90, from the east line of Adams Street to the west line of Jefferson Street is hereby vacated. Parcel number not assigned.

Section 2. An easement is reserved and retained over and through the east 55 feet of Adams Street between the south line of 3rd Avenue and the north line of I-90 for the utility services of Verizon/MCI Metro, Zayo Communications, WSDOT, and the City of Spokane to protect existing and future utilities.

Section 3. An easement is reserved and retained over and through the alley between 3rd Avenue and I-90, from the west line of Jefferson Street to the east line of Adams Street and the alley's extension across Adams Street to the west line of Adams Street, for the utility services of Avista, Comcast, Lumen/CenturyLink, Verizon/MCI Metro, Zayo Communications, WSDOT, and the City of Spokane to protect existing and future utilities.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to Form:

Assistant City Attorney

Mayor

Date: _____


Effective Date: _____

Proposed Vacation



Right-of-way Description:
Adams St. between 3rd and I-90, along with the alley
between 3rd and I-90, from Adams to Jefferson

Legend

 Proposed Vacation

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





**CITY OF SPOKANE
DEVELOPMENT SERVICES**

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

STREET VACATION REPORT
August 26, 2021

LOCATION: Adams between the south line of 3rd and I90 EXCEPT the west 20 feet TOGETHER with the alley between 3rd and I-90, from Adams to Jefferson.

PROPONENT: Silverstar Automotive & Hope House Development.

PURPOSE: To control access and aid in security.

HEARING: October 18, 2021

REPORTS:

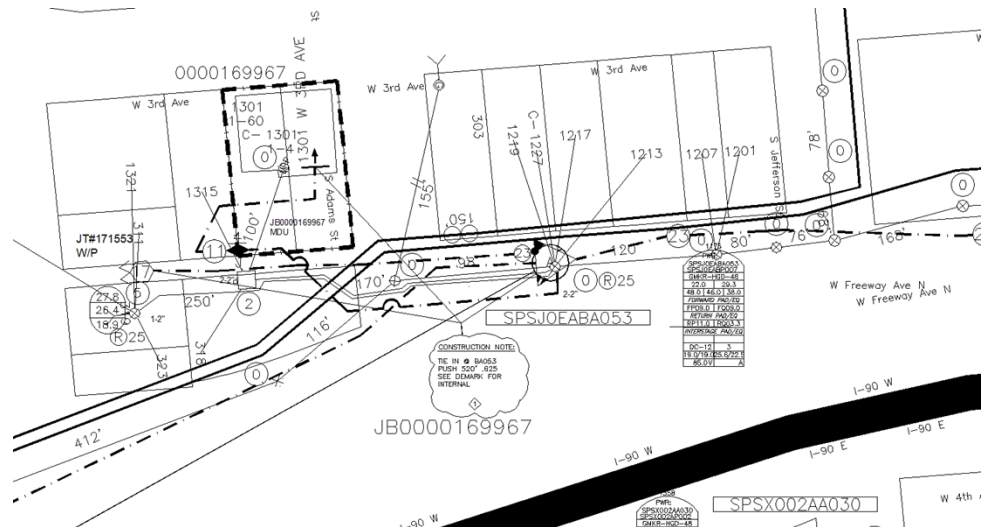
AVISTA UTILITIES

Adams St. – No Comments

Alleyway - Avista has gas, transmission, and distribution lines in the requested vacated area and would like an easement reserved over the entire area.

COMCAST

Adams St. - Comcast has reviewed the vacation request. Enclosed is a Comcast system map showing Coax and Fiber crossing Adams St in the Alley South of 3rd. Due to this we can't approve this vacation without having access to our plant.



Alleyway

- We have no objections to the vacation as long as we can maintain an easement to allow us to access our existing aerial cable.

CENTURYLINK

Adams St.

- CenturyLink is changing from aerial cable facilities to buried cable facilities in the W 3rd Ave-I-90 Alley from the east side of S Adams St extending west due to Avista rearranging a pole line. CenturyLink wants to maintain easements. Please see the attached drawing

<p>Job Location: 1301 W 3RD AVE</p>		<p>Narrative/Special Remarks</p> <p>THIS PROJECT IS FOR THE RELOCATION OF AERIAL FACILITIES IN THE ALLEY WAY BEHIND 1301 W 3RD AVE. WE ARE REMOVING A 300P COPPER CABLE AND PLACING A NEW UNDERGROUND PATH DUE TO AVA REARRANGING A POLE LINE.</p>								
<p>DEVELOPER CONTACT</p> <p>Hold Order Information</p> <p>Service Order # _____ Customer Terminal# _____</p> <p>Customer Name: _____ Cable Assignment: _____</p> <p>Customer Address: _____ PO: 18,36428</p> <p>_____ PS</p> <p>Cross Connect: _____</p>		<p>Misc. Information</p> <p>Use all associated projects</p> <p>Permit Information</p> <p>Right of Way Required NO</p> <p>State Permit Required NO</p> <p>County Permit Required NO</p> <p>City Permit Required NO</p> <p>Additional Permit Information</p>								
<p>Site Location ID # (RVAPP) _____</p> <p>FW Contracts: 2015-128 PLACING AND SPLICING</p>		<p>Trench Open Date: _____</p> <p>Call Shells: YES</p> <p>CL 19</p> <p>CL 19</p> <p>NOTIFY CONSTRUCTION NUMBER</p>								
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>DATE</th> <th>REVISION DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>			DATE	REVISION DESCRIPTION						
DATE	REVISION DESCRIPTION									
<p>ECD: 5/29/2020 CenturyLink</p>										
<p>FW PROJECT: N.681690</p>	<p>WFMT PROJECT: F.2724120</p>	<p>COMPANY NAME: _____</p> <p>ENGINEERING CONTACT: _____ PHONE: 509-235-2400</p> <p>CONTRACT ENGINEER: _____ COMPANY: MTN LTD</p> <p>CONSTRUCTION COORDINATOR: _____ PHONE: 509-423-3364</p> <p>SPLICING COORDINATOR: _____ PHONE: 509-577-0876</p>								

Alleyway

- CenturyLink has cable facilities in the right-of-way and would like to retain utility easements rights. These rights should provide for maintenance, construction, and reconstruction as needed.

ASSET MANAGEMENT - CAPITAL PROGRAMS

Adams St. – No Comments
Alleyway - A 12-inch sewer is located here. An easement will be required providing access. Not sure if the storm pipe is also at this location, but if it is, it will need to be part of the easement.

FIRE DEPARTMENT

Adams St. – No Comments
Alleyway - We have determined that this vacation does not appear to negatively affect or change our access.

NEIGHBORHOOD SERVICES

Adams St. – No Comments
Alleyway – No Comments

INLAND POWER

Adams St. – Inland Power & Light Co has no utility facilities within the proposed area.
Alleyway - Inland Power has no facilities within this area.

VERIZON

Adams St. – Verizon/MCIMetro currently has aerial fiber in this location and we do not wish to vacate any easement we currently have
Alleyway – We have a very large fiber that Avista has already approved to place on their new poles in that area. I'm assuming the pole lead is staying?

PARKS DEPARTMENT

Adams St. – No Comments
Alleyway – No Comments

ZAYO COMMUNICATIONS

Adams St. – Zayo has facilities on the poles with the Avista power in the proposed ROW vacation area. We would need to retain some access and utility easement along the current path.
Alleyway - Zayo has no objection and or comment on the vacation request of alley-Adams-Jefferson.

PLANNING & DEVELOPMENT – PLANNING

Adams St. – Planning wise, Council will just need to determine if this vacation facilitates a public benefit. Although this street dead ends and provides very little public benefit as it is now.

Section 17C.124.035 Characteristics of Downtown Complete Street Designations

The downtown zones are complemented by the complete streets designations map (described in detail in the downtown plan) that further guides public and private development within the downtown. The different complete streets designations set different street standards and desired amenities based upon the intended use and desired qualities of the street. The complete streets designations are depicted on Map 5.1 “Streetscape Improvements” in the downtown plan and zoning layer. Right-of-ways found on the complete streets map shall not be vacated as the space is needed to incorporate the elements described in the complete street designation; provided, upon a finding that a vacation is needed in order to accommodate a public use, the City Council may approve a request to vacate such right-of-ways or portions thereof. Curb to property line and the sidewalk width shall not be reduced in order to allow for future complete street elements. The complete streets designation types are summarized below:

When we met with WSDOT there was concerns with access and our utilities.

Alleyway

– No concerns

POLICE DEPARTMENT

Adams St. – No Comments

Alleyway – No Comments

SOLID WASTE MANAGEMENT

Adams St. – No Comments

Alleyway – No Comments

STREET DEPARTMENT

Adams St. - We do not have comments on the current proposal, but would like to remind that we have a comment regarding the pending proposal to vacate the alley between Adams and Jefferson. See below.

The Signal and Lighting section of the Street Department has conduit run on the west side of Jefferson St, Third Ave. to Freeway Ave North, which crosses the alley. This conduit contains fiber optic cable. Because of this

- conduit run, the Street Department does not support the vacation of this alley.
- Alleyway – The Signal and Lighting section of the Street Department has conduit run on the west side of Jefferson St. Third Ave to Freeway Ave North which crosses the alley. This conduit contains Fiber Optic cable. Because of this conduit run, the Street Department does not support the Vacation of this alley.

WASTEWATER MANAGEMENT

- Adams St. – No Comments
- Alleyway – This is the third vacation request for this area. The first was made on Nov 6th, 2018 with our response on Nov 8th, 2018 which was for all of Adams from 3rd to 4th and the entire alley from Cedar to Jefferson. That was modified in the request we received on March 5th, 2019 (response on March 6th) that encompassed the alley from Cedar to Adams and the west half of Adams. Now this third request for the alley that was left out of the March revision.

We still strongly recommend denying this vacation request.

There is a city 12" sewer main, a city 12" storm main and a 27" WSDOT storm main in or near that alley.

With regards to the storm lines. The city line takes drainage from Lincoln and Monroe south as far as 17th and is an overflow for the pond at Monroe and 4th. The WSDOT main handles the majority of storm runoff from I-90 west of Division. As I stated before these would have to have a minimum 30' no build easement centered on the mains. WSDOT would have to be consulted as well to see if their requirements are met as far as easements for their line.

The sewer main is 12" diameter 12'-13' deep. We would typically require a minimum 30' easement around this as well, but the alley is only 16' wide and we already have buildings and footings uncomfortably close to that main (at 1217 W. 3rd). Complicating matters are the fact that there are a number of other utilities, including electricity and power poles and a gas main (possibly others) in that same alley. All of that means a big problem if any repair is ever required for that sanitary main.

If this is vacated we would also require any construction around that main to include replacement of the entire sewer main to minimize (but not eliminate) the chances of us having to dig in that area in the future.

When all of that is done we would still require a full width, full access easement for the alley from Adams to Jefferson which means no construction or structures in the alley and no fences or gates blocking access to the easement. In all cases where we are requesting an easement it should extend to the full 30' centered on each main at any location there is not already a structure built. This would extend into what is currently private property north of the alley.

Any and all new storm and sanitary construction, including but not limited to storm inlets and mains, sanitary mains and any service connections, should be done by the property owner and would all have to be subject to inspection and acceptance by Wastewater Management Dept.

WSDOT

Adams St.

– Thank you for the opportunity to review the above proposed vacation. In reviewing this vacation, WSDOT is concerned that if approved it would limit or prohibit our access to the I-90 right of way. WSDOT currently uses Adams Street as a means to reach our I-90 right of way where we have electrical components, water lines, and storm drains. Maintaining clear access to our right of way is important to WSDOT which is provided by Adams Street. Consequently, WSDOT is opposed to this vacation as it would cut off access to our right of way. Please let me know if you should have any questions on this matter

Alleyway

– Thank you for the opportunity to review the above requested vacation. In reviewing this proposed vacation the Washington State Department of Transportation (WSDOT) is opposed to the vacation for the following reasons:

WSDOT currently utilizes this alley to access our I-90 westbound off ramp. Our maintenance forces use this property to reach up to the ramp for electrical and other maintenance items.

1. WSDOT has electrical service cabinets located at ground level attached to the ramp which are accessed from the alley.
2. The alley is part of the local roadway network that could be utilized to relieve traffic on the adjacent east-west streets.

WATER DEPARTMENT

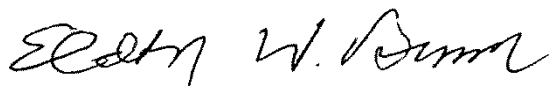
Adams St. – No Comments
Alleyway – Water does not appear to have any facilities in the proposed vacation limits.

BICYCLE ADVISORY BOARD

Adams St. – No Comments
Alleyway – No Comments

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

1. An easement, as requested by Verizon/MCI Metro, Zayo Communications, WSDOT, and the City of Spokane shall be retained across the east 55 feet of Adams Street to protect existing and future utilities.
2. An easement, as requested by Avista Utilities, Comcast, CenturyLink/Lumen, Verizon/MCI Metro, WSDOT, and the City of Spokane shall be retained across the alley and the alley's extension across the east 55 feet of Adams St. to protect existing and future utilities.
3. In order for Silverstar Automotive (1227 W 3rd) to continue operating the existing business, an agreement will need to be established with the VOA that would prohibit parking on the west side of Adams St.
4. The applicant is requesting that City Council waive the requirement to pay the assessed value. If City Council does not waive the fee, the proponent shall pay to the City of Spokane the assessed valuation for the vacated land as defined by the latest information from the County Assessor's Office. This is calculated to be \$346,860.25 and is to be deposited to Budget Account #3200 49199 99999 39510.





Agenda Sheet for City Council Meeting of:

10/18/2021

Date Rec'd

10/6/2021

Clerk's File #

ORD C36116

Renews #

Submitting Dept

WASTEWATER MANAGEMENT

Contact Name/Phone

TREY GEORGE 625-7908

Contact E-Mail

JGEORGE@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Agenda Item Name

2021 STORMWATER ORDINANCE UPDATE

Cross Ref #

Project #

Bid #

Requisition #

Agenda Wording

An Ordinance to amend various sections of Chapter 17D.060 and 17D.090, Stormwater Facilities and Erosion and Sediment Control, respectively, as part of work to complete a permit required, state mandated update of stormwater ordinances.

Summary (Background)

To ensure the City's code meets the requirements for the Eastern Washington Phase II Stormwater permit issued to the City by Ecology, City regulations must be updated to require new and redevelopment projects to adhere to minimum technical stormwater requirements and Best Management Practices, include provisions to review site plans and inspect sites with high potential for sediment transport prior to clearing or grading, and incorporate mandated inspection requirements of private stormwater ..

Lease? NO

Grant related? NO

Public Works? YES

Fiscal Impact

Budget Account

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals

Council Notifications

Dept Head

GENNETT, RAYLENE

Study Session\Other

PIES Committee

Division Director

FEIST, MARLENE

Council Sponsor

Council President Breean

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ALBIN-MOORE, ANGELA

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Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

facilities. The proposed changes are needed to meet the requirements of the permit.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

Stormwater Ordinance Revisions Briefing Paper

[PIES Committee]

Division & Department:	City Council
Subject:	Stormwater Ordinances
Date:	9/27/2021
Contact (email & phone):	Trey George Jgeorge@spokanecity.org 625-7908
City Council Sponsor:	Breann Beggs
Executive Sponsor:	Marlene Feist
Committee(s) Impacted:	PIES
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment:	
Strategic Initiative:	
Deadline:	4 th qtr 2021
Outcome: (deliverables, delivery duties, milestones to meet)	Update Sections 17D.060.030, 17D.060.050, 17D.060.140, 17D.060.190, 17D.090.030, 17D.090.070, 17D.090.110, and 17D.090.210 of the Spokane Municipal Code
Background/History: <p>The Eastern Washington Phase II Stormwater Permit requires the City of Spokane to update its municipal code to require projects to adhere to minimum technical requirements and Best Management Practices, reflect and include inspection requirements of private stormwater facilities, and include provisions to review site plans and inspect sites with high potential for sediment transport prior to clearing or grading. The proposed changes to the Spokane Municipal Code are added language to meet the intent of the permit.</p>	
Executive Summary: <ul style="list-style-type: none"> • Update Section 17D.060.030.B Standard References to add the Stormwater Management Manual for Eastern Washington (SWMMEW), Washington State Department of Ecology as a standard reference. • Amend Section 17D.060.050 Duties of Property Owners and Occupants – Others – Private Rights Reserved to add a statement to identify that stormwater facilities shall be installed with adherence to the Best Management Practices referenced in the Spokane Regional Stormwater Manual (SRSM) and the Stormwater Management Manual for Eastern Washington (SWMMEW). • Revise Section 17D.060.140.E Runoff and Infiltration Controls to include an annual post-construction requirement for new and re-development project properties that disturb an acre or more, or are part of a larger development plan to provide to the City an annual 3rd party certification of onsite stormwater facilities indicating that adequate maintenance has been performed and that the facilities are operating as designed to protect water quality. • Amend Section 17D.060.190 Illicit Discharge(s) to include a sub-section that clearly identifies the responsibility of commercial/industrial facilities and private properties to utilize and maintain structural Best Management Practices (BMPs) as necessary to prevent illicit discharges. • Amend Section 17D.090.070.A Plan Required to include the requirement to provide to the City a Stormwater Pollution Prevention Plan for projects that disturb one acre or more. 	

- Revise Section [17D.090.110 Minimum Plan Requirements](#) to include the requirement for plans to be consistent with the Stormwater Management Manual for Eastern Washington in order to reduce the discharge of pollutants to the maximum extent practicable, and to satisfy all known, available and reasonable methods of prevention, control and treatment requirements.
- Revise Section [17D.090.210.A.1 City Inspections – Permitted Activities](#) to include the requirement that project sites which may have a high potential for sediment transport shall be inspected prior to clearing or grading.

Budget Impact:

TOTAL COST:

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: Develop a program in wastewater department to manage private inspection certifications and follow ups.

Known challenges/barriers: Private stormwater facility owners must be made aware of ordinance and inspection requirements.

ORDINANCE NO. C36116

AN ORDINANCE relating to Stormwater Facilities; amending SMC sections 17D.060.030; 17D.060.050, 17D.060.140, 17D.060.190, 17D.090.030, 17D.090.070; 17D.090.110; 17D.090.210; chapter 17D of the Spokane Municipal Code and setting an effective date.

WHEREAS, The Eastern Washington Phase II Stormwater Permit contains new requirements for the City with regard to updates to its municipal code.

WHEREAS, the Permit requires the City of Spokane to update its municipal code to require projects to adhere to minimum technical requirements and Best Management Practices necessary to protect water quality by applying the definitions, requirements, and methods in the Stormwater Management Manual for Eastern Washington, or another technical stormwater manual approved by Ecology; and

WHEREAS, the Permit requires the City of Spokane to update its municipal code to reflect and include inspection requirements of private stormwater facilities; and

WHEREAS, the Permit also requires the City of Spokane to update its municipal code to include the application of source control Best Management Practices referenced in the Stormwater Management Manual for Eastern Washington where necessary to prevent illicit discharges; and

WHEREAS, furthermore, the Permit requires the City of Spokane to update its municipal code to require construction phase erosion and sediment controls for new development and redevelopment projects, and include provisions to review site plans and inspect sites with high potential for sediment transport prior to clearing or grading;

-- Now, Therefore,

The City of Spokane does ordain:

Section 1: That SMC section 17D.060.030 is amended to read as follows:

17D.060.030 Standards

- A. The ~~((d))~~ Director of Wastewater Management determines stormwater control design standards and regulations (also referenced as "standards"), including those for onsite stormwater facilities, and determines their applicability to particular areas of the City of Spokane, plats and premises, consistent with the legislative findings of this chapter.
- B. Standards References.

The following documents are hereby adopted by reference. They address general requirements and may be modified or supplemented in other specific sections.

1. Standard Specifications of the Washington State ~~((d))~~Department of ~~((t))~~Transportation, latest edition.
2. General Special Provisions of the City of Spokane, latest edition.
3. City of Spokane Design Standards and Standard Plans, latest edition.
4. The Spokane Regional Stormwater Manual (SRSM), latest edition.
5. ~~((Guidance for UIC Wells that Manage Stormwater by Washington State department of ecology dated December 2006 (Publication Number 05-10-067).))~~
- ~~((6))~~5. Spokane Aquifer Water Quality Management Plan. Spokane County, Washington "208" Program. County engineers office.
- ~~((7))~~6. Stormwater Management Manual for Eastern Washington (SWMMEW), Washington State Department of Ecology, latest edition.

The above standard references are on file with the ~~((d))~~Director of Wastewater Management

- C. Low Impact Development is optional, however if low impact development techniques are used, then the Eastern Washington Low Impact Development Guidance Manual should be followed.
- D. The standard references are periodically republished. Between a general republication the department of engineering services maintains an updated copy and may publish modifications or updates in the *Official Gazette*. The department of engineering services also maintains a distribution list of parties requesting such updates. Unless otherwise ordered, the changes are effective thirty calendar days from the date of the *Official Gazette* issue in which they are published.

Section 2: That SMC section 17D.060.050 is amended to read as follows:

17D.060.050 Duties of Property Owners and Occupants – Others – Private Rights Reserved

- A. Every owner and occupant of premises must install, maintain and keep in good function and order any onsite stormwater facility in accord with applicable requirements. Such requirements may be reflected as conditions of land use or property development in plats, building or special use permits, or other permits, or may be imposed as a consequence of other regulatory action, including code enforcement or nuisance abatement.

B. Stormwater facilities shall be installed with adherence to the Best Management Practices referenced in the Spokane Regional Stormwater Manual (SRSM) and the Stormwater Management Manual for Eastern Washington (SWMMEW).

~~((B))~~ C. No party shall obstruct or interfere with the full and efficient function of any onsite stormwater facility.

~~((C))~~ D. Enforcement action taken under this chapter does not affect a right of a party to seek subrogation or further recovery against any other parties determined to be responsible.

Section 3: That SMC section 17D.060.140 is amended to read as follows:

17D.060.140 Runoff and Infiltration Controls

A. Runoff and infiltration controls apply in all areas of the City except where exempt or modified.

B. Unless otherwise specified, street and alley paving projects funded by local improvement districts are exempt from the provisions of SMC 17D.060.130 and SMC 17D.060.140.

C. Drainage plans shall be prepared and submitted for review and acceptance for all proposed plats and land disturbing activities prior to issuance of any permits for site disturbance, including but not limited to grading permits and building permits. The ~~((d))~~Director of Wastewater Management has authority to waive requirements to the necessity for a drainage plan, but must do so in writing. Factors considered in the evaluation of a waiver request include, but are not limited to:

1. soil characteristics and depth,
2. number of lots,
3. infill development,
4. percent impervious area,
5. pass-through drainage,
6. history and trends of runoff-related problems,
7. depth to ground water.

D. With respect to drainage plans required under subsection (C) of this section:

1. the volume and rate of surface water runoff after new development shall be no greater than the runoff volume and rate leaving the site prior to development, unless the ((d))Director of ((e))Engineering ((s))Services approves the discharge of additional runoff based on a comprehensive drainage plan and down gradient impact study;
 2. drainage plans for development proposals in SDDs shall not rely upon infiltration to accommodate the additional runoff resulting from the proposed development. However, approval to use infiltration in part or in whole may be granted by the ((d))Director of ((e))Engineering ((s))Services upon a showing, after assessing new, existing, and cumulative impacts from prior developments, that no adverse impact to the side, adjacent, or down gradient properties would occur;
 3. drainage plans submitted for development proposals shall comply with the Spokane Regional Stormwater Manual and the City of Spokane Design Standards, as approved by and on file with the ((d))Director of ((e))Engineering ((s))Services, for the design of onsite stormwater facilities, including any limitations applicable to any specific SDD;
 4. drainage plans shall include identification of all properties to be reserved for onsite stormwater facilities and the location of all natural drainage systems.
- E. The developer, property owner, or other responsible, authorized and designated entity acceptable to the ((d))Director of Wastewater Management (e.g., a homeowners association) shall be responsible for accepting and maintaining onsite stormwater facilities. The developer shall provide a perpetual maintenance plan, including funding mechanisms and appropriate financial security for such onsite stormwater facilities acceptable to the ((d))Director of Wastewater Management.
1. Any private stormwater facilities that receive post-construction stormwater runoff from new development or redevelopment projects which (a) were approved in 2011 or later, and (b) whose disturbance was one acre or more, or projects that were less than one acre and are part of a larger common plan of development or sale, shall be inspected annually by a qualified stormwater professional. Private property owners, or other responsible person, authorized and designated entity shall provide annual certification by a qualified third party that adequate maintenance has been performed and the facilities are operating as designed to protect water quality.
- F. New plats shall expressly identify tracts of land devoted to the conveyance and/or disposal of stormwater flows. The location of all on-site stormwater facilities shall meet the requirements of the Spokane Regional Stormwater Manual.

Section 4: That SMC section 17D.060.190 is amended to read as follows:

17D.060.190 Illicit Discharge(s)

A. General Intent and Prohibition.

This section is enacted in compliance with state and federal regulatory requirements in the exercise of local police power. The introduction or discharge of anything into the municipal separate storm sewer system, an MS4 system, in violation of the National Pollutant Discharge Elimination System (NPDES) permit requirements, Eastern Washington Phase II Municipal Stormwater Permit (WAR04-6505) as now or hereafter amended is expressly prohibited.

B. Objectives.

The objectives of this section are:

1. To prevent pollutants as defined in subsection ((E)) (F) of this section and as provided in applicable federal and state regulatory requirements from entering the MS4.
2. To locate, eliminate, and prohibit illicit connections and discharges to the MS4.
3. To improve the quality of the City's stormwater discharges to water bodies.
4. To promote the health, safety, and welfare for workers and the general public, provided, notwithstanding any other provision, no special duty to any special person or class of people shall ever be created. Any duty nonetheless deemed created shall be solely and exclusively a duty to the general public; and
5. To ensure that all dischargers to the City's MS4 as well as all other public drainage systems that convey, manage or dispose of stormwater flows into the City's MS4 comply with the NPDES Eastern Washington Phase II Municipal Stormwater Permit (WAR 04-6505) as now or hereafter amended and local, state and federal laws and regulations and that sanctions for failure to comply are imposed.

C. Applicability.

This section shall apply to all activities, on public or private property, which may potentially influence the MS4 drainage system in accord with the requirements of the NPDES Eastern Washington Phase II Municipal Stormwater Permit (WAR 04-6505) as now or hereafter amended. Additionally, permanent and temporary storm water management controls and facilities that flow into the MS4, constructed as part of any activities listed in this section, which are located within the City of Spokane limits, are also subject to this section.

D. Requirement to Implement Best Management Practices.

Owners or operators of commercial/industrial facilities and private property, shall utilize and maintain operational and/or structural Best Management Practices (BMPs) associated with existing land uses and activities, as necessary to prevent illicit discharges, in accordance with the standards referenced in 17D.060.030. The Director of the Wastewater Management Department may require any person responsible for a facility or property which is or may be the source of an illicit discharge to implement additional structural and non-structural BMPs to prevent the discharge of pollutants to the stormwater drainage system.

((D)) E. Allowable Discharges.

The following types of discharges into the MS4 may be allowed unless the ((d))Director of Wastewater Management determines that the discharge causes significant contamination of surface water, stormwater, or ground water.

They are allowed only when the stated conditions are met:

1. Treated storm water from the public right-of-way.
2. Other discharges approved by the ((d))Director of Wastewater Management which are in compliance with permit WAR04-6505 or subsequent permits, and determined by the ((d))Director of Wastewater Management to not be a significant source of pollution.
3. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges must be dechlorinated to a concentration of 0.1 ppm Cl or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments into the MS4.
4. Unintentional discharges from lawn watering and other irrigation runoff. A discharge is not unintentional if a previous warning has been given or the party to be held responsible knew or should have known of the warning or discharge event.
5. Swimming pool discharges are allowed if dechlorinated to a concentration of 0.1 ppm Cl or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments into the MS4; and do not surcharge the City's system. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
6. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The City shall reduce these discharges through public education activities and/or water conservation efforts. To avoid washing pollutants into the MS4, the City shall

minimize the amount of street wash and dust control water uses. At active construction sites, street sweeping shall be performed prior to washing the street.

7. Other non-stormwater discharges. Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan approved by the City of Spokane which addresses control of such discharges.
8. discharges resulting from emergency fire fighting activities.

~~((E))~~E. Unlawful Discharges.

It is unlawful for any person to discharge, or cause to be discharged, directly or indirectly any pollutants into surface water, stormwater, ground water or within a stream channel or directly or indirectly into the MS4. Illicit connections to storm drainage systems and surface water bodies include sanitary sewers, process waste water discharge, process water sump pumps, and internal building drains. Pollutants include, but are not limited to, the following:

1. Chemicals, petroleum products, paint, solvents, detergents and degreasers, or other toxic or deleterious materials in concentrations or amounts in violation of federal, state, or local standards or limits.
2. Trash, debris, food waste, human wastes, animal wastes, or refuse.
3. Loose or unstabilized soil, sand, gravel, or other construction materials that erode in an uncontrolled manner (freely or significantly, as distinguished from ordinary bank or soil erosion associated with storm events) into a drainage facility or stream channel.
4. Lawn clippings, fertilizers, leaves, branches, or other landscaping and yard debris deposited in a stream channel or drainage facility; and
5. Turbid water from construction site runoff, concrete or concrete wash out, dewatering, soil boring or other excavation activities.

~~((F))~~G. Enforcement.

Violations of this section shall be enforced as any other violation of this chapter.

Section 5: That SMC section 17D.090.030 is amended to read as follows:

17D.090.030 Referenced Regulations

- A. Spokane Regional Stormwater Manual (SRSM or Stormwater Manual), as adopted by the City of Spokane and published and maintained by the ~~((d))~~Director of

((e))Engineering ((s))Services

- B. Stormwater Management Manual for Eastern Washington (SWMMEW). The SWMMEW is published and maintained by the Washington State department of ecology and supplements the SRSM.
- C. Washington State Standard Specifications for Road and Bridge Construction. The State Supplemental Specifications are published and maintained by the Washington State ((d))Department of ((t))Transportation (WSDOT).
- D. City of Spokane General Special Provisions, as adopted by the City of Spokane and published and maintained by the ((d))Director of ((e))Engineering ((s))Services. These materials supplement and are complimentary to the WSDOT materials.
- E. City of Spokane Design Standards. The City of Spokane Design Standards are published and maintained by the ((d))Director of ((e))Engineering ((s))Services.
- F. Washington State Department of Ecology Construction General Stormwater Permit. Construction sites disturbing one acre or more, and construction projects of less than one acre that are part of a larger common plan of development or sale, must obtain a Construction General Stormwater Permit.

Section 6: That SMC section 17D.090.070 is amended to read as follows:

17D.090.070 Plan Required

- A. A responsible party must submit an erosion and sediment control (ESC) plan or a Stormwater Pollution Prevention Plan (SWPPP) for permitted development projects to the ((d))Director of Wastewater Management for review. ~~((if the disturbance area is:))~~
 - 1. An ESC is required if the disturbance area is:
 - ((4))A. five thousand square feet or greater in area;
 - ((2))B. in a special site per SMC 17D.090.080.
 - 2. A SWPPP is required and must be fully implemented in accordance with the Construction General Stormwater Permit if the disturbance area is:
 - A. one acre or more; or
 - B. is a construction project less than one acre that is part of a larger common plan of development or sale.
- B. An ~~((erosion and sediment control))~~ ESC plan or SWPPP is not required for work that does not require a City issued permit unless otherwise required by the terms of a compliance order or land use decision.

- C. Where a plan is required, the responsible party shall not commence any construction before the ((d))Director of Wastewater Management has accepted the proposed plan.

Section 7: That SMC section 17D.090.110 is amended to read as follows:

Section 17D.090.110 Minimum Plan Requirements

The following items shall be addressed on erosion and sediment control plans. As site conditions dictate, additional measures relating to erosion and sediment control, as determined by the licensed professional engineer (PE) preparing the plan, shall be addressed in order to meet the intent and purpose of this chapter and to comply with the stated performance standards in SMC 17D.090.180. Furthermore, in order to reduce the discharge of pollutants to the maximum extent practicable, and to satisfy all known, available and reasonable methods of prevention, control and treatment requirements, Best Management Practices (BMPs) shall be consistent with the Spokane Regional Stormwater Manual (SRSW) and Stormwater Management Manual for Eastern Washington (SWMMEW).

A. Construction Sequence.

Sequence the construction in order to best minimize the potential for erosion and sediment control problems.

B. Clearing Limits Delineation.

Identify and delineate on the plan and in the field all clearing limits, sensitive/critical areas, buffers, trees to be preserved, and drainage courses.

C. Construction Access Route.

Access for construction vehicles should be limited to one route whenever possible. The access route must be stabilized to minimize the tracking of sediment onto roads.

D. Sediment Tapping Measures.

Design and construct sediment ponds and traps, perimeter dikes, sediment barriers, and other on-site sediment trapping BMPs as necessary prior to the start of other ground disturbing activities.

E. Protection of Adjacent Properties/Water Bodies/Public and Private Streets.

Protect adjacent and/or downstream properties, water bodies, public and private streets from erosion and sediment deposition. The intent is to keep sediment on the project site and not allow it to reach adjacent and/or downstream properties, water

bodies, and public and private streets. These measures shall be made functional prior to any upslope development taking place.

F. Apply permanent or temporary soil stabilization to denuded development site areas in conformance with the following schedule. Permanent ground disturbing activities that do not require a permit may achieve compliance with this schedule by installing and maintaining approved permanent BMPs that meet the purpose of this chapter.

1. Between October 1 and April 30, all denuded sites shall be provided with either temporary or permanent soil stabilization as soon as practicable, but in no case more than five days after ground-disturbing activity occurs.
2. Between May 1 and September 30, temporary erosion and sediment control measures to reduce dust and sediment transport shall be applied as soon as practicable, but in no case more than ten days after ground-disturbing activity occurs.
3. Ground cover shall be installed on any portion of a site that is denuded for more than six months. Sports fields or playgrounds surrounded by vegetative cover or permanently installed curbing are exempt from this requirement.
4. Temporary measures shall be maintained until permanent measures are established. As used herein, "temporary" means approved measures that are not intended to be a final or long-term resolution of compliance requirements.

G. Protection of Inlets.

Protect downstream inlets to drywells, catch basins, and other stormwater management facilities that are functioning during the course of the construction by approved sediment control measures so that sediment-laden water cannot enter the inlets without first being filtered.

H. Increased Runoff from Construction Sites.

Consider and mitigate the effects and impacts of increased and concentrated runoff from ground disturbing activities on downstream properties, water bodies, and public and private streets.

I. Washout Site for Concrete Trucks and Equipment.

Designate an on-site location of a slurry pit where concrete trucks and equipment can be washed out. Slurry pits shall not be located in a swale, drainage area, stormwater facility, water body, or in an area where a stormwater facility is proposed.

J. Material Storage/Stockpile.

Identify the location within the proposed ESC plan boundaries for storage or stockpile areas for any soil, earthen, or landscape material which is used or will be used on-site.

K. Cut and Fill Slopes.

Design and construct cut and fill slopes in a manner that will minimize erosion.

L. Stabilization of Temporary Conveyance Channels and Outlets.

Design, construct, and stabilize all temporary on-site conveyance channels to prevent erosion from the velocity of runoff from storms under developed conditions. Design, construct, and stabilize all temporary conveyance system outlets to prevent erosion of stormwater facilities, adjacent stream banks, slopes, and downstream reaches.

M. Dewatering Construction Site.

Design dewatering devices to discharge appropriately to sediment traps or sediment ponds.

N. Control of Pollutants Other than Sediment on Construction Sites.

Control all on-site pollutants (including waste materials and demolition debris) other than sediment in a manner that does not cause contamination of stormwater, groundwater, or aquifer.

O. Removal of Temporary BMPs.

Remove all temporary sediment control BMPs within thirty days after final site stabilization or after the temporary BMPs are no longer needed. Trapped sediment shall be removed from the project site or stabilized on-site. Stabilize disturbed soil areas resulting from removal of the temporary BMPs.

P. Maintenance and Permanent BMPs.

Maintenance of all erosion and sediment control BMPs is required during the ground-disturbing activity. A maintenance schedule for each BMP shall be included in the plan. Regular inspection and maintenance of all erosion and sediment control BMPs is required to ensure successful performance of the BMPs. Permanent BMPs shall be included on the plan to ensure that successful transition from temporary BMPs to permanent BMPs occurs.

Section 8: That SMC section 17D.090.110 is amended to read as follows:

17D.090.210 City Inspections – Permitted Activities

A. The ((d))Director of Wastewater Management may conduct the following inspections on permitted development activities. It shall be the duty of the responsible party to notify the ((d))Director of Wastewater Management at the appropriate inspection phase as set forth below. Inspections of erosion and sediment control measures may occur with other inspections being conducted on the development or construction project.

1. Pre-construction Inspection.

The ((d))Director of Wastewater Management may conduct inspections after initial, temporary erosion and sediment control measures have been put in place and prior to any ground disturbance in addition to that necessary for the installation of the erosion, sediment, and pollutant control measures. When the development is being conducted in phases, this inspection shall occur at the beginning of each phase. Any sites which may have a high potential for sediment transport shall be inspected prior to clearing or grading.

2. Permanent Measures Inspection.

The ((d))Director of Wastewater Management may conduct inspections after permanent measures are put in place. When the development is being conducted in phases, this inspection shall occur after permanent measures have been installed for each phase.

3. Interim Inspections.

The ((d))Director of Wastewater Management may conduct other inspections not specifically addressed above to determine compliance with this chapter.

4. Final Erosion Control Inspection.

For special sites as defined in SMC 17D.090.080, an inspection shall be conducted after construction completion to determine the effectiveness of permanent erosion and sediment control measures. This inspection shall be conducted six months after construction completion or at other times directed by the ((d))Director of Wastewater Management. This inspection may be conducted at sites other than special sites as determined by the ((d))Director of Wastewater Management.

B. Where the ((d))Director of Wastewater Management has determined that special site conditions exist, the ((d))Director of Wastewater Management may designate a special inspector to monitor erosion and sediment control at that site. The special inspector shall be qualified to perform such monitoring.

Section 9: Effective Date:

This ordinance shall take effect and be in force on _____, 2021.

Passed by the City Council on _____.

Council President

Attest:

City Clerk

Mayor

Approved as to form:

Assistant City Attorney

Date

Effective Date



City of Spokane Municipal Code Update: Stormwater Ordinances

Trey George, Environmental Analyst
Wastewater Management Dept.

Stormwater Happens

“Stormwater runoff is....Number 1 water pollution problem in the urban areas of our state, and it causes and contributes to flooding.”

[Ecology publication #07-10-058]



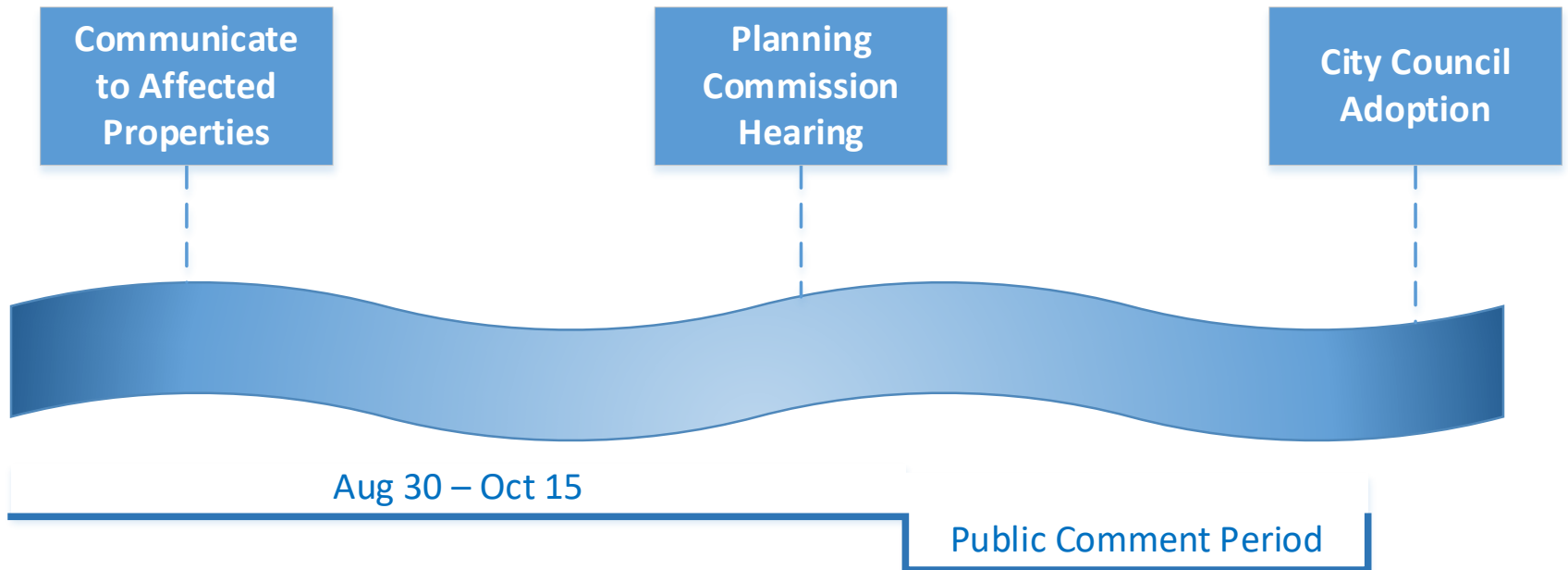
Eastern Washington Phase II Municipal Stormwater Permit

- **Issued by Washington Department of Ecology**
 - Permit #WAR046505
 - Authorizes the City of Spokane to discharge stormwater from the Municipal Separate Stormwater Sewer System (MS4) to surface waters and groundwaters of the State of Washington.
 - The geographic area of coverage is the entire incorporated area of the City
 - With exception of Combined Sewer Overflow Basins

Purpose of Update

- The City of Spokane's proposed amendments to the stormwater code will:
 - Comply with the Eastern Washington Phase II Municipal Stormwater Permit,
 - Provide clarity for projects and properties that must manage stormwater, and
 - Provide water quality protection to local waters of the State.

Timeline



Proposed Changes

- Updated Section [17D.060.030.B Standard References](#) to add the Stormwater Management Manual for Eastern Washington (SWMMMEW), Washington State Department of Ecology as a standard reference.
- Amended Section [17D.060.050 Duties of Property Owners and Occupants – Others – Private Rights Reserved](#) to add a statement to identify that stormwater facilities shall be installed with adherence to the Best Management Practices referenced in the Spokane Regional Stormwater Manual (SRSW) and the Stormwater Management Manual for Eastern Washington (SWMMMEW).
- Amended Section [17D.060.190 Illicit Discharge\(s\)](#) to include sub-section that clearly identifies the responsibility of commercial/industrial facilities and private properties to utilize and maintain structural Best Management Practices (BMPs) as necessary to prevent illicit discharges.

Proposed Changes, cont'd

- Amended Section [17D.090.070.A Plan Required](#) to include the requirement to provide to the City a Stormwater Pollution Prevention Plan for projects that disturb one acre or more.
- Revised Section [17D.090.110 Minimum Plan Requirements](#) to include the requirement for plans to be consistent with the Stormwater Management Manual for Eastern Washington in order to reduce the discharge of pollutants to the maximum extent practicable, and to satisfy all known, available and reasonable methods of prevention, control and treatment requirements.
- Revised Section [17D.090.210.A.1 City Inspections – Permitted Activities](#) to include the requirement that project sites which may have a high potential for sediment transport shall be inspected prior to clearing or grading.

Proposed Changes, cont'd

- Revised Section [17D.060.140.E Runoff and Infiltration Controls](#) to include an annual post-construction requirement for new and re-development project properties that disturb an acre or more, or are part of a larger development plan to provide to the City an annual 3rd party certification of onsite stormwater facilities indicating that adequate maintenance has been performed and that the facilities are operating as designed to protect water quality.

Proposed SMC 17D.060.140.E.1

(Runoff Infiltration and Controls)

“Any onsite stormwater facilities shall be inspected annually by a qualified stormwater professional. Private property owners or other responsible person, authorized and designated entity shall provide annual certification by a qualified third party that adequate maintenance has been performed and the facilities are operating as designed to protect water quality.”

- Qualified Stormwater Professional means:
 - Licensed to do business in the State of Washington
 - Possesses the knowledge and skills to assess potential impacts to stormwater quality
 - PG, PE, and/or CESCL, among others, or applicable education and experience

What Does Maintenance Entail?

CLEARING BLOCKED INLETS

allows stormwater to enter swale



TRIMMING, THINNING & MOWING

Keeps vegetation healthy & provides space for stormwater



REMOVING SEDIMENT & DEBRIS

Promotes infiltration while keeping vegetation healthy



Legislative Process

- Anticipated Hearing/Meeting Dates:
 - Planning Commission Hearing
 - September 22, 2021
 - PIES Committee Meeting
 - September 27, 2021
 - City Council Hearing
 - October 25, 2021

(Dates are subject to change)

Public Participation

- SEPA [Determination of Non Significance](#)
- Stormwater Ordinance [Webpage](#)
- City Stormwater [Blog](#)
- Planning Commission [Public Notice Legal Ads](#)
- Notification letter mailed to known affected commercial/development properties
- Upcoming City Council Public Notice Legal Ads

Contact Information

- eMail comments to:

jgeorge@spokanecity.org

- Comment by mail to

Attn: Trey George,
909 E. Sprague Ave,
Spokane, WA 99202.



Questions?



**CITY OF SPOKANE PLAN COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS
REGARDING THE 2021 STORMWATER ORDINANCE UPDATE**

A recommendation of the City of Spokane Plan Commission to the City Council to approve amendments to the Spokane Municipal Code proposed by the 2021 Stormwater Ordinance update. This update to the Spokane Municipal Code is a state mandated review and update to the City's stormwater regulations. The proposed amendment would revise SMC Sections 17D.060.030, 17D.060.050, 17D.060.140, 17D.060.190, 17D.090.030, 17D.090.070, 17D.090.110, and 17D.090.210.

FINDINGS OF FACT:

- A. The Stormwater Ordinance update was completed by the City of Spokane (City), and is State mandated in accordance with the National Pollutant Discharge Elimination System (NPDES) Eastern Washington Phase II Municipal Stormwater Permit (permit), issued to the City of Spokane by the Washington State Department of Ecology (Ecology).
- A. The permit is applicable to the City of Spokane as the owner/operator of a small Municipal Separate Storm Sewer System (MS4). This amendment was developed by the City to maintain compliance with Sections S5.B.3.b.i, S5.B.3.b.vi, S5.B.4.a, S5.B.4.a.ii, and S5.B.5.b.ii(b)(4) of the permit.
- B. The review and update of City regulations ensures the City maintains compliance with the permit.
- C. The proposed text amendment aligns with the following adopted Shaping Spokane Comprehensive Plan goals and policies:
 - 1. Chapter 3 Land Use, LU 1.12 Public Facilities and Services – Directs policy to ensure that public facilities and services systems are adequate to accommodate proposed development before permitting development to occur.
 - 2. Chapter 5 – Capital Facilities and Utilities, CFU 5.3 Stormwater - Directs policy to implement a Stormwater Management Plan to reduce impacts from urban runoff.
 - 3. Chapter 5 – Capital Facilities and Utilities, CFU 5.4 Ground Water – Directs policy to protect, preserve, and enhance ground water resources through proactive, aggressive measures.
 - 4. Chapter 9 Natural Environment, NE 1.2 Stormwater Techniques – Directs policy to encourage the use of innovative stormwater techniques that protect ground and surface water from contamination and pollution.
 - 5. Chapter 9 Natural Environment, NE 4.3 Impervious Surface Reduction – Directs policy to continue efforts to reduce the rate of impervious surface expansion in the community.

- D. Amendments to Title 17, Unified Development Code, are subject to review and recommendation by the Plan Commission.
- E. On August 10, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Unified Development Code pursuant to RCW 36.70A.106.
- F. A State Environmental Protection Act (SEPA) Determination of Nonsignificance was issued by Wastewater Management Department on September 2, 2021 and a 14-day comment period commenced September 2 through September 16, 2021. No comments were received during the comment period.
- G. The proposed text amendment was processed pursuant to the process established under RCW 36.70A.370 to ensure that the proposed changes will not result in unconstitutional takings of private property.
- H. The City's stormwater ordinance update was reviewed against the Eastern Washington Phase II Municipal Stormwater Permit.
- I. A legal notice of public hearing was published in the *Spokesman-Review* on September 8 and 15, 2021.
- J. The Plan Commission held a public hearing on September 22, 2021 to obtain public input on the proposed amendments, if any.

CONCLUSIONS:

- 1. The Plan Commission has reviewed all public testimony received during the public hearing.
- 2. The Plan Commission finds that the proposed amendments are consistent with applicable provisions of the Comprehensive Plan and that the proposed amendment bears a substantial relation to the public health, safety, welfare, and protection of the environment.

RECOMMENDATION:

In the matter of the amendment to the Unified Development Code proposed by the 2021 Stormwater Ordinance update, by unanimous vote, the Plan Commission recommends to the Spokane City Council the approval of the proposed amendment to Chapter 17D.060, SMC and Chapter 17D.090, SMC.


Todd Beyreuther (Oct 11, 2021 09:35 PDT)

Todd Beyreuther, President
Spokane Plan Commission

Oct 11, 2021

Bishop, Stephanie

From: Chud Wendle <chudwendle@huttonsettlement.org>
Sent: Tuesday, September 28, 2021 3:26 PM
To: George, Trey; Cathcart, Michael
Cc: Mayor; Beggs, Breean; Burke, Kate M.; 'Gordon Hester'; Blackwell, Shae; Schoedel, Elizabeth; Gennett, Raylene
Subject: RE: Stormwater Treatment Facility inspection - 3704 N Nevada

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Trey,

I appreciate the quick response and clarification on Hutton's Head Start building.

Although, my confidence in the City of Spokane as it relates to fairly administering policy especially with new ordinances isn't done on science therefore leading to a system that is less than a 100% accurate. I realize you are the messenger but I feel that the elected officials on this email chain should be willing to ask some serious questions about accuracy and equity when this ordinance goes in front of the Council on October 25th.

Thank you,
Chud

Chud Wendle

Executive Director
Hutton Settlement Children's Home
www.huttonsettlement.org
facebook.com/huttonsettlement
Office > [509.838.2789](tel:509.838.2789)
Cell > [509.595.3147](tel:509.595.3147)

From: George, Trey <jgeorge@spokanecity.org>
Sent: Tuesday, September 28, 2021 1:51 PM
To: Chud Wendle <chudwendle@huttonsettlement.org>; Cathcart, Michael <mcathcart@spokanecity.org>
Cc: Mayor <mayor@spokanecity.org>; Beggs, Breean <bbeggs@spokanecity.org>; Burke, Kate M. <kateburke@spokanecity.org>; Gordon Hester <gordonh@kiemlehagood.com>; Blackwell, Shae <sblackwell@spokanecity.org>; Schoedel, Elizabeth <eschoedel@spokanecity.org>; Gennett, Raylene <rgennett@spokanecity.org>
Subject: RE: Stormwater Treatment Facility inspection - 3704 N Nevada

Chud,

Thank you for your feedback on the proposed ordinance. The informational notices that were sent out were sent to the property addresses that were in the City's construction permitting records. The records were used to develop a list of properties that meet the criteria for inspection as proposed in the ordinance. The criteria are:

- 1) construction on new development or redevelopment projects occurring after 2011,
- 2) the construction site is greater than 1 acre, or less than one acre and part of a larger common development or sale, and
- 3) there is a post-construction stormwater facility for the site.

The list was generated by stormwater inspectors who are familiar with the permitting system based on the criteria above. If the records were unclear, some properties were placed on the list as an abundance of caution to ensure that no applicable properties were missed. The property at 3704 N Nevada does not meet the criteria. The proposed ordinance does not apply to that site. The property inadvertently received the public notification of the proposed inspection requirements.

It is unfortunate that you received the notice from the occupants at the property too late to attend the Planning Commission hearing. However, it is not too late to provide testimony on this ordinance. The proposed ordinance is still in the review, and scheduled to be discussed at the October 25th City Council Hearing. You can still follow the public involvement process and provide written testimony for the Council to consider. If you email me your statement, I will provide it to Council with the proposed ordinance documentation. Thanks again for your involvement with the legislative process.

Thanks,
Trey

James George III (Trey) | Environmental Analyst
Direct 509.625.7908 | Mobile 509.904.5013
jgeorge@spokanecity.org

From: Chud Wendle <chudwendle@huttonsettlement.org>
Sent: Tuesday, September 28, 2021 1:21 PM
To: Cathcart, Michael <mcathcart@spokanecity.org>
Cc: George, Trey <jgeorge@spokanecity.org>; Mayor <mayor@spokanecity.org>; Beggs, Breean <bbeggs@spokanecity.org>; Burke, Kate M. <kateburke@spokanecity.org>; Gordon Hester <gordonh@kiemlehagood.com>; Blackwell, Shae <sblackwell@spokanecity.org>
Subject: Re: Stormwater Treatment Facility inspection - 3704 N Nevada

[CAUTION - EXTERNAL EMAIL - Verify Sender]

The inspection. Between fire, fire sprinkler, hood range, security, and back flow I have 8 different inspections per year. To add another inspection for drainage swales is ridiculous. When he said that the cost could be up to \$2k I choked.

In addition, I'm familiar with several property owners that have property over 1 acre with 208's that didn't get a letter. Head start is on .7 acres which is below the 1 acre threshold Trey suggested which minimizes the confidence I have in how they identified which properties they sent letters to.

Sent from my iPhone

On Sep 28, 2021, at 1:16 PM, Cathcart, Michael <mcathcart@spokanecity.org> wrote:

Chud,

Can you help me understand which aspects of the proposal that Hutton is most worried about? I'm fairly certain that I share those concerns. Happy to chat more about it. (Adding Shae to help find a time).

Michael Cathcart | City Council Member
Spokane's 1st District!

Disclaimer: This email and any replies are a public record.

On Sep 28, 2021, at 11:27 AM, Chud Wendle <chudwendle@huttonsettlement.org> wrote:

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Trey,

Thanks for the email. I left a pretty frustrated and emotional voicemail for you as I'm very perplexed on the process on how we got here without any public comments. To this point, we have not been able to provide any public testimony and/or ask questions directly. To be led down a path that we would be able to testify yesterday only to wait for 90 minutes to hear a rushed report is not the way the public process works.

I would welcome the opportunity to meet in person at the site of the referenced property with our Councilmembers that represent this area as well as the Mayor and Council President.

Thanks,
Chud

Chud Wendle

Executive Director
Hutton Settlement Children's Home
www.huttonsettlement.org
facebook.com/huttonsettlement
Office > [509.838.2789](tel:509.838.2789)
Cell > [509.595.3147](tel:509.595.3147)

From: George, Trey <jgeorge@spokanecity.org>
Sent: Tuesday, September 28, 2021 11:17 AM
To: Chud Wendle <chudwendle@huttonsettlement.org>
Subject: RE: Stormwater Treatment Facility inspection - 3704 N Nevada

Hi Chud,

Thanks for your feedback. I'm looking into the records for the Nevada property to see if it is applicable to the inspections and should have some information for you by the end of the day. I'll get back to you shortly.

Thanks,
Trey

James George III (Trey) | Environmental Analyst
Direct 509.625.7908 | Mobile 509.904.5013
jgeorge@spokanecity.org

From: Chud Wendle <chudwendle@huttonsettlement.org>
Sent: Monday, September 27, 2021 3:02 PM
To: George, Trey <jgeorge@spokanecity.org>
Cc: 'Jessica Laughery' <jessicalaughery@huttonsettlement.org>; Beggs, Breean <bbeggs@spokanecity.org>; Cathcart, Michael <mcathcart@spokanecity.org>; kburke@spokanecity.org; Mayor <mayor@spokanecity.org>; Gordon Hester <gordonh@kiemlehagood.com>
Subject: RE: Stormwater Treatment Facility inspection - 3704 N Nevada

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good afternoon, Trey,

I appreciate you letting me know about the PIES Committee briefing this afternoon. After waiting until 2:45pm (90 minutes from when you suggested I join), I finally was able to hear your presentation on the Stormwater Ordinance. As I shared with you the letter you stated you sent out on August 30th actually was not sent to the building owner but to the tenant. I did not receive the letter until Friday, September 24th (2 days after the initial hearing). I was led to believe that we would be able to give input on this ordinance and unfortunately that was not the case.

Hutton Settlement owns over 20 commercial properties in Spokane County in addition to property in Kennewick and in Kootenai County. Couple of questions regarding the ordinance: 1) How did you identify 350 properties? (Please note that I reached out to many other property owners with over 1 acre properties and none had received this letter), 2) how many storm water inspectors are licensed in Spokane as we speak, and 3) assuming the ordinance is passed at the October council meeting when will this go into place?

Couple of notes about this property: 1) The property sits on .7 acres and you stated during the presentation during the PIES meeting that you identified properties over 1 acre, 2) the property that you have note is for Head Start which I would welcome the opportunity to have you onsite to tour this property that Hutton completely redeveloped in 2019, and 3) we converted over a ¼ of the original property from parking lot to a playground for the children.

I would welcome the opportunity to meet with you to discuss further. I'm frustrated with your communication to the property owners and what appears to be a "pick and choose" of properties not based on the criteria you stated but most likely based on previous permits in the system. I have copied the Council President, council members from District 1 where this property is located, the Mayor and our team from Hutton including our property manager.

I look forward to meeting with you as soon as possible to discuss.

Regards,
Chud

Chud Wendle
Executive Director

Hutton Settlement Children's Home
www.huttonsettlement.org
facebook.com/huttonsettlement
Office > [509.838.2789](tel:509.838.2789)
Cell > [509.595.3147](tel:509.595.3147)

From: George, Trey <jgeorge@spokanecity.org>
Sent: Friday, September 24, 2021 2:41 PM
To: Chud Wendle <chudwendle@huttonsettlement.org>
Cc: 'Jessica Laughery' <jessicalaughery@huttonsettlement.org>
Subject: RE: Stormwater Treatment Facility inspection - 3704 N Nevada

Hi Chud,

Thanks for reaching out and participating in the legislative process. The PIES Committee will be held at 1:15 on Monday September 27th, 2021. The agenda will have information on how to attend. You can find the agenda here:
<https://my.spokanecity.org/bcc/committees/public-infrastructure-environment-and-sustainability/>.

What is the appropriate address to send notifications to for the stormwater areas at Logan-Lidgerwood Head Start at 3704 N Nevada?

Thanks,
Trey

James George III (Trey) | Environmental Analyst
Direct 509.625.7908 | Mobile 509.904.5013
jgeorge@spokanecity.org

From: Chud Wendle <chudwendle@huttonsettlement.org>
Sent: Friday, September 24, 2021 2:06 PM
To: George, Trey <jgeorge@spokanecity.org>
Cc: 'Jessica Laughery' <jessicalaughery@huttonsettlement.org>
Subject: Stormwater Treatment Facility inspection - 3704 N Nevada

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Trey,

I'm following up a voicemail that I left you regarding a letter that you sent to our tenant, Logan-Lidgerwood Head Start at 3704 N Nevada. I'm the Executive Director of the Hutton Settlement which is the landlord of this building. It is my understanding that a proposed ordinance including an annual inspection/certification requirement is being moved forward. I would welcome the opportunity to discuss this proposed ordinance and share how ridiculous I believe this ordinance is. I just received the letter because it did not go directly to the property owner so I missed the Planning Commission meeting this week. The letter state that there is a PIES Committee meeting on September 27th but does not include a time. Could you please provide the details of this meeting as I'm assuming that when it goes to City Council on October 25th the votes will be lined up.

I can be reached at our office 838-2789 or my cell at 509-595-3147.

Thank you,
Chud

Chud Wendle

Executive Director
Hutton Settlement Children's Home

www.huttonsettlement.org

facebook.com/huttonsettlement

Office > [509.838.2789](tel:509.838.2789)

Cell > [509.595.3147](tel:509.595.3147)

Bishop, Stephanie

From: George, Trey
Sent: Thursday, September 23, 2021 7:31 AM
To: David Hanson
Cc: office@landlordassoc.org
Subject: RE: private wastewater management facility comments from David Hanson

David,

Thank you for your comments on the letter notification regarding annual inspections on private stormwater facilities. I will submit it to the record.

Thanks,
Trey

James George III (Trey) | Environmental Analyst
Direct 509.625.7908 | Mobile 509.904.5013
jgeorge@spokanecity.org

From: David Hanson <davelhanson@hotmail.com>
Sent: Wednesday, September 22, 2021 4:54 PM
To: George, Trey <jgeorge@spokanecity.org>
Cc: office@landlordassoc.org
Subject: private wastewater management facility comments from David Hanson

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Dear City Council and James George III (Trey),

I was surprised to read about the new regulations on private storm water management.

Here are my comments to share at your meetings:

It is nice to have a fancy name like, "Private stormwater management system facility." For reference, you are talking about a triple city lot with 5 rental units that are certified for low income rents at 514 S Scott Street. And now you tell me I have a "Private storm water management system facility" on my property. Bull Ka Ka! I have an 80' long ditch along one side of my property with some trees and plants where the water from the driveway runs off. The only reason you call it a "Private storm water management system facility" is to somehow screw the little guy just once more.

Now maybe we need third party verification for my ditch? Maybe they have a hefty fee and need approval licensing and fees for Spokane wastewater to give this third party verification? What a hoax. Pay someone to inspect my 80' ditch.

How about the fact that with COVID-19, little landlords like me have not been receiving the rent on our properties because the Governor and Mayor trumpet nobody needs to pay rents? To heck with the landlord and property owner. Did it ever occur to the government that Landlords make payments on these properties- that we worked hard on weekends for two years developing this much needed housing in Spokane? Not to mention we pay taxes, utilities, maintenance and insurance on these properties, as well.

Practically, if these "ditches" need inspection I have a few ideas.

#1. Have someone from the City drive by yearly and inspect or certify the ditch. Why place the burden on the property owner for this odious task? Likely these city workers only put in 40 hour weeks not like us government hated entrepreneur landlords who work 40 hours and then about 10 hours on their rental units.

#2 Allow property owners to certify and send some photos of the property.

The City of Spokane is always talking about, "We need more housing!" and especially these same bureaucrats say, "We need more **affordable** housing." At the same time, these same bureaucrats want to punish and penalize the people providing housing with any opportunity they can get.

I soon may sell my properties and get out of this business like many other of the good folks who help provide housing in Spokane.

Sincerely,
David Hanson
514 S Scott Street
Spokane, WA 99202

Bishop, Stephanie

From: Churchill, Jackie
Sent: Monday, September 20, 2021 4:50 PM
To: George, Trey; Beck, Amanda
Cc: Schoedel, Elizabeth
Subject: Bill Garry Written Public Comment
Attachments: CityPlanCommission stormwater hearing.odt

Hello Trey,

Mr. Garry ended up just emailing me his written public comment. It's attached.

Thanks,
Jackie

From: b&j <bjgarry3520@comcast.net>
Sent: Monday, September 20, 2021 4:46 PM
To: Churchill, Jackie <jchurchill@spokanecity.org>
Subject: RE: Plan Commission Meeting Link

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Jackie,

Attached is the letter from Hillside Park Owners Association relating to the proposed ordinance to have yearly inspections of all private stormwater management facilities.

Thanks for your help in getting this to the Plan Commission on Wednesday. I have also sent it to Lori Kinnear.

Bill Garry

Sent from [Mail](#) for Windows

From: [Churchill, Jackie](#)
Sent: Monday, September 20, 2021 4:33 PM
To: [b&j](#)
Subject: RE: Plan Commission Meeting Link

Hello,

You can send me an email with the letter attached.

Thank you,

Jackie

From: b&j <bjgarry3520@comcast.net>
Sent: Monday, September 20, 2021 12:18 PM
To: Churchill, Jackie <jchurchill@spokanecity.org>
Subject: RE: Plan Commission Meeting Link

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Jackie Churchill,

Thanks for the info. I would like to send a letter with written comments for the hearing on Wednesday as well as give oral testimony. Should I send the letter via an email with a file attached to you, or do you need a pdf with my signature?

Thanks,
Bill Garry

Sent from [Mail](#) for Windows

From: [Churchill, Jackie](#)
Sent: Monday, September 20, 2021 8:17 AM
To: bjgarry3520@comcast.net
Subject: Plan Commission Meeting Link

Good Morning Mr. Garry,

The link to the September 22 Plan Commission meeting is below. Also you may sign up to testify by following this [link](#) which will take you to a google forms document where you can indicate that you would like to testify during the Stormwater hearing.

The Plan Commission agenda can be found online on the [City Plan Commission website](#) under the 'agendas' tab as well.

If you have any further questions or concerns, please feel free to reach out.

Thank you,

Jackie Churchill

When it's time, join the Webex meeting here.

Join meeting

More ways to join:

Join from the meeting link

<https://spokanecity.webex.com/spokanecity/j.php?MTID=m51554fc8ba08abf6006ad2db31416fc2>

Join by meeting number

Meeting number (access code): 146 443 9763

Meeting password: PlanCommission

Tap to join from a mobile device (attendees only)

+1-408-418-9388,,1464439763## United States Toll

Join by phone

+1-408-418-9388 United States Toll

[Global call-in numbers](#)

Join from a video system or application

Dial [1464439763@spokanecity.webex.com](tel:1464439763@spokanecity.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business

Dial [1464439763.spokanecity@lync.webex.com](tel:1464439763.spokanecity@lync.webex.com)



Spokane City logo featuring a stylized dome and the word SPOKANE



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Hillside Park Owners Association

**3227 W Excell Lane
Spokane, WA 99208**

Board of Trustees

Bill Garry, President
Ben Markham, Secretary
Gary Jablonski, Treasurer
and Vice-President
Bruce Ottmar, at large

September 20, 2021

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

RE: Hearing on September 22, 2021, regarding inspection requirements for Stormwater facilities

Dear Plan Commission:

We have received a letter from your Wastewater Management Department with information that a proposed ordinance may require yearly inspection of all stormwater treatment facilities. Our Hillside Park PUD has a passive system for handling stormwater runoff that has been approved by the City and existed since 2000 when the first homes were built. It has never had water in it except for when a storm washes debris and mud into our streets from the City's road to the Midbank water tank located above and accessed from our property. We spend a lot of time and money removing this debris and mud from our streets and system. At no time has stormwater ever left this property. Several residents have lived here since the beginning of the PUD, and they can testify to the system's performance.

We believe the yearly inspection requirements would be onerous and unduly expensive. If there is a problem with an existing stormwater treatment facility the City should then require an inspection and abatement as necessary with details from the facility's performance in a storm. How else would anyone actually say how a system is faulty without a test from a storm? Inspection without testing is not effective, and is very expensive.

Now that we know the City's road is obviously a known polluter, there should be some resolution of that problem first. We have requested the City spread gravel on their dirt road, which did happen, and which did reduce the amount of debris and mud that comes from their road in a storm. There is, however, no actual stormwater management facility to prevent untreated stormwater from entering our property.

Thank you for allowing this opportunity to comment.

Sincerely,

Bill Garry

ORDINANCE NO. C36116

AN ORDINANCE relating to Stormwater Facilities; amending SMC sections 17D.060.030; 17D.060.050, 17D.060.140, 17D.060.190, 17D.090.030, 17D.090.070; 17D.090.110; 17D.090.210; chapter 17D of the Spokane Municipal Code and setting an effective date.

WHEREAS, The Eastern Washington Phase II Stormwater Permit contains new requirements for the City with regard to updates to its municipal code.

WHEREAS, the Permit requires the City of Spokane to update its municipal code to require projects to adhere to minimum technical requirements and Best Management Practices necessary to protect water quality by applying the definitions, requirements, and methods in the Stormwater Management Manual for Eastern Washington, or another technical stormwater manual approved by Ecology; and

WHEREAS, the Permit requires the City of Spokane to update its municipal code to reflect and include inspection requirements of private stormwater facilities; and

WHEREAS, the Permit also requires the City of Spokane to update its municipal code to include the application of source control Best Management Practices referenced in the Stormwater Management Manual for Eastern Washington where necessary to prevent illicit discharges; and

WHEREAS, furthermore, the Permit requires the City of Spokane to update its municipal code to require construction phase erosion and sediment controls for new development and redevelopment projects, and include provisions to review site plans and inspect sites with high potential for sediment transport prior to clearing or grading;

-- Now, Therefore,

The City of Spokane does ordain:

Section 1: That SMC section 17D.060.030 is amended to read as follows:

17D.060.030 Standards

A. The ((d))Director of Wastewater Management determines stormwater control design standards and regulations (also referenced as "standards"), including those for onsite stormwater facilities, and determines their applicability to particular areas of the City of Spokane, plats and premises, consistent with the legislative findings of this chapter.

B. Standards References.

The following documents are hereby adopted by reference. They address general requirements and may be modified or supplemented in other specific sections.

1. Standard Specifications of the Washington State ((d))Department of ((t))Transportation, latest edition.
2. General Special Provisions of the City of Spokane, latest edition.
3. City of Spokane Design Standards and Standard Plans, latest edition.
4. The Spokane Regional Stormwater Manual (SRSM), latest edition.
5. Guidance for UIC Wells that Manage Stormwater by Washington State ((d))Department of ((e))Ecology dated December 2006 (Publication Number 05-10-067).
6. Spokane Aquifer Water Quality Management Plan. Spokane County, Washington "208" Program. County engineers office.
7. Stormwater Management Manual for Eastern Washington (SWMMEW), Washington State Department of Ecology, latest edition.

The above standard references are on file with the ((d))Director of Wastewater Management

- C. Low Impact Development is optional, however if low impact development techniques are used, then the Eastern Washington Low Impact Development Guidance Manual should be followed.
- D. The standard references are periodically republished. Between a general republication the department of engineering services maintains an updated copy and may publish modifications or updates in the *Official Gazette*. The department of engineering services also maintains a distribution list of parties requesting such updates. Unless otherwise ordered, the changes are effective thirty calendar days from the date of the *Official Gazette* issue in which they are published.

Section 2: That SMC section 17D.060.050 is amended to read as follows:

17D.060.050 Duties of Property Owners and Occupants – Others – Private Rights Reserved

- A. Every owner and occupant of premises must install, maintain and keep in good function and order any onsite stormwater facility in accord with applicable requirements. Such requirements may be reflected as conditions of land use or property development in plats, building or special use permits, or other permits, or may be imposed as a consequence of other regulatory action, including code enforcement or nuisance abatement.

B. Stormwater facilities shall be installed with adherence to the Best Management Practices referenced in the Spokane Regional Stormwater Manual (SRSM) and the Stormwater Management Manual for Eastern Washington (SWMMEW).

~~((B))~~ C. No party shall obstruct or interfere with the full and efficient function of any onsite stormwater facility.

~~((C))~~ D. Enforcement action taken under this chapter does not affect a right of a party to seek subrogation or further recovery against any other parties determined to be responsible.

Section 3: That SMC section 17D.060.140 is amended to read as follows:

17D.060.140 Runoff and Infiltration Controls

A. Runoff and infiltration controls apply in all areas of the City except where exempt or modified.

B. Unless otherwise specified, street and alley paving projects funded by local improvement districts are exempt from the provisions of SMC 17D.060.130 and SMC 17D.060.140.

C. Drainage plans shall be prepared and submitted for review and acceptance for all proposed plats and land disturbing activities prior to issuance of any permits for site disturbance, including but not limited to grading permits and building permits. The ~~((d))~~ Director of Wastewater Management has authority to waive requirements to the necessity for a drainage plan, but must do so in writing. Factors considered in the evaluation of a waiver request include, but are not limited to:

1. soil characteristics and depth,
2. number of lots,
3. infill development,
4. percent impervious area,
5. pass-through drainage,
6. history and trends of runoff-related problems,
7. depth to ground water.

D. With respect to drainage plans required under subsection (C) of this section:

1. the volume and rate of surface water runoff after new development shall be no greater than the runoff volume and rate leaving the site prior to development, unless the ((d))Director of ((e))Engineering ((s))Services approves the discharge of additional runoff based on a comprehensive drainage plan and down gradient impact study;
 2. drainage plans for development proposals in SDDs shall not rely upon infiltration to accommodate the additional runoff resulting from the proposed development. However, approval to use infiltration in part or in whole may be granted by the ((d))Director of ((e))Engineering ((s))Services upon a showing, after assessing new, existing, and cumulative impacts from prior developments, that no adverse impact to the side, adjacent, or down gradient properties would occur;
 3. drainage plans submitted for development proposals shall comply with the Spokane Regional Stormwater Manual and the City of Spokane Design Standards, as approved by and on file with the ((d))Director of ((e))Engineering ((s))Services, for the design of onsite stormwater facilities, including any limitations applicable to any specific SDD;
 4. drainage plans shall include identification of all properties to be reserved for onsite stormwater facilities and the location of all natural drainage systems.
- E. The developer, property owner, or other responsible, authorized and designated entity acceptable to the ((d))Director of Wastewater Management (e.g., a homeowners association) shall be responsible for accepting and maintaining onsite stormwater facilities. The developer shall provide a perpetual maintenance plan, including funding mechanisms and appropriate financial security for such onsite stormwater facilities acceptable to the ((d))Director of Wastewater Management.
1. Any private stormwater facilities that receive post-construction stormwater runoff from new development or redevelopment projects which (a) were approved in 2011 or later, and (b) whose disturbance was one acre or more, or projects that were less than one acre and are part of a larger common plan of development or sale, shall be inspected annually by a qualified stormwater professional. Private property owners, or other responsible person, authorized and designated entity shall provide annual certification by a qualified third party that adequate maintenance has been performed and the facilities are operating as designed to protect water quality.
- F. New plats shall expressly identify tracts of land devoted to the conveyance and/or disposal of stormwater flows. The location of all on-site stormwater facilities shall meet the requirements of the Spokane Regional Stormwater Manual.

Section 4: That SMC section 17D.060.190 is amended to read as follows:

17D.060.190 Illicit Discharge(s)

A. General Intent and Prohibition.

This section is enacted in compliance with state and federal regulatory requirements in the exercise of local police power. The introduction or discharge of anything into the municipal separate storm sewer system, an MS4 system, in violation of the National Pollutant Discharge Elimination System (NPDES) permit requirements, Eastern Washington Phase II Municipal Stormwater Permit (WAR04-6505) as now or hereafter amended is expressly prohibited.

B. Objectives.

The objectives of this section are:

1. To prevent pollutants as defined in subsection ((E)) (F) of this section and as provided in applicable federal and state regulatory requirements from entering the MS4.
2. To locate, eliminate, and prohibit illicit connections and discharges to the MS4.
3. To improve the quality of the City's stormwater discharges to water bodies.
4. To promote the health, safety, and welfare for workers and the general public, provided, notwithstanding any other provision, no special duty to any special person or class of people shall ever be created. Any duty nonetheless deemed created shall be solely and exclusively a duty to the general public; and
5. To ensure that all dischargers to the City's MS4 as well as all other public drainage systems that convey, manage or dispose of stormwater flows into the City's MS4 comply with the NPDES Eastern Washington Phase II Municipal Stormwater Permit (WAR 04-6505) as now or hereafter amended and local, state and federal laws and regulations and that sanctions for failure to comply are imposed.

C. Applicability.

This section shall apply to all activities, on public or private property, which may potentially influence the MS4 drainage system in accord with the requirements of the NPDES Eastern Washington Phase II Municipal Stormwater Permit (WAR 04-6505) as now or hereafter amended. Additionally, permanent and temporary storm water management controls and facilities that flow into the MS4, constructed as part of any activities listed in this section, which are located within the City of Spokane limits, are also subject to this section.

D. Requirement to Implement Best Management Practices.

Owners or operators of commercial/industrial facilities and private property, shall utilize and maintain operational and/or structural Best Management Practices (BMPs) associated with existing land uses and activities, as necessary to prevent illicit discharges, in accordance with the standards referenced in 17D.060.030. The Director of the Wastewater Management Department may require any person responsible for a facility or property which is or may be the source of an illicit discharge to implement additional structural and non-structural BMPs to prevent the discharge of pollutants to the stormwater drainage system.

~~((D))~~ E. Allowable Discharges.

The following types of discharges into the MS4 may be allowed unless the ~~((d))~~Director of Wastewater Management determines that the discharge causes significant contamination of surface water, stormwater, or ground water. They are allowed only when the stated conditions are met:

1. Treated storm water from the public right-of-way.
2. Other discharges approved by the ~~((d))~~Director of Wastewater Management which are in compliance with permit WAR04-6505 or subsequent permits, and determined by the ~~((d))~~Director of Wastewater Management to not be a significant source of pollution.
3. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges must be dechlorinated to a concentration of 0.1 ppm Cl or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments into the MS4.
4. Unintentional discharges from lawn watering and other irrigation runoff. A discharge is not unintentional if a previous warning has been given or the party to be held responsible knew or should have known of the warning or discharge event.
5. Swimming pool discharges are allowed if dechlorinated to a concentration of 0.1 ppm Cl or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments into the MS4; and do not surcharge the City's system. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
6. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The City shall reduce these discharges through public education activities and/or water

conservation efforts. To avoid washing pollutants into the MS4, the City shall minimize the amount of street wash and dust control water uses. At active construction sites, street sweeping shall be performed prior to washing the street.

7. Other non-stormwater discharges. Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan approved by the City of Spokane which addresses control of such discharges.
8. discharges resulting from emergency fire fighting activities.

~~((E))~~ E. Unlawful Discharges.

It is unlawful for any person to discharge, or cause to be discharged, directly or indirectly any pollutants into surface water, stormwater, ground water or within a stream channel or directly or indirectly into the MS4. Illicit connections to storm drainage systems and surface water bodies include sanitary sewers, process waste water discharge, process water sump pumps, and internal building drains. Pollutants include, but are not limited to, the following:

1. Chemicals, petroleum products, paint, solvents, detergents and degreasers, or other toxic or deleterious materials in concentrations or amounts in violation of federal, state, or local standards or limits.
2. Trash, debris, food waste, human wastes, animal wastes, or refuse.
3. Loose or unstabilized soil, sand, gravel, or other construction materials that erode in an uncontrolled manner (freely or significantly, as distinguished from ordinary bank or soil erosion associated with storm events) into a drainage facility or stream channel.
4. Lawn clippings, fertilizers, leaves, branches, or other landscaping and yard debris deposited in a stream channel or drainage facility; and
5. Turbid water from construction site runoff, concrete or concrete wash out, dewatering, soil boring or other excavation activities.

~~((F))~~ G. Enforcement.

Violations of this section shall be enforced as any other violation of this chapter.

Section 5: That SMC section 17D.090.030 is amended to read as follows:

17D.090.030

Referenced

Regulations

- A. Spokane Regional Stormwater Manual (SRSM or Stormwater Manual), as adopted by the City of Spokane and published and maintained by the ~~((d))~~Director of ~~((e))~~Engineering ~~((s))~~Services
- B. Stormwater Management Manual for Eastern Washington (SWMMEW). The SWMMEW is published and maintained by the Washington State department of ecology and supplements the SRSM.
- C. Washington State Standard Specifications for Road and Bridge Construction. The State Supplemental Specifications are published and maintained by the Washington State ~~((d))~~Department of ~~((t))~~Transportation (WSDOT).
- D. City of Spokane General Special Provisions, as adopted by the City of Spokane and published and maintained by the ~~((d))~~Director of ~~((e))~~Engineering ~~((s))~~Services. These materials supplement and are complimentary to the WSDOT materials.
- E. City of Spokane Design Standards. The City of Spokane Design Standards are published and maintained by the ~~((d))~~Director of ~~((e))~~Engineering ~~((s))~~Services.
- F. Washington State Department of Ecology Construction General Stormwater Permit. Construction sites disturbing one acre or more, and construction projects of less than one acre that are part of a larger common plan of development or sale, must obtain a Construction General Stormwater Permit.

Section 6: That SMC section 17D.090.070 is amended to read as follows:

17D.090.070 Plan Required

- A. A responsible party must submit an erosion and sediment control (ESC) plan or a Stormwater Pollution Prevention Plan (SWPPP) for permitted development projects to the ~~((d))~~Director of Wastewater Management for review. ~~((if the disturbance area is:))~~
 - 1. An ESC is required if the disturbance area is:
 - ~~((4))~~A. five thousand square feet or greater in area;
 - ~~((2))~~B. in a special site per SMC 17D.090.080.
 - 2. A SWPPP is required and must be fully implemented in accordance with the Construction General Stormwater Permit if the disturbance area is:
 - A. one acre or more; or
 - B. is a construction project less than one acre that is part of a larger common plan of development or sale.

- B. An ~~((erosion and sediment control))~~ ESC plan or SWPPP is not required for work that does not require a City issued permit unless otherwise required by the terms of a compliance order or land use decision.
- C. Where a plan is required, the responsible party shall not commence any construction before the ~~((d))~~Director of Wastewater Management has accepted the proposed plan.

Section 7: That SMC section 17D.090.110 is amended to read as follows:

Section 17D.090.110 Minimum Plan Requirements

The following items shall be addressed on erosion and sediment control plans. As site conditions dictate, additional measures relating to erosion and sediment control, as determined by the licensed professional engineer (PE) preparing the plan, shall be addressed in order to meet the intent and purpose of this chapter and to comply with the stated performance standards in SMC 17D.090.180. Furthermore, in order to reduce the discharge of pollutants to the maximum extent practicable, and to satisfy all known, available and reasonable methods of prevention, control and treatment requirements, Best Management Practices (BMPs) shall be consistent with the Spokane Regional Stormwater Manual (SRSW) and Stormwater Management Manual for Eastern Washington (SWMMEW).

A. Construction Sequence.

Sequence the construction in order to best minimize the potential for erosion and sediment control problems.

B. Clearing Limits Delineation.

Identify and delineate on the plan and in the field all clearing limits, sensitive/critical areas, buffers, trees to be preserved, and drainage courses.

C. Construction Access Route.

Access for construction vehicles should be limited to one route whenever possible. The access route must be stabilized to minimize the tracking of sediment onto roads.

D. Sediment Tapping Measures.

Design and construct sediment ponds and traps, perimeter dikes, sediment barriers, and other on-site sediment trapping BMPs as necessary prior to the start of other ground disturbing activities.

E. Protection of Adjacent Properties/Water Bodies/Public and Private Streets.

Protect adjacent and/or downstream properties, water bodies, public and private streets from erosion and sediment deposition. The intent is to keep sediment on the project site and not allow it to reach adjacent and/or downstream properties, water bodies, and public and private streets. These measures shall be made functional prior to any upslope development taking place.

F. Apply permanent or temporary soil stabilization to denuded development site areas in conformance with the following schedule. Permanent ground disturbing activities that do not require a permit may achieve compliance with this schedule by installing and maintaining approved permanent BMPs that meet the purpose of this chapter.

1. Between October 1 and April 30, all denuded sites shall be provided with either temporary or permanent soil stabilization as soon as practicable, but in no case more than five days after ground-disturbing activity occurs.
2. Between May 1 and September 30, temporary erosion and sediment control measures to reduce dust and sediment transport shall be applied as soon as practicable, but in no case more than ten days after ground-disturbing activity occurs.
3. Ground cover shall be installed on any portion of a site that is denuded for more than six months. Sports fields or playgrounds surrounded by vegetative cover or permanently installed curbing are exempt from this requirement.
4. Temporary measures shall be maintained until permanent measures are established. As used herein, "temporary" means approved measures that are not intended to be a final or long-term resolution of compliance requirements.

G. Protection of Inlets.

Protect downstream inlets to drywells, catch basins, and other stormwater management facilities that are functioning during the course of the construction by approved sediment control measures so that sediment-laden water cannot enter the inlets without first being filtered.

H. Increased Runoff from Construction Sites.

Consider and mitigate the effects and impacts of increased and concentrated runoff from ground disturbing activities on downstream properties, water bodies, and public and private streets.

I. Washout Site for Concrete Trucks and Equipment.

Designate an on-site location of a slurry pit where concrete trucks and equipment can be washed out. Slurry pits shall not be located in a swale, drainage area, stormwater facility, water body, or in an area where a stormwater facility is proposed.

J. Material Storage/Stockpile.

Identify the location within the proposed ESC plan boundaries for storage or stockpile areas for any soil, earthen, or landscape material which is used or will be used on-site.

K. Cut and Fill Slopes.

Design and construct cut and fill slopes in a manner that will minimize erosion.

L. Stabilization of Temporary Conveyance Channels and Outlets.

Design, construct, and stabilize all temporary on-site conveyance channels to prevent erosion from the velocity of runoff from storms under developed conditions. Design, construct, and stabilize all temporary conveyance system outlets to prevent erosion of stormwater facilities, adjacent stream banks, slopes, and downstream reaches.

M. Dewatering Construction Site.

Design dewatering devices to discharge appropriately to sediment traps or sediment ponds.

N. Control of Pollutants Other than Sediment on Construction Sites.

Control all on-site pollutants (including waste materials and demolition debris) other than sediment in a manner that does not cause contamination of stormwater, groundwater, or aquifer.

O. Removal of Temporary BMPs.

Remove all temporary sediment control BMPs within thirty days after final site stabilization or after the temporary BMPs are no longer needed. Trapped sediment shall be removed from the project site or stabilized on-site. Stabilize disturbed soil areas resulting from removal of the temporary BMPs.

P. Maintenance and Permanent BMPs.

Maintenance of all erosion and sediment control BMPs is required during the ground-disturbing activity. A maintenance schedule for each BMP shall be included in the plan. Regular inspection and maintenance of all erosion and sediment control BMPs is required to ensure successful performance of the BMPs. Permanent BMPs shall be included on the plan to ensure that successful transition from temporary BMPs to permanent BMPs occurs.

Section 8: That SMC section 17D.090.110 is amended to read as follows:

17D.090.210 City Inspections – Permitted Activities

A. The ((d))Director of Wastewater Management may conduct the following inspections on permitted development activities. It shall be the duty of the responsible party to notify the ((d))Director of Wastewater Management at the appropriate inspection phase as set forth below. Inspections of erosion and sediment control measures may occur with other inspections being conducted on the development or construction project.

1. Pre-construction Inspection.

The ((d))Director of Wastewater Management may conduct inspections after initial, temporary erosion and sediment control measures have been put in place and prior to any ground disturbance in addition to that necessary for the installation of the erosion, sediment, and pollutant control measures. When the development is being conducted in phases, this inspection shall occur at the beginning of each phase. Any sites which may have a high potential for sediment transport shall be inspected prior to clearing or grading.

2. Permanent Measures Inspection.

The ((d))Director of Wastewater Management may conduct inspections after permanent measures are put in place. When the development is being conducted in phases, this inspection shall occur after permanent measures have been installed for each phase.

3. Interim Inspections.

The ((d))Director of Wastewater Management may conduct other inspections not specifically addressed above to determine compliance with this chapter.

4. Final Erosion Control Inspection.

For special sites as defined in SMC 17D.090.080, an inspection shall be conducted after construction completion to determine the effectiveness of permanent erosion and sediment control measures. This inspection shall be conducted six months after construction completion or at other times directed by the ((d))Director of Wastewater Management. This inspection may be conducted at sites other than special sites as determined by the ((d))Director of Wastewater Management.

B. Where the ((d))Director of Wastewater Management has determined that special site conditions exist, the ((d))Director of Wastewater Management may designate a special inspector to monitor erosion and sediment control at that site. The special inspector shall be qualified to perform such monitoring.

Section 9: Effective Date:

This ordinance shall take effect and be in force on _____, 2021.

Passed by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	ORD C36117
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	
Agenda Item Name	0650 - 2021 FLOODPLAIN MANAGEMENT TEXT AMENDMENT - 17A.020

Submitting Dept	PLANNING & ECONOMIC DEVELOPMENT
Contact Name/Phone	AMANDA BECK 625-6414
Contact E-Mail	ABECK@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance

Agenda Wording

An Ordinance to amend various sections of Chapter 17A.020, Definitions, as part of work to complete a state mandated update of floodplain regulations.

Summary (Background)

The proposed amendments coincide with updates to Chapter 17E.030, Floodplain Management, as part of a City-initiated update to floodplain regulations that are state mandated updates to the Spokane Municipal Code. The amendments to Chapter 17A.020 include clarifying language defining elements of the floodplain and adding new definitions as directed by FEMA. This amendment must be completed by December 31, 2021 for the City to remain a NFIP participating community.

Lease? NO Grant related? NO Public Works? NO
Fiscal Impact **Budget Account**

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

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	MEULER, LOUIS	<u>Study Session\Other</u>	7/12 UE
<u>Division Director</u>	BECKER, KRIS	<u>Council Sponsor</u>	CM Lori Kinnear
<u>Finance</u>	ORLOB, KIMBERLY	<u>Distribution List</u>	
<u>Legal</u>	RICHMAN, JAMES	abeck@spokanecity.org	
<u>For the Mayor</u>	ORMSBY, MICHAEL	tblack@spokanecity.org	
<u>Additional Approvals</u>		jrichman@spokanecity.org	
<u>Purchasing</u>		sbishop@spokanecity.org	
		jchurchill@spokanecity.org	
		lmeuler@spokanecity.org	
		smacdonald@spokanecity.org	

Briefing Paper

Urban Experience Committee

Division & Department:	Business and Development — Planning Services
Subject:	Floodplain Management Update of SMC 17E.030
Date:	July 12, 2021
Author (email & phone):	Amanda Beck; abeck@spokanecity.org ; 509-625-6414
City Council Sponsor:	CM Kinnear
Executive Sponsor:	Louis Meuler, Planning Director
Committee(s) Impacted:	Urban Experience
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment:	RCW 43.21C, RCW 86.16, WAC 197-11, Shaping Spokane Comprehensive Plan Chapter 9.
Strategic Initiative:	Urban Experience - River Connection; Innovative Infrastructure - Resiliency.
Deadline:	December 31, 2021
Outcome:	Mandated update of Spokane Municipal Code 17E.030.
<p>Background and History:</p> <p>Local governments are responsible for managing development in floodplains under the National Flood Insurance Program (NFIP), which is overseen by the Federal Emergency Management Agency (FEMA). The Washington Department of Ecology is the state lead for floodplain management. In December 2019, Ecology revised the state's <i>FEMA Model Ordinance</i> to incorporate new minimum regulations.</p> <p>FEMA's National Flood Insurance Program nationally maps floodplains, outlines federal regulations for management, and provides insurance for buildings within floodplains. FEMA offers insurance to residents in participating communities that agree to enforce minimum NFIP standards. The regulated area is called the Special Flood Hazard Area and this includes the 100 year floodplain and the floodway. There is a 100-year floodplain along Latah Creek and the Spokane River.</p> <p>Amending the Unified Development Code to comply with Ecology changes will achieve:</p> <ul style="list-style-type: none"> • Compliance with the appropriate Code of Federal Regulations (CFR), RCWs, and WACs; • Be consistent with the Comprehensive Plan and City development regulations; and • Allow appropriate use and enjoyment of land within the floodplain while protecting life and property. 	
<p>Executive Summary:</p> <p>The City-initiated amendment to SMC 17A.020 and 17E.030 is state mandated and proposed amendments focus on compliance with state and federal regulatory changes. Amendments will go through review with Ecology, internal staff, and partner agencies. The City is required to complete an amendment of its floodplain management regulations to comply with state changes by December 31, 2021.</p>	
<p>Budget Impact:</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Other budget impacts: Not applicable</p>	
<p>Operations Impact:</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: Dept. of Ecology review → City Council legislative action.</p> <p>Known challenges/barriers: None.</p>	

ORDINANCE NO. C36117

AN ORDINANCE relating to Administration Definitions; amending Spokane Municipal Code (SMC) Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, 17A.020.140, and 17A.020.190.

WHEREAS, the flood hazard areas of the City of Spokane are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, as a condition of participation in the National Flood Insurance Program (NFIP), the City of Spokane is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP and State of Washington minimum floodplain management regulations; and

WHEREAS, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for City residents; and

WHEREAS, the most recent update to the City's floodplain regulations occurred in 2011; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated Flood Damage Prevention Ordinance Washington Model that includes all the minimum standards required as a condition of participation in the NFIP; and

WHEREAS, in order to maintain participation in the NFIP and allow City of Spokane residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards by December 31, 2021; and

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

WHEREAS, on June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the UDC pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act ("SEPA") Checklist was prepared and a Determination of Non-Significance ("DNS") was issued on September 2, 2021, for the proposed amendment. The fourteen-day public comment period ended on September 16, 2021; and

WHEREAS, the Plan Commission held a workshop session to study the proposed amendment on July 14, 2021 and September 8, 2021; and

WHEREAS, prior to the Plan Commission public hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman-Review on September 8 and 15, 2021. The proposed UDC amendment was available for public review on the Planning and Development Services website at <https://my.spokanecity.org/projects/2021-floodplain-management-update/>; and

WHEREAS, on September 22, 2021 the City Plan Commission held a public hearing on the proposed UDC amendment and heard testimony from the public; and

WHEREAS, consistent with SMC 17G.025.010, the Plan Commission found that (i) the proposed amendment is consistent with applicable provisions of the City of Spokane Comprehensive Plan, and (ii) the proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment; and

WHEREAS, following a public hearing, the Plan Commission recommended approval of a number of minor and clarifying amendments to the Spokane Municipal Code regarding floodplain regulations, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, the Plan Commission's Findings of Fact, Conclusions, and Recommendations regarding the 2021 Floodplain Management Text Amendment, together with the Plan Commission's entire files relating to the same, are hereby incorporated into this ordinance.

Now, Therefore, The City of Spokane does ordain:

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

17A.020.010 “A” Definitions

A. Abandoned Sign Structure.

See [SMC 17C.240.015](#).

B. Aboveground Storage Tank or AST.

Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.

C. Accepted.

A project for which the required plans have been found to be technically adequate.

D. Accessory Dwelling Unit (ADU).

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. “Mother-in-law apartments,”
2. “Accessory apartments,” or
3. “Second units.”

E. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
 - a. Garages,
 - b. Decks,
 - c. Fences,
 - d. Trellises,
 - e. Flagpoles,
 - f. Stairways,
 - g. Heat pumps,
 - h. Awnings, and
 - i. Other structures.
3. See also [SMC 17A.020.160](#) (“Primary Structure”).

F. Accessory Use.

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

G. Activity.

See Regulated Activity.

H. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

I. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified anatomical areas,” as defined in [SMC 17A.020.190](#), or “specified sexual activities,” as defined in [SMC 17A.020.190](#). A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:
 - a. At least thirty percent of the establishment’s displayed merchandise consists of said items; or
 - b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment’s displayed merchandise consists of said items; or
 - c. At least thirty percent of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items; or
 - d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - f. The establishment regularly offers for sale or rental at least two thousand of said items; or
 - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using “adult,” “XXX,” “sex,” “erotic,” or substantially similar language, as an establishment that caters to adult sexual interests.

2. For purposes of this definition, the term “floor space” means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.

J. Adult Business.

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

K. Adult Entertainment Establishment.

1. An “adult entertainment establishment” is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to “specified sexual activities” as defined in [SMC 17A.020.190](#) or “specified anatomical areas” as defined in [SMC 17A.020.190](#) for observation by patrons therein.
2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

L. Adult Family Home.

A residential use as defined and licensed by the state of Washington in a dwelling unit.

M. Agency or Agencies.

The adopting jurisdiction(s), depending on the context.

N. Agricultural Activities.

1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;
 - b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
 - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
 - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;

- g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
 - h. Maintaining agricultural lands under production or cultivation.
2. The City of Spokane shoreline master program defines agriculture activities as:
- a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
 - b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.

O. Agricultural Land.

Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.

P. AKART.

An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Q. Alkali Wetlands.

Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

R. All Weather Surface.

A road surface which emergency vehicles and typical passenger vehicles can pass in all types of weather. If unpaved, the top course should be six inches minimum of compacted crushed rock meeting standards for a roadway surface.

S. Alley.

See “Public Way” ([SMC 17A.020.160](#)).

T. Alteration.

A physical change to a structure or site.

1. Alteration does not include normal maintenance and repair or total demolition.
2. Alteration does include the following:
 - a. Changes to the facade of a building.
 - b. Changes to the interior of a building.
 - c. Increases or decreases in floor area of a building; or
 - d. Changes to other structures on the site, or the development of new structures.

U. Alteration of Plat, Short Plat, or Binding Site Plan.

The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).

V. Alteration of Watercourse.

Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

((V)) W. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

((W)) X. [Deleted]

((X)) Y. [Deleted]

((Y)) Z. [Deleted]

((Z)) AA. API 653.

The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.

((AA)) AB. Appeal.

A request for review of the interpretation of any provision of [Title 17 SMC](#).

((AB)) AC. Appeal – Standing For.

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;

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

((AG)) AD. Applicant.

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

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

((AD)) AE. Application – Complete.

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

((AE)) AF. Aquaculture.

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

((AF)) AG. Aquatic Life.

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

((AG)) AH. Aquifer or Spokane Aquifer.

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

((AH)) AI. Aquifer Sensitive Area (ASA).

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of [SMC 17E.050.260](#).

((~~AI~~)) AJ. Aquifer Water Quality Indicators.

Common chemicals used for aquifer water quality screening. These are:

1. Calcium,
2. Magnesium,
3. Sodium,
4. Total hardness,
5. Chloride,
6. Nitrate-nitrogen, and
7. Phosphorus.

((~~AJ~~)) AK. Archaeological Areas and Historical Sites.

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.

((~~AK~~)) AL. Architectural feature.

Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

((~~AL~~)) AM. Architectural Roof Structure.

Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.

1. Area of Shallow Flooding.
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).
2. The base flood depths range from one to three feet.
3. A clearly defined channel does not exist.
4. The path of flooding is unpredictable and indeterminate.
5. Velocity flow may be evident.
6. AO is characterized as sheet flow and AH indicates ponding.

((~~AM~~)) AN. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.
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4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

((~~AN~~)) AO. ((~~A~~))Area of Special Flood Hazard.

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

((AQ)) AP. Arterial.

See:

1. "Principal Arterials" – [SMC 17A.020.160](#),
2. "Minor Arterials" – [SMC 17A.020.130](#), or
3. "Collector Arterial" – [SMC 17A.020.030](#).

((AP)) AQ. Articulation.

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

((AQ)) AR. Assisted Living Facility.

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

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

((AR)) AS. Attached Housing.

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

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

((AS)) AT. Attached Structure.

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

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

((AT)) AU. Available Capacity.

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

((AU)) AV. Average Grade Level.

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

((AV)) AW. Awning

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

Section 2. That Section 17A.020.020 SMC is amended to read as follows:

17A.020.020 “B” Definitions

A. Backed Sign.

See [SMC 17C.240.015](#).

B. Balloon Sign.

See [SMC 17C.240.015](#).

C. Bank Carving.

The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

D. Bank Erosion.

The incorporation of masses of alluvium or other weak bank materials into a stream channel.

E. Bankfull Width.

1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
2. For lakes, ponds, and impoundments, line of mean high water.
3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

F. Banner.

See [SMC 17C.240.015](#).

G. Bas-relief.

Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.

H. Base Flood.

((4.)) The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the “one hundred year flood.”

((2. ~~Designation on maps always includes the letters A or V.~~))

I. Base Flood Elevation (BFE)

The elevation to which floodwater is anticipated to rise during the base flood.

((I)) J. Basement.

The portion of a building having its floor sub-grade (below ground level) on all sides.

((J)) K. Bedrock.

Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.

((K)) L. Bee.

Any stage of development of the common domestic honeybee, *Apis mellifera* species.

((L)) M. Beekeeper.

A person owning, possession, or controlling one or more colonies of bees.

((M)) N. Best Available Science.

Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.

((N)) O. Best Management Practices.

The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.

((O)) P. Bicycle Facilities

Facilities designated for use by bicyclists and sometimes by other non-motorized users. The following types of bikeway facilities are identified and further defined in the Comprehensive Plan:

1. Bike-Friendly Route.
2. Shared lane.
3. Neighborhood Greenway.
4. Bicycle lane, both striped and physically protected.
5. Shared-use pathway.

((P)) Q. Binding Site Plan – Final.

A drawing to a scale which:

1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters provided in [SMC 17G.080.060](#);
2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and

3. contains provisions making any development be in conformity with the site plan.
4. A binding site plan can only be used on property zoned commercial or industrial.

((Q)) R. Binding Site Plan – Preliminary.

A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks, and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

((R)) S. Block.

A group of lots, tracts, or parcels within well-defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines, or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-of-way lines.

((S)) T. Block Frontage.

All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

((T)) U. Board.

The board of county commissioners of Spokane County.

((U)) V. Boating Facilities.

Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high-water marks.

((V)) W. Boundary Line Adjustment.

A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

((W)) X. Breakaway Wall.

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

((X)) Y. Breezeway.

A breezeway is a roofed passageway joining two separate structures.

((Y)) Z. Building.

1. A “building” is a structure, or part, used or intended for supporting or sheltering any use or occupancy.

2. The term includes “factory-built structure” and “mobile home.”
3. “Building” does not include a recreational vehicle.
4. “Building” means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.

((Z)) AA. Building Base.

The plinth or platform upon which a building wall appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

((AA)) AB. Building Coverage.

Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis, or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.
2. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.
3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.

((AB)) AC. Building Envelope.

The area of a lot that delineates where a building may be placed.

((AG)) AD. Building Frontage.

The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street

((AD)) AE. Build-to Line.

An alignment establishing a certain distance from the property line (street right-of-way line) along which the building is required to be built.

((AE)) AF. Bulkhead.

A solid or open pile wall erected generally parallel to and near the ordinary high-water mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a “hard” shoreline stabilization measure.

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

17A.020.040 “D” Definitions

A. Day.

A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires

a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

B. Debris Flow.

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

C. Debris Slide.

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

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

E. Dedication.

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

F. Degraded Wetland.

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

G. Demolition or Partial Demolition.

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

H. Density.

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

I. Denuded.

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

J. Department.

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

K. Design Departure.

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

L. Design Criteria.

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

M. Design Review Board.

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

N. Designation.

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

O. Desired Character.

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

P. Detailed Site Plan.

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

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

Q. Developable Area.

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

R. Development.

Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, binding site plan, conditional use permit, special use permit, shoreline

development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

S. Development – Shoreline.

“Development” for shoreline regulations shall be defined by WAC 173-27-030(6) as amended to read “Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment.

T. Development ((Activity))– Floodplain.

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

U. Development Approval.

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

V. Development Codes.

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

W. Development Permit.

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

X. Development Plan, Site.

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

Y. Dike.

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

Z. Direct Impact.

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

AA. Directional.

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

AB. Directional Sign.

See [SMC 17C.240.015](#).

AC. Director.

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

AD. Discharge (n).

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

AE. Discharge (v).

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, or placing of any material so that such material enters and exits from the MS4 or from any other publicly owned or operated drainage system that conveys storm water. The term includes other verb forms, where applicable.

AF. Discharger.

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

AG. District.

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

AH. Disturbance Area.

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

AI. Dock.

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

AJ. Documented Habitat.

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

AK. Domestic Animal.

1. Large Domestic Animals.

- a. Animals including, but not limited to, horses, donkeys, burros, llamas, alpacas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type.
 - b. Young of horses, mules, donkeys, burros, and llamas under one year in age.
 - c. Bovines under ten months in age.
 - d. Sheep, goats, and swine under three months in age are not included when counting large animals.
2. Small Domestic Animals.
- a. Fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined.
 - b. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type.
 - c. Small livestock are defined as:
 - i. swine- breeds include miniature Vietnamese, Chinese or oriental pot-bellied pigs (*sus scrofa vittatus*),
 - ii. other small pig breeds such as Kunekune, Choctaw, and Guinea hogs,
 - iii. all breeds of goats excluding mature large meat breeds such as Boers, and
 - iv. all breeds of sheep excluding mature large meat breeds such as Suffolk or Hampshire sheep.
 - v. No horned rams shall be permitted as a small livestock.
 - vi. Under no circumstance shall a small livestock exceed thirty-six inches shoulder height or one hundred and fifty pounds in weight.
 - d. Young small animals, livestock or fowl under three months in age are not included when counting small animal, livestock or fowl.

AL. Drainage Ditch.

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

AM. Dredge Spoil.

The material removed by dredging.

AN. Dredging.

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

AO. Drift Cell.

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

AP. Driveway.

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

AQ. Duplex.

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

AR. Dwelling Unit.

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

Section 4. That Section 17A.020.060 SMC is amended to read as follows:

17A.020.060 “F” Definitions

A. Facade.

All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

B. Facade Easement.

A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner’s exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.

The department, district, or agency responsible for providing the specific concurrency facility.

D. Factory-built Structure.

1. “Factory-built housing” is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is

either entirely or substantially prefabricated or assembled at a place other than a building site.]

2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

E. Fair Market Value.

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

F. Fascia Sign.

See [SMC 17C.240.015](#).

G. Feasible (Shoreline Master Program).

1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
 - a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - b. The action provides a reasonable likelihood of achieving its intended purpose; and
 - c. The action does not physically preclude achieving the project's primary intended legal use.
2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

H. Feature.

To give special prominence to.

I. Feeder Bluff.

Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these

natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

J. Fill.

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

K. Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter [17D.020 SMC](#), Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the life-supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

M. Flag.

See [SMC 17C.240.015](#).

N. Float.

A floating platform similar to a dock that is anchored or attached to pilings.

O. Flood Insurance Rate Map or FIRM.

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

P. Flood Insurance Study (FIS).

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Q. Flood or Flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland waters; ((or))

((2-)) b. The unusual and rapid accumulation of runoff of surface waters from any source((-)); or

c. Mudslides or mudflows, which are proximately caused by flooding as defined in section (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in section (1)(a) of this definition.

R. Flood Elevation Study.

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide or mudflow, and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

S. Flood Insurance Rate Map (FIRM).

The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

T. Floodplain or Flood Prone Area.

Any land area susceptible to being inundated by water from any source. See "Flood or Flooding."

U. Floodplain administrator.

The community official designated by title to administer and enforce the floodplain management regulations.

((S)) V. Floodway.

1. ((The area, as identified in the shoreline master program, that either:)) As identified in the Shoreline Master Program:, the area that either:

a. The floodway is the area that either

i. has been established in federal emergency management agency flood insurance rate maps or floodway maps; or

ii. consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

b. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

2. For floodplain management purposes, the floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

((T)) W. Floor Area.

The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
2. Roof area, including roof top parking.
3. Roof top mechanical equipment.
4. Attic area with a ceiling height less than six feet nine inches.
5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached

accessory structures (without living space), detached accessory structures (without living space).

((U)) X. ((Flood-proofing)) Flood Proofing.

~~((Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.))~~ Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

((V)) Y. Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

((W)) Z. Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

((X)) AA. Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

((Y)) AB. Freestanding Sign.

See [SMC 17C.240.015](#).

((Z)) AC. Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

AD. Functionally Dependent Water-Use.

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Section 5. That Section 17A.020.080 SMC is amended to read as follows:

17A.020.080 “H” Definitions

A. Habitat.

What plants and animals call "home." Habitat for a particular plant or animal consists of the elements it needs to survive. These elements may be tied to temperature, water, soil, sunlight, source of food, refuge from predators, place to reproduce and other living and non-living factors. (taken from department of fish and wildlife).

B. Habitat Blocks.

Sections of habitat, such as grasslands, forest lands, or riparian areas. These can be either adjacent to other sections, or blocks, of habitat or isolated within urban areas.

C. Habitat Conservation.

Protection or preservation of habitat by various means, such as regulation or acquisition.

D. Habitat Fragmentation.

The separation or breakup of a habitat area into smaller sections or habitat blocks by activities, such as development, logging, and agriculture, often resulting in degraded habitat due to blocked migration corridors and decreased access to water and feeding areas. It can also create isolated populations of wildlife and a decrease in their genetic diversity.

E. Habitat Management Plan.

A fish and wildlife management plan developed to preserve and protect the ecological conditions and habitat specific to a particular site or location. Habitat management plans incorporate best management practices.

F. Hazard Tree.

Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which, because of its location, is at risk of damaging permanent physical improvements to property or causing personal injury.

G. Hazardous Material.

Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.

H. Hearing Officer.

1. A person or reviewing body appointed by the mayor to consider appeals under [SMC 17E.010.140](#).
2. The officer makes reasonable rules and procedures for the conduct of the hearings authorized hereunder.

I. Height.

The height of a building is as defined in the International Building Code, Sec. 502.1 as "building height," the vertical distance from grade plane to the average height

of the highest roof surface. Building height for structures in the residential zones is referenced in [SMC 17C.110.215](#), Building Height.

J. High Quality Vegetative Buffer.

A wetland buffer comprised of multilevel dense native vegetation including shrubs.

K. Highest Adjacent Grade.

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

((K)) L. Historic Landmark.

An historic site, object, building or structure designated pursuant to this chapter that serves as an example of the cultural, historical, architectural or archaeological development of Spokane and Spokane County.

((J)) M. Historic Preservation Officer (HPO).

The person charged with the daily operation of the historic preservation office and who:

1. under the administrative direction of the director of planning, community and economic development, conducts the work program of the City/County historic preservation office; and
2. serves as the primary staff person for the City/County landmarks commission.

N. Historic Structure

For purposes of the floodplain regulations in [chapter 17E.030 SMC](#), any structure that is:

1. Listed individually in the National Register of Historic Places, as maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

((L)) O. Hive.

Any Langstroth type structure with movable-frames intended for the housing of a bee colony. A hive typically consists of a cover, honey supers, brood chambers and a bottom board.

((M)) P. Homeowners' Association.

Any combination or group of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision, or planned unit development. A homeowners' association shall be an entity legally created under the laws of the State of Washington.

((N)) Q. House.

A detached dwelling unit located on its own lot.

((O)) R. Household.

A housekeeping unit consisting of:

3. an individual;
4. two or more related persons as defined in [SMC 17A.020.180\(M\)](#);
5. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
6. adult family homes as defined under Washington State law; or
7. a group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff; and
8. up to six residents not related by blood or marriage who live together in a single-family dwelling, or in conjunction with any of the above individuals or groups, shall also be considered a household.
9. For purposes of this section, minors living with parent, legal custodian (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.
10. Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C. 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.

((P)) S. Household Pet.

Any animal such as a cat, dog, rabbit, or bird (canary, parakeet, etc.), amphibian/reptile (turtle, lizard, etc.), rodent (rat, mouse, gerbil, etc.), or tropical fish that lives in or is kept within a residence or on a property contain the owner's residence. Young household pets under the age of four months are not included when counting household pets.

((Q)) T. Hydraulic Project Approval (HPA).

A permit issued by the State department of fish and wildlife for modifications to waters of the State in accordance with RCW 77.55.

((R)) U. Hydric Soil.

Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Field Indicators of Hydric Soils in the United States 6.0 or as amended.

((S)) V. Hydrophytic Vegetation.

Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

Section 6. That Section 17A.020.130 SMC is amended to read as follows:

17A.020.130 “M” Definitions

A. Main Assembly Area.

The principal room for persons gathering for religious services.

B. Maintenance.

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

C. Manufactured Home.

1. “Manufactured home” is a single-family dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.
2. “Manufactured home accessory structure” is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch, or storage structure, which is ordinarily appurtenant.

D. Manufactured Home Park.

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

E. Marquee Sign.

See [SMC 17C.240.015](#).

F. Marsh.

A low, flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, or other hydrophytic plants. Shallow water usually stands on a marsh at least during part of the year.

G. Mean Annual Flow.

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

H. Mean Sea Level.

For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

((H)) I. Mining.

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

((I)) J. Minor Arterials

A street providing service for trips of moderate length, connecting the principal arterial system to local streets, generally prioritizing mobility over access, and providing intra-community circulation.

((J)) K. Mitigation – Mitigate.

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

((K)) L. Mitigation – Mitigation Sequencing.

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

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation may include a combination of the above measures.

((L)) M. Mobile Home.

A factory-built dwelling built prior to June 15, 1976, to standards other than the housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the housing and urban development Manufactured Home Construction and Safety Standards Act.

((M)) N. Mobile Home Park.

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

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

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

((O)) P. Modular Home.

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

((P)) Q. Modulation.

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

((Q)) R. Monitoring.

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

((R)) S. Monument.

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

((S)) T. Monument Sign.

[See SMC 17C.240.015.](#)

((T)) U. Multi-family Residential Building.

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

((U)) V. Multiple Containment.

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

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

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

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

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

((W)) X. MUTCD.

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

Section 7. That Section 17A.020.140 SMC is amended to read as follows:

Section 17A.020.140 “N” Definitions

A. National Pollutant Discharge Elimination System (NPDES).

The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State department of ecology.

B. National Register.

The register maintained pursuant to P.L. 89-655, 80 Stat. 915, as amended.

C. Native Plant Community.

The collective product of individual plants indigenous to a particular locale responding to shared habitats.

D. Native Vegetation.

Plant species, which are indigenous to the planning area.

E. Natural Location of Drainage Systems.

The location of those predominate channels, swales, and pre-existing and established systems as defined by the earliest documented topographic contours existing for the subject property, either from maps or photographs, site inspections or other appropriate means.

F. New Construction – Floodplain.

~~((Structures for which the date of complete application for permit commenced on or after July 1, 2004.))~~ For the purposes of determining insurance rates, structures

for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

G. New Manufactured Home Park or Subdivision – Floodplain.((A))

A manufactured home park or subdivision for which a complete application, as defined by [SMC 17G.060.090](#), for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the permit for the individual unit.

H. NFPA 30.

The National Fire Prevention Association's flammable and combustible liquids code.

I. “Noise level reduction (NLR)” means the amount of noise reduction required through construction and incorporation of sound reduction materials and design to reduce interior noise levels.

J. “Noise reduction coefficient (NRC)” means the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.

K. No Net Loss of Shoreline Ecological Functions.

A public policy goal that means the maintenance of the aggregate total of the City's shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss standard commensurate with its scale and character.

L. Nominal Driveway Width.

The driveway width measured at the face of curb, from driveway joint to driveway joint, as shown in the standard plans.

M. Nomination.

The process by which a building, district, object, site, or structure is recommended for placement on a register.

N. Nonbuildable Tract.

Land reserved for specified uses including, but not limited to:

1. reserve tracts,
2. recreation,
3. open space,
4. critical areas,
5. surface water retention,
6. utility facilities and access.

Nonbuildable tracts are not considered lots or building sites.

O. Nonconforming Development.

An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.

P. Nonconforming Sign.

[See SMC 17C.240.015.](#)

Q. Nonconforming Situation.

A nonconforming residential density, nonconforming development or nonconforming use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development.

R. Nonconforming Use.

A use or the amount of floor area of a use that was allowed by right when established or a use that obtained a required land use approval when established, that is now prohibited in the zone due to a subsequent change in the zone or zoning regulations.

S. Non-water Oriented Uses.

A use that is not water-dependent, is not water-related, and is not water-enjoyment. Non-water oriented uses have little or no relationship to the shoreline and are not considered priority uses under the shoreline management act. Any use that does not meet the definition of water-dependent, water-related, or water-enjoyment is classified as non-water oriented.

T. Noxious Weeds.

Those plants which are non-native, highly destructive, and competitive as defined by chapter 17.10 RCW, or as amended.

U. Nursing Home.

A residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves.

1. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence.
2. This definition excludes hospitals or sanitariums.

Section 8. That Section 17A.020.190 SMC is amended to read as follows:

17A.020.190 “S” Definitions

A. Salmonid.

Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.

B. Sandwich Board Sign.

[See SMC 17C.240.015.](#)

C. Scrub-shrub Wetland.

An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.

D. Secondary Building Walls.

Exterior building walls that are not classified as primary building walls.

E. Secondary Containment.

A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.

F. Sediment.

Mineral or organic matter deposited as a result of erosion.

G. Sedimentation.

The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.

H. SEPA Rules.

Chapter 197-11 WAC adopted by the department of ecology.

I. Service Area.

A geographic area defined by the City, which encompasses public facilities that are part of a plan.

J. Serviceable.

Means presently useable.

K. Setback.

The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:

1. "Front setback" means a setback that is measured from a front lot line.
2. "Rear setback" means a setback that is measured from a rear lot line.
3. "Side setback" means a setback that is measured from a side lot line.
4. "Street setback" means a setback that is measured from a street lot line.

L. Sex Paraphernalia Store.

A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:

1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
2. Any establishment located within an enclosed regional shopping mall.

M. Sexual Device.

Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of

oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

N. Shall.

Unless the context indicates otherwise, the term “shall” means:

1. In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with “must”;
2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
3. The future tense of the verb “to be.”

O. Shallow Groundwater.

Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.

P. Shared Use Pathway.

A non-motorized transportation pathway shared by pedestrians, scooters and bicyclists. May be located next to a street or in a separate right-of-way.

Q. Shorelands.

Or “shoreline areas” or “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.

R. Shoreline and Ecosystems Enhancement Plan and Program.

[See SMC 17E.020.090](#), Habitat Management Plans.

S. Shoreline Buffer.

1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
3. The term “buffer area” has the same meaning as “buffer.”

T. Shoreline Enhancement.

Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.

U. Shoreline Environment Designations.

The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).

V. Shoreline Habitat and Natural Systems Enhancement Projects.

1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
2. Provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline, projects may include shoreline modification actions such as:
3. Modification of vegetation,
4. Removal of nonnative or invasive plants,
5. Shoreline stabilization, dredging, and filling.

W. Shoreline Jurisdiction.

See "Shorelands."

X. Shoreline Letter of Exemption.

Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under [SMC 17E.060.300](#) and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.

Y. Shoreline Master Program.

1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
2. For the City of Spokane, the shoreline master program includes the:
3. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
4. Shoreline Regulations ([chapter 17E.060 SMC](#)),
5. City of Spokane Shoreline Restoration Plan (stand-alone document), and
6. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

Z. Shoreline Mixed Use.

Combination of water-oriented and non-water oriented uses within the same structure or development area.

AA. Shoreline Modifications.

Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

AB. Shoreline Protection.

1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.
2. The terms "Shoreline protection measure" and this term have the same meaning.
3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.

AC. Shoreline Recreational Development.

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, water-related and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms

AD. Shoreline Restoration.

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

AE. Shoreline Stabilization.

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

AF. Shoreline Structure.

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

AG. Shorelines Hearings Board (SHB).

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

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

AH. Short Plat – Final.

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

AI. Short Plat – Preliminary.

1. A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a short subdivision required by this title and chapter 58.17 RCW.
2. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.

AJ. Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. (RCW 58.17.020(6)).

AK. Sign.

[See SMC 17C.240.015.](#)

AL. Sign – Animated Sign.

[See SMC 17C.240.015.](#)

AM. Sign – Electronic Message Center Sign.

[See SMC 17C.240.015.](#)

AN. Sign Face.

[See SMC 17C.240.015.](#)

AO. Sign – Flashing Sign.

[See SMC 17C.240.015.](#)

AP. Sign Maintenance.

[See SMC 17C.240.015.](#)

AQ. Sign – Off-premises.

[See SMC 17C.240.015.](#)

AR. Sign Repair.

[See SMC 17C.240.015.](#)

AS. Sign Structure.

[See SMC 17C.240.015.](#)

AT. Significant Vegetation Removal.

The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.

1. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
2. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

AU. Single-family Residential Building.

A dwelling containing only one dwelling unit.

AV. Single-room Occupancy Housing (SRO).

A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.
2. SRO includes structures commonly called residential hotels and rooming houses.

AW. Site.

Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

AX. Site – Archaeological.

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

AY. Site, Parent.

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

AZ. Slump.

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

BA. SMC.

The Spokane Municipal Code, as amended.

Spokane Municipal Code Amendment

Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, and 17A.020.190

BB. Soil.

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

BC. Sound Contours.

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

BD. Sound Transmission Class (STC).

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

BE. Special Drainage District (SDD).

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

BF. Special Event Sign.

See [SMC 17C.240.015](#).

BG. Species of Concern.

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

BH. Specified Anatomical Areas.

They are human:

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

BI. Specified Sexual Activities.

Any of the following:

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

BJ. Spokane Regional Stormwater Manual (SRSW).

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

BK. Spokane Register of Historic Places.

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

BL. Sports Field.

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

BM. Stabilization.

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

BN. Standard Plans.

Refers to the City of Spokane's standard plans.

BO. Standard References

Standard engineering and design references identified in [SMC 17D.060.030](#).

BP. Start of Construction

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

((BP)) BQ. State Candidate Species.

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

((BQ)) BR. State Endangered Species.

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

((BR)) BS. State Register.

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

((BS)) BT. State Sensitive Species.

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

((BT)) BU. State Threatened Species.

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

((BU)) BV. Stealth Facilities.

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

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

((BV)) BW. Stewardship.

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

((BW)) BX. Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

((BX)) BY. Stormwater Management Program (SWMP).

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

((BY)) BZ. Story.

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

1. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;
2. That portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;

3. That portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. A basement or unused under-floor space is a story if the finished floor level directly above is either more than:
 - a. Six feet above grade for more than half of the total perimeter, or
 - b. Twelve feet above grade at any point.

((BZ)) CA. Stream.

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

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

((GA)) CB. Street.

See "Public Way" ([SMC 17A.020.160](#)).

((GB)) CC. Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
 - a. Principal arterial.
 - b. Minor arterial.
 - c. Collector arterial.
 - d. Local access street.
 - e. Parkway.
2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under [SMC 17A.020.160](#), "P" Definitions.

((GG)) CD. Street Frontage.

The lot line abutting a street.

((GD)) CE. Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

((GE)) CF. Structural Alteration.

See [SMC 17C.240.015](#).

((GF)) CG. Structure.

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:
 - a. Buildings,
 - b. Decks,
 - c. Fences,
 - d. Towers,

- e. Flag poles,
 - f. Signs, and
 - g. Other similar objects.
2. Structure does not include paved areas or vegetative landscaping materials.
 3. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

((GG)) CH. Structure – Historic.

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

((GH)) CI. Subdivision.

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

((GI)) CJ. Subject Property.

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

((GJ)) CK. Sublevel Construction Controls.

Design and construction requirements provided in [SMC 17F.100.090](#).

((GK)) CL. Submerged Aquatic Beds.

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

((GL)) CM. Substantial Damage – Floodplain.

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

((GM)) CN. Substantial Development.

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

((GN)) CO. Substantial Improvement – Floodplain.

1. This definition includes structures that have incurred “substantial damage,” regardless of the actual work performed.
2. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred.
3. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural

part of the building commences, whether or not that alteration affects the external dimensions of the structure.

4. The term does not, however, include either any:

- a. Project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Alteration of a “historic structure” (~~((listed on the National Register of Historic or State Inventory of Historic Places))~~, provided the alteration will not preclude the structure’s continued designation as a “historic structure.”)

~~((GO))~~ CP. Suffix.

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

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT SERVICES DEPARTMENT

To:	City Plan Commission
Subject:	Floodplain Management Text Amendment
Staff Contact:	Amanda Beck, AICP, Assistant Planner II (509) 625-6414 abeck@spokanecity.org
Report Date:	September 13, 2021
Hearing Date:	September 22, 2021
Recommendation:	Approval

I. SUMMARY

This City-initiated text amendment is a State mandated review and update to the City's floodplain regulations. Proposed amendments would affect sections of Chapter 17A.020, Definitions, and various sections of Chapter 17E.030, Floodplain Management. The text amendment is intended to align the City's floodplain regulations with state and federal regulations, which have undergone recent changes.

II. BACKGROUND

Congress initiated the National Flood Insurance Program (NFIP) in 1968 under the National Flood Insurance Act to relieve the burden of disaster relief on the national treasury, and state and local tax bases. The NFIP is administered by the Federal Insurance Administration (FIA), which is part of the Federal Emergency Management Agency (FEMA). In 1973 Congress added several provisions to strengthen the NFIP under the Flood Disaster Protection Act. Through the provision of the 1973 act FEMA has been able to provide additional incentives to communities to join the program by substantially increasing the amount of flood insurance coverage available and providing penalties for communities and individuals that choose not to join the NFIP that are subsequently flooded.

The National Flood Insurance Program makes available affordable flood insurance to residents within communities that adopt approved floodplain management regulations. Communities that do not participate in the NFIP do not qualify for certain flood disaster relief.

The City of Spokane entered into the NFIP emergency program in 1973, and the following year the FIA provided a Flood Hazard Boundary Map which was a preliminary delineation of flood hazard areas within the City. By 1980 the City was accepted in the NFIP regular program and received its initial Flood Insurance Rate Maps (FIRMs) by 1982. In 2010, FEMA conducted an updated Flood Insurance Study of Spokane County which effectively updated all of the FIRMs for Spokane County. FIRMs delineate areas adjacent to rivers or other bodies of water that are subjected to flood risks and an insurance rate is determined for each area. The 100-year flood determines the geographic jurisdiction of NFIP-related programs. FEMA's new Digital FIRMs (DFIRMs) delineate flood insurance rate zones, limits of the 100-year floodway and floodplain, and often the limits to the 500-year floodplain as well.

The Department of Ecology is the state lead for floodplain management and FEMA's partner in enforcing floodplain management for Washington State. State statutes that address flood hazard management are outlined in Title 86 of the Revised Code of Washington, particularly [RCW 86.16](#) Floodplain Management, as well as [Chapter 173-158](#) of the Washington Administrative Code, and the Growth Management Act ([RCW 36.70A](#)).

Ecology updated the Flood Damage Prevention Ordinance Washington Model (commonly referred to as the *FEMA Model Ordinance*) on December 9, 2019. Additionally, in 2020 FEMA announced two significant policy changes. First, FEMA Policy #104-008-03 released February 2020 put forward updated design and performance standards for agricultural and accessory structures located within the Special Flood Hazard Areas (SFHAs, or the floodplain). Second, in August 2020 FEMA rescinded Region X's fish enhancement structures in the floodway policy, which had been enacted to allow for the completion of habitat restoration or fish habitat enhancement projects by allowing communities a rise in the floodway for fish habitat restoration/enhancement projects. This policy was applicable for FEMA Region X covering Washington, Oregon, Idaho, and Alaska.

Changes in FEMA policy, and subsequently to the Code of Federal Regulations [Title 44](#), as well as revisions to the minimum State requirements contained in the *FEMA Model Ordinance* necessitate a review of the Spokane Municipal Code to ensure that adopted regulations meet both federal and state changes. As such, City staff have been working with Ecology to review SMC Chapters 17A.020 and 17E.030 to ensure the City is compliant, and to continue participation in the NFIP. The last review of City regulations was completed in 2013 in conjunction with the Department of Ecology. Ecology staff conducted a FEMA Community Assistance Visit for a comprehensive assessment of the City's floodplain regulations to ensure compliance with the NFIP requirements, and the City's regulations were deemed in compliance.

III. PROCESS

TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Title 17 is known as the Unified Development Code (UDC) and is incorporated into the Spokane Municipal Code to implement the City's Comprehensive Plan, and by reference, the requirements of the Washington State Growth Management Act (GMA). Section [17G.025.010](#) establishes the procedure and decision criteria that the City uses to review and amend the UDC. The City may approve amendments to the UDC if it is found that a proposed amendment is consistent with the provisions of the Comprehensive Plan, and bears a substantial relation to public health, safety, welfare, and protection of the environment.

ROLE OF THE CITY PLAN COMMISSION

The proposed text amendment requires a review process set forth in Section 17G.025.010(F) SMC. The Plan Commission is responsible for holding a public hearing and forwarding its findings, conclusions, and recommendations to the City Council. Utilizing the decision criteria the Plan Commission may recommend approval, modification, or denial of the proposal.

The Plan Commission may incorporate the facts and findings of the staff report as the basis for its recommendation to the City Council or may modify the findings as necessary to support their final recommendation.

ROLE OF CITY COUNCIL

The City Council will also conduct a review process considering the proposed text amendment, public comments and testimony, the staff report, and the Plan Commission's recommendation. The final decision to approve, modify, or deny the proposed amendment rests with the City Council. Proposals adopted by ordinance after public hearings are official amendments to the Spokane Municipal Code.

COMMUNITY ENGAGEMENT

To ensure broad dissemination of a proposal and its alternatives, public meetings or other provisions for public comment and discussion should be held for text amendments. This also ensures that proposed amendments meet both City and State guidelines concerning public engagement.

City staff held internal and external opportunities for the public to review the proposed changes, as noted below:

- A project page on the City website with up-to-date information about events and project progress (<https://my.spokanecity.org/projects/2021-floodplain-management-update/>)
- Urban Experience Committee briefing (July 12, 2021)
- Plan Commission Workshop (July 14, 2021)
- Internal review group (July 27, 2021)
- Inclusion at the Community Assembly (August 5, 2021)
- City [blog post](#) highlighting the virtual open house (July 26, 2021)
- Virtual open house held via Webex (August 19, 2021)
- Plan Commission Workshop (September 8, 2021)

PUBLIC NOTIFICATION AND SEPA REVIEW

As outlined in Section 17G.025.010 SMC, proposals to amend the UDC shall be noticed in the *Official Gazette* and to interested parties prior to the Plan Commission review, and this shall include the SEPA checklist. Similarly, a public notice published in the *Spokesman-Review* fourteen days prior to the Plan Commission public hearing is required to be completed.

This application was properly noticed pursuant to Section 17G.025.010(E). See Exhibit 2 for the SEPA Determination of Nonsignificance. Noted below are the public noticing activities:

- Notice of Intent to Adopt submitted to the Department of Commerce (June 21, 2021)
- Notice of Intent to Adopt pursuant to 17G.025.010 SMC, which included the SEPA Checklist, emailed to City departments, Local, County, Tribal, and State contacts (August 13, 2021)
- SEPA Determination of Nonsignificance (DNS) issued (September 2, 2021), the comment period ended on September 16, 2021
- Notice of Public Hearing for the Plan Commission was published in the *Spokesman-Review* on September 8 and 15, 2021.

COMMENTS RECEIVED

Written and emailed comments received are provided to the Plan Commission. At the time of this writing staff has not received any comments on the proposed text amendment.

IV. ANALYSIS

PROPOSAL DESCRIPTION

This City-initiated text amendment is a State mandated review and update to the City's floodplain regulations. Proposed amendments would affect sections of Chapter 17A.020, Definitions, and various sections of Chapter 17E.030, Floodplain Management. Due to revisions from the Federal Emergency Management Agency (FEMA), and updates from the Department of Ecology to the Washington State *FEMA Model Ordinance*, the City is required to update floodplain regulations no later than December 31, 2021. As the state lead for floodplain management, City staff worked closely with Ecology to complete this review and amendment.

This proposed text amendment is to the Unified Development Code (UDC) Chapter 17A.020 Sections [17A.020.010](#) "A" Definitions, [17A.020.020](#) "B" Definitions, [17A.020.040](#) "D" Definitions, [17A.020.060](#) "F" Definitions, [17A.020.080](#) "H" Definitions, [17A.020.130](#) "M" Definitions, , [17A.020.140](#) "N" Definitions, and [17A.020.190](#) "S" Definitions; and Chapter 17E.030 Sections [17E.030.030](#) Floodplain Management Purpose, [17E.030.050](#) General Provisions, [17E.030.060](#) Establishment of Development Permit, [17E.030.070](#) Designation of the Local Administrator, [17E.030.080](#) Duties and Responsibilities of the Local Administrator, [17E.030.090](#) Variance Procedure - Hearing Examiner, [17E.030.100](#) Variances, [17E.030.120](#) Resource Material, [17E.030.130](#) General Standards, [17E.030.140](#) Specific Standards, [17E.030.150](#) Before Regulatory Floodway, [17E.030.160](#) Floodways, and [17E.030.170](#) Standards for Shallow Flooding Areas (AO Zones). The text amendment is intended to align the City's floodplain regulations with State and Federal regulations, which have undergone recent changes. Floodplain regulations are meant to allow appropriate use and enjoyment of land within the floodplain while protecting life and property.

See Exhibit 1 for the draft ordinance with strike-through text and proposed changes.

FINAL REVIEW CRITERIA

Section [17G.025.010](#) SMC establishes the review criteria for text amendments to the Unified Development Code. In order to approve a text amendment, City Council shall consider the findings and recommendations of the Plan Commission as well as the approval criteria outlined in the Code. The applicable criteria are shown below in ***bold italic*** with staff analysis following each criteria.

A. The proposed amendment is consistent with the applicable provisions of the comprehensive plan.

The proposed text amendment is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

Land Use Policy LU 5.4 – Natural Features and Habitat Protection. Ensure development is accomplished in a manner that protects significant natural features and wildlife habitat.

Staff Analysis: Meeting the FEMA and Department of Ecology minimum standards to manage development within the floodplain will ensure structures within the floodplain are built to withstand flood events, while protecting the ecosystem benefits of the floodplain, creating a more resilient community. Updating the City's regulations also ensures continued participation in the National Flood Insurance Program.

Natural Environment Goal 19 – Flood Hazard Management. Protect life and property from flooding and erosion by directing development away from flood hazard areas.

Staff Analysis: The City of Spokane has flood hazard areas that are subject to periodic inundation that may result in loss of life and property, cause health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Updating the Floodplain Management regulations ensures that existing and future structures are retrofitted or built to withstand flood events according to the 100-year flood plain or their corresponding flood zone, while maintaining the ability of the floodplain to absorb excess water along Latah Creek and the Spokane River.

Shoreline Master Program Goal SMP 6 – Flood Hazard Reduction. Prevent and minimize flood damage in shoreline areas to protect ecological functions, shoreline habitat, lives, and public and private property.

Staff Analysis: Flood losses may be caused by the cumulative effect of obstructions in areas of the floodplain that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to losses during flood events. Part of this review and update with the Department of Ecology is to ensure that the City's internal review process of permits confirms structures meet these minimum requirements while assessing the impact to the floodplain and Spokane's wetlands through the project level SEPA reviews and consistency with other development regulations (e.g. Critical Areas, the Shoreline Master Program, Building Code).

B. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

Staff Analysis: The City's floodplain regulations are written to protect life and safety by ensuring that our community is building and recovering safer, stronger, and smarter. Two core premises guide regulation. First, mapping and understanding flood risk within the community. The first component is necessary to then apply a regulatory criterion for development in identified flood-prone areas to avoid or minimize flood damage. Floodplain management mitigates for the impact of flooding on development (e.g. to minimize damage to buildings) and the effects of development on flooding (e.g. to avoid increasing flood levels or diverting floodwater onto adjacent properties).

V. CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed text amendment satisfies the applicable criteria for approval as set forth in Section [17G.025.010](#) SMC. To comply with RCW 36.70A.370 the proposed text amendment has been evaluate to ensure proposed changes do not result in unconstitutional takings of private property. Additionally, this is a State mandated update to City regulations to continue participation in FEMA's National Flood Insurance Program.

VI. RECOMMENDED ACTION

Staff recommends **approval of the proposed text amendment.**

VII. LIST OF EXHIBITS

1. Draft Ordinance
2. SEPA Determination of Nonsignificance
3. WA State Model Ordinance Checklist

ORDINANCE NO. _____

AN ORDINANCE relating to Administration Definitions; amending Spokane Municipal Code (SMC) Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, 17A.020.140, and 17A.020.190.

WHEREAS, the flood hazard areas of the City of Spokane are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, as a condition of participation in the National Flood Insurance Program (NFIP), the City of Spokane is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP and State of Washington minimum floodplain management regulations; and

WHEREAS, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for City residents; and

WHEREAS, the most recent update to the City's floodplain regulations occurred in 2011; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated Flood Damage Prevention Ordinance Washington Model that includes all the minimum standards required as a condition of participation in the NFIP; and

WHEREAS, in order to maintain participation in the NFIP and allow City of Spokane residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards by December 31, 2021; and

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

WHEREAS, on June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the UDC pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act ("SEPA") Checklist was prepared and a Determination of Non-Significance ("DNS") was issued on September 2, 2021, for the proposed amendment. The fourteen-day public comment period ended on September 16, 2021; and

WHEREAS, the Plan Commission held a workshop session to study the proposed amendment on July 14, 2021 and September 8, 2021; and

WHEREAS, prior to the Plan Commission public hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman-Review on September 8 and 15, 2021. The proposed UDC amendment was available for public review on the Planning and Development Services website at <https://my.spokanecity.org/projects/2021-floodplain-management-update/>; and

WHEREAS, on September 22, 2021 the City Plan Commission held a public hearing on the proposed UDC amendment and heard testimony from the public; and

WHEREAS, consistent with SMC 17G.025.010, the Plan Commission found that (i) the proposed amendment is consistent with applicable provisions of the City of Spokane Comprehensive Plan, and (ii) the proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment; and

WHEREAS, following a public hearing, the Plan Commission recommended approval of a number of minor and clarifying amendments to the Spokane Municipal Code regarding floodplain regulations, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, the Plan Commission's Findings of Fact, Conclusions, and Recommendations regarding the 2021 Floodplain Management Text Amendment, together with the Plan Commission's entire files relating to the same, are hereby incorporated into this ordinance.

Now, Therefore, The City of Spokane does ordain:

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

17A.020.010 “A” Definitions

A. Abandoned Sign Structure.

See [SMC 17C.240.015](#).

B. Aboveground Storage Tank or AST.

Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.

C. Accepted.

A project for which the required plans have been found to be technically adequate.

D. Accessory Dwelling Unit (ADU).

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. “Mother-in-law apartments,”
2. “Accessory apartments,” or
3. “Second units.”

E. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
 - a. Garages,
 - b. Decks,
 - c. Fences,
 - d. Trellises,
 - e. Flagpoles,
 - f. Stairways,
 - g. Heat pumps,
 - h. Awnings, and
 - i. Other structures.
3. See also [SMC 17A.020.160](#) (“Primary Structure”).

F. Accessory Use.

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

G. Activity.

See Regulated Activity.

H. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

I. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified anatomical areas,” as defined in [SMC 17A.020.190](#), or “specified sexual activities,” as defined in [SMC 17A.020.190](#). A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:
 - a. At least thirty percent of the establishment’s displayed merchandise consists of said items; or
 - b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment’s displayed merchandise consists of said items; or
 - c. At least thirty percent of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items; or
 - d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - f. The establishment regularly offers for sale or rental at least two thousand of said items; or
 - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using “adult,” “XXX,” “sex,” “erotic,” or substantially similar language, as an establishment that caters to adult sexual interests.

2. For purposes of this definition, the term “floor space” means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.

J. Adult Business.

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

K. Adult Entertainment Establishment.

1. An “adult entertainment establishment” is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to “specified sexual activities” as defined in [SMC 17A.020.190](#) or “specified anatomical areas” as defined in [SMC 17A.020.190](#) for observation by patrons therein.
2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

L. Adult Family Home.

A residential use as defined and licensed by the state of Washington in a dwelling unit.

M. Agency or Agencies.

The adopting jurisdiction(s), depending on the context.

N. Agricultural Activities.

1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;
 - b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
 - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
 - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;

- g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
 - h. Maintaining agricultural lands under production or cultivation.
- 2. The City of Spokane shoreline master program defines agriculture activities as:
 - a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
 - b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.

O. Agricultural Land.

Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.

P. AKART.

An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Q. Alkali Wetlands.

Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

R. All Weather Surface.

A road surface which emergency vehicles and typical passenger vehicles can pass in all types of weather. If unpaved, the top course should be six inches minimum of compacted crushed rock meeting standards for a roadway surface.

S. Alley.

See “Public Way” ([SMC 17A.020.160](#)).

T. Alteration.

A physical change to a structure or site.

1. Alteration does not include normal maintenance and repair or total demolition.
2. Alteration does include the following:
 - a. Changes to the facade of a building.
 - b. Changes to the interior of a building.
 - c. Increases or decreases in floor area of a building; or
 - d. Changes to other structures on the site, or the development of new structures.

U. Alteration of Plat, Short Plat, or Binding Site Plan.

The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).

V. Alteration of Watercourse.

Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

((V)) W. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

((W)) X. [Deleted]

((X)) Y. [Deleted]

((Y)) Z. [Deleted]

((Z)) AA. API 653.

The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.

((AA)) AB. Appeal.

A request for review of the interpretation of any provision of [Title 17 SMC](#).

((AB)) AC. Appeal – Standing For.

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;

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

((AG)) AD. Applicant.

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

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

((AD)) AE. Application – Complete.

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

((AE)) AF. Aquaculture.

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

((AF)) AG. Aquatic Life.

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

((AG)) AH. Aquifer or Spokane Aquifer.

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

((AH)) AI. Aquifer Sensitive Area (ASA).

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of [SMC 17E.050.260](#).

((~~AI~~)) AJ. Aquifer Water Quality Indicators.

Common chemicals used for aquifer water quality screening. These are:

1. Calcium,
2. Magnesium,
3. Sodium,
4. Total hardness,
5. Chloride,
6. Nitrate-nitrogen, and
7. Phosphorus.

((~~AJ~~)) AK. Archaeological Areas and Historical Sites.

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.

((~~AK~~)) AL. Architectural feature.

Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

((~~AL~~)) AM. Architectural Roof Structure.

Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.

1. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

2. The base flood depths range from one to three feet.
3. A clearly defined channel does not exist.
4. The path of flooding is unpredictable and indeterminate.
5. Velocity flow may be evident.
6. AO is characterized as sheet flow and AH indicates ponding.

((~~AM~~)) AN. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.
3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

((~~AN~~)) AO. ((A))Area of Special Flood Hazard.

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

((AQ)) AP. Arterial.

See:

1. "Principal Arterials" – [SMC 17A.020.160](#),
2. "Minor Arterials" – [SMC 17A.020.130](#), or
3. "Collector Arterial" – [SMC 17A.020.030](#).

((AP)) AQ. Articulation.

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

((AQ)) AR. Assisted Living Facility.

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

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

((AR)) AS. Attached Housing.

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

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

((AS)) AT. Attached Structure.

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

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

((AT)) AU. Available Capacity.

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

((AU)) AV. Average Grade Level.

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

((AV)) AW. Awning

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

Section 2. That Section 17A.020.020 SMC is amended to read as follows:

17A.020.020 “B” Definitions

A. Backed Sign.

See [SMC 17C.240.015](#).

B. Balloon Sign.

See [SMC 17C.240.015](#).

C. Bank Carving.

The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

D. Bank Erosion.

The incorporation of masses of alluvium or other weak bank materials into a stream channel.

E. Bankfull Width.

1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
2. For lakes, ponds, and impoundments, line of mean high water.
3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

F. Banner.

See [SMC 17C.240.015](#).

G. Bas-relief.

Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.

H. Base Flood.

((4.)) The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the “one hundred year flood.”

~~((2. Designation on maps always includes the letters A or V.))~~

I. Base Flood Elevation (BFE)

The elevation to which floodwater is anticipated to rise during the base flood.

((J)) J. Basement.

The portion of a building having its floor sub-grade (below ground level) on all sides.

((J)) K. Bedrock.

Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.

((K)) L. Bee.

Any stage of development of the common domestic honeybee, *Apis mellifera* species.

((L)) M. Beekeeper.

A person owning, possession, or controlling one or more colonies of bees.

((M)) N. Best Available Science.

Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.

((N)) O. Best Management Practices.

The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.

((O)) P. Bicycle Facilities

Facilities designated for use by bicyclists and sometimes by other non-motorized users. The following types of bikeway facilities are identified and further defined in the Comprehensive Plan:

1. Bike-Friendly Route.
2. Shared lane.
3. Neighborhood Greenway.
4. Bicycle lane, both striped and physically protected.
5. Shared-use pathway.

((P)) Q. Binding Site Plan – Final.

A drawing to a scale which:

1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters provided in [SMC 17G.080.060](#);
2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and

3. contains provisions making any development be in conformity with the site plan.
4. A binding site plan can only be used on property zoned commercial or industrial.

((Q)) R. Binding Site Plan – Preliminary.

A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks, and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

((R)) S. Block.

A group of lots, tracts, or parcels within well-defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines, or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-of-way lines.

((S)) T. Block Frontage.

All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

((T)) U. Board.

The board of county commissioners of Spokane County.

((U)) V. Boating Facilities.

Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high-water marks.

((V)) W. Boundary Line Adjustment.

A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

((W)) X. Breakaway Wall.

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

((X)) Y. Breezeway.

A breezeway is a roofed passageway joining two separate structures.

((Y)) Z. Building.

1. A “building” is a structure, or part, used or intended for supporting or sheltering any use or occupancy.

2. The term includes “factory-built structure” and “mobile home.”
3. “Building” does not include a recreational vehicle.
4. “Building” means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.

((Z)) AA. Building Base.

The plinth or platform upon which a building wall appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

((AA)) AB. Building Coverage.

Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis, or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.
2. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.
3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.

((AB)) AC. Building Envelope.

The area of a lot that delineates where a building may be placed.

((AG)) AD. Building Frontage.

The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street

((AD)) AE. Build-to Line.

An alignment establishing a certain distance from the property line (street right-of-way line) along which the building is required to be built.

((AE)) AF. Bulkhead.

A solid or open pile wall erected generally parallel to and near the ordinary high-water mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a “hard” shoreline stabilization measure.

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

17A.020.040 “D” Definitions

A. Day.

A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires

a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

B. Debris Flow.

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

C. Debris Slide.

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

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

E. Dedication.

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

F. Degraded Wetland.

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

G. Demolition or Partial Demolition.

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

H. Density.

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

I. Denuded.

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

J. Department.

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

K. Design Departure.

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

L. Design Criteria.

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

M. Design Review Board.

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

N. Designation.

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

O. Desired Character.

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

P. Detailed Site Plan.

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

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

Q. Developable Area.

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

R. Development.

Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, binding site plan, conditional use permit, special use permit, shoreline

development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

S. Development – Shoreline.

“Development” for shoreline regulations shall be defined by WAC 173-27-030(6) as amended to read “Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment.

T. Development ((Activity))– Floodplain.

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

U. Development Approval.

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

V. Development Codes.

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

W. Development Permit.

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

X. Development Plan, Site.

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

Y. Dike.

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

Z. Direct Impact.

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

AA. Directional.

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

AB. Directional Sign.

See [SMC 17C.240.015](#).

AC. Director.

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

AD. Discharge (n).

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

AE. Discharge (v).

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, or placing of any material so that such material enters and exits from the MS4 or from any other publicly owned or operated drainage system that conveys storm water. The term includes other verb forms, where applicable.

AF. Discharger.

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

AG. District.

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

AH. Disturbance Area.

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

AI. Dock.

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

AJ. Documented Habitat.

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

AK. Domestic Animal.

1. Large Domestic Animals.

- a. Animals including, but not limited to, horses, donkeys, burros, llamas, alpacas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type.
 - b. Young of horses, mules, donkeys, burros, and llamas under one year in age.
 - c. Bovines under ten months in age.
 - d. Sheep, goats, and swine under three months in age are not included when counting large animals.
2. Small Domestic Animals.
- a. Fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined.
 - b. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type.
 - c. Small livestock are defined as:
 - i. swine- breeds include miniature Vietnamese, Chinese or oriental pot-bellied pigs (*sus scrofa vittatus*),
 - ii. other small pig breeds such as Kunekune, Choctaw, and Guinea hogs,
 - iii. all breeds of goats excluding mature large meat breeds such as Boers, and
 - iv. all breeds of sheep excluding mature large meat breeds such as Suffolk or Hampshire sheep.
 - v. No horned rams shall be permitted as a small livestock.
 - vi. Under no circumstance shall a small livestock exceed thirty-six inches shoulder height or one hundred and fifty pounds in weight.
 - d. Young small animals, livestock or fowl under three months in age are not included when counting small animal, livestock or fowl.

AL. Drainage Ditch.

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

AM. Dredge Spoil.

The material removed by dredging.

AN. Dredging.

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

AO. Drift Cell.

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

AP. Driveway.

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

AQ. Duplex.

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

AR. Dwelling Unit.

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

Section 4. That Section 17A.020.060 SMC is amended to read as follows:

17A.020.060 “F” Definitions

A. Facade.

All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

B. Facade Easement.

A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner’s exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.

The department, district, or agency responsible for providing the specific concurrency facility.

D. Factory-built Structure.

1. “Factory-built housing” is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is

either entirely or substantially prefabricated or assembled at a place other than a building site.]

2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

E. Fair Market Value.

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

F. Fascia Sign.

See [SMC 17C.240.015](#).

G. Feasible (Shoreline Master Program).

1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
 - a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - b. The action provides a reasonable likelihood of achieving its intended purpose; and
 - c. The action does not physically preclude achieving the project's primary intended legal use.
2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

H. Feature.

To give special prominence to.

I. Feeder Bluff.

Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these

natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

J. Fill.

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

K. Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter [17D.020 SMC](#), Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the life-supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

M. Flag.

See [SMC 17C.240.015](#).

N. Float.

A floating platform similar to a dock that is anchored or attached to pilings.

O. Flood Insurance Rate Map or FIRM.

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

P. Flood Insurance Study (FIS).

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Q. Flood or Flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland waters; ((or))

~~((2.))~~ b. The unusual and rapid accumulation of runoff of surface waters from any source((-)); or

c. Mudslides or mudflows, which are proximately caused by flooding as defined in section (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in section (1)(a) of this definition.

R. Flood Elevation Study.

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide or mudflow, and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

S. Flood Insurance Rate Map (FIRM).

The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

T. Floodplain or Flood Prone Area.

Any land area susceptible to being inundated by water from any source. See "Flood or Flooding."

U. Floodplain administrator.

The community official designated by title to administer and enforce the floodplain management regulations.

~~((S))~~ V. Floodway.

1. ~~((The area, as identified in the shoreline master program, that either:))~~ As identified in the Shoreline Master Program:, the area that either:

a. The floodway is the area that either

i. has been established in federal emergency management agency flood insurance rate maps or floodway maps; or

ii. consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

b. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

2. For floodplain management purposes, the floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

~~((T))~~ W. Floor Area.

The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
2. Roof area, including roof top parking.
3. Roof top mechanical equipment.
4. Attic area with a ceiling height less than six feet nine inches.
5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached

accessory structures (without living space), detached accessory structures (without living space).

((U)) X. ((Flood-proofing)) Flood Proofing.

~~((Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.))~~ Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

((V)) Y. Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

((W)) Z. Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

((X)) AA. Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

((Y)) AB. Freestanding Sign.

See [SMC 17C.240.015](#).

((Z)) AC. Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

AD. Functionally Dependent Water-Use.

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Section 5. That Section 17A.020.080 SMC is amended to read as follows:

17A.020.080 “H” Definitions

A. Habitat.

What plants and animals call "home." Habitat for a particular plant or animal consists of the elements it needs to survive. These elements may be tied to temperature, water, soil, sunlight, source of food, refuge from predators, place to reproduce and other living and non-living factors. (taken from department of fish and wildlife).

B. Habitat Blocks.

Sections of habitat, such as grasslands, forest lands, or riparian areas. These can be either adjacent to other sections, or blocks, of habitat or isolated within urban areas.

C. Habitat Conservation.

Protection or preservation of habitat by various means, such as regulation or acquisition.

D. Habitat Fragmentation.

The separation or breakup of a habitat area into smaller sections or habitat blocks by activities, such as development, logging, and agriculture, often resulting in degraded habitat due to blocked migration corridors and decreased access to water and feeding areas. It can also create isolated populations of wildlife and a decrease in their genetic diversity.

E. Habitat Management Plan.

A fish and wildlife management plan developed to preserve and protect the ecological conditions and habitat specific to a particular site or location. Habitat management plans incorporate best management practices.

F. Hazard Tree.

Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which, because of its location, is at risk of damaging permanent physical improvements to property or causing personal injury.

G. Hazardous Material.

Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.

H. Hearing Officer.

1. A person or reviewing body appointed by the mayor to consider appeals under [SMC 17E.010.140](#).
2. The officer makes reasonable rules and procedures for the conduct of the hearings authorized hereunder.

I. Height.

The height of a building is as defined in the International Building Code, Sec. 502.1 as "building height," the vertical distance from grade plane to the average height

of the highest roof surface. Building height for structures in the residential zones is referenced in [SMC 17C.110.215](#), Building Height.

J. High Quality Vegetative Buffer.

A wetland buffer comprised of multilevel dense native vegetation including shrubs.

K. Highest Adjacent Grade.

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

((K)) L. Historic Landmark.

An historic site, object, building or structure designated pursuant to this chapter that serves as an example of the cultural, historical, architectural or archaeological development of Spokane and Spokane County.

((J)) M. Historic Preservation Officer (HPO).

The person charged with the daily operation of the historic preservation office and who:

1. under the administrative direction of the director of planning, community and economic development, conducts the work program of the City/County historic preservation office; and
2. serves as the primary staff person for the City/County landmarks commission.

N. Historic Structure

For purposes of the floodplain regulations in [chapter 17E.030 SMC](#), any structure that is:

1. Listed individually in the National Register of Historic Places, as maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

((L)) Q. Hive.

Any Langstroth type structure with movable-frames intended for the housing of a bee colony. A hive typically consists of a cover, honey supers, brood chambers and a bottom board.

((M)) P. Homeowners' Association.

Any combination or group of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision, or planned unit development. A homeowners' association shall be an entity legally created under the laws of the State of Washington.

((N)) Q. House.

A detached dwelling unit located on its own lot.

((O)) R. Household.

A housekeeping unit consisting of:

3. an individual;
4. two or more related persons as defined in [SMC 17A.020.180\(M\)](#);
5. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
6. adult family homes as defined under Washington State law; or
7. a group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff; and
8. up to six residents not related by blood or marriage who live together in a single-family dwelling, or in conjunction with any of the above individuals or groups, shall also be considered a household.
9. For purposes of this section, minors living with parent, legal custodian (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.
10. Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C. 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.

((P)) S. Household Pet.

Any animal such as a cat, dog, rabbit, or bird (canary, parakeet, etc.), amphibian/reptile (turtle, lizard, etc.), rodent (rat, mouse, gerbil, etc.), or tropical fish that lives in or is kept within a residence or on a property contain the owner's residence. Young household pets under the age of four months are not included when counting household pets.

((Q)) T. Hydraulic Project Approval (HPA).

A permit issued by the State department of fish and wildlife for modifications to waters of the State in accordance with RCW 77.55.

((R)) U. Hydric Soil.

Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Field Indicators of Hydric Soils in the United States 6.0 or as amended.

((S)) V. Hydrophytic Vegetation.

Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

Section 6. That Section 17A.020.130 SMC is amended to read as follows:

17A.020.130 “M” Definitions

A. Main Assembly Area.

The principal room for persons gathering for religious services.

B. Maintenance.

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

C. Manufactured Home.

1. “Manufactured home” is a single-family dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.
2. “Manufactured home accessory structure” is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch, or storage structure, which is ordinarily appurtenant.

D. Manufactured Home Park.

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

E. Marquee Sign.

See [SMC 17C.240.015](#).

F. Marsh.

A low, flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, or other hydrophytic plants. Shallow water usually stands on a marsh at least during part of the year.

G. Mean Annual Flow.

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

H. Mean Sea Level.

For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

((H)) I. Mining.

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

((I)) J. Minor Arterials

A street providing service for trips of moderate length, connecting the principal arterial system to local streets, generally prioritizing mobility over access, and providing intra-community circulation.

((J)) K. Mitigation – Mitigate.

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

((K)) L. Mitigation – Mitigation Sequencing.

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

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation may include a combination of the above measures.

((L)) M. Mobile Home.

A factory-built dwelling built prior to June 15, 1976, to standards other than the housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the housing and urban development Manufactured Home Construction and Safety Standards Act.

((M)) N. Mobile Home Park.

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

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

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

((O)) P. Modular Home.

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

((P)) Q. Modulation.

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

((Q)) R. Monitoring.

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

((R)) S. Monument.

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

((S)) T. Monument Sign.

[See SMC 17C.240.015.](#)

((T)) U. Multi-family Residential Building.

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

((U)) V. Multiple Containment.

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

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

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

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

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

((W)) X. MUTCD.

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

Section 7. That Section 17A.020.140 SMC is amended to read as follows:

Section 17A.020.140 “N” Definitions

- A. National Pollutant Discharge Elimination System (NPDES).
The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State department of ecology.
- B. National Register.
The register maintained pursuant to P.L. 89-655, 80 Stat. 915, as amended.
- C. Native Plant Community.
The collective product of individual plants indigenous to a particular locale responding to shared habitats.
- D. Native Vegetation.
Plant species, which are indigenous to the planning area.
- E. Natural Location of Drainage Systems.
The location of those predominate channels, swales, and pre-existing and established systems as defined by the earliest documented topographic contours existing for the subject property, either from maps or photographs, site inspections or other appropriate means.
- F. New Construction – Floodplain.
~~((Structures for which the date of complete application for permit commenced on or after July 1, 2004.))~~ For the purposes of determining insurance rates, structures

for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

G. New Manufactured Home Park or Subdivision – Floodplain.((A))

A manufactured home park or subdivision for which a complete application, as defined by [SMC 17G.060.090](#), for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the permit for the individual unit.

H. NFPA 30.

The National Fire Prevention Association’s flammable and combustible liquids code.

I. “Noise level reduction (NLR)” means the amount of noise reduction required through construction and incorporation of sound reduction materials and design to reduce interior noise levels.

J. “Noise reduction coefficient (NRC)” means the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.

K. No Net Loss of Shoreline Ecological Functions.

A public policy goal that means the maintenance of the aggregate total of the City’s shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss standard commensurate with its scale and character.

L. Nominal Driveway Width.

The driveway width measured at the face of curb, from driveway joint to driveway joint, as shown in the standard plans.

M. Nomination.

The process by which a building, district, object, site, or structure is recommended for placement on a register.

N. Nonbuildable Tract.

Land reserved for specified uses including, but not limited to:

1. reserve tracts,
2. recreation,
3. open space,
4. critical areas,
5. surface water retention,
6. utility facilities and access.

Nonbuildable tracts are not considered lots or building sites.

O. Nonconforming Development.

An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.

P. Nonconforming Sign.

[See SMC 17C.240.015.](#)

Q. Nonconforming Situation.

A nonconforming residential density, nonconforming development or nonconforming use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development.

R. Nonconforming Use.

A use or the amount of floor area of a use that was allowed by right when established or a use that obtained a required land use approval when established, that is now prohibited in the zone due to a subsequent change in the zone or zoning regulations.

S. Non-water Oriented Uses.

A use that is not water-dependent, is not water-related, and is not water-enjoyment. Non-water oriented uses have little or no relationship to the shoreline and are not considered priority uses under the shoreline management act. Any use that does not meet the definition of water-dependent, water-related, or water-enjoyment is classified as non-water oriented.

T. Noxious Weeds.

Those plants which are non-native, highly destructive, and competitive as defined by chapter 17.10 RCW, or as amended.

U. Nursing Home.

A residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves.

1. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence.
2. This definition excludes hospitals or sanitariums.

Section 8. That Section 17A.020.190 SMC is amended to read as follows:

17A.020.190 “S” Definitions

A. Salmonid.

Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.

B. Sandwich Board Sign.

[See SMC 17C.240.015.](#)

C. Scrub-shrub Wetland.

An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.

D. Secondary Building Walls.

Exterior building walls that are not classified as primary building walls.

E. Secondary Containment.

A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.

F. Sediment.

Mineral or organic matter deposited as a result of erosion.

G. Sedimentation.

The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.

H. SEPA Rules.

Chapter 197-11 WAC adopted by the department of ecology.

I. Service Area.

A geographic area defined by the City, which encompasses public facilities that are part of a plan.

J. Serviceable.

Means presently useable.

K. Setback.

The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:

1. "Front setback" means a setback that is measured from a front lot line.
2. "Rear setback" means a setback that is measured from a rear lot line.
3. "Side setback" means a setback that is measured from a side lot line.
4. "Street setback" means a setback that is measured from a street lot line.

L. Sex Paraphernalia Store.

A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:

1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
2. Any establishment located within an enclosed regional shopping mall.

M. Sexual Device.

Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of

oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

N. Shall.

Unless the context indicates otherwise, the term “shall” means:

1. In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with “must”;
2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
3. The future tense of the verb “to be.”

O. Shallow Groundwater.

Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.

P. Shared Use Pathway.

A non-motorized transportation pathway shared by pedestrians, scooters and bicyclists. May be located next to a street or in a separate right-of-way.

Q. Shorelands.

Or “shoreline areas” or “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.

R. Shoreline and Ecosystems Enhancement Plan and Program.

[See SMC 17E.020.090](#), Habitat Management Plans.

S. Shoreline Buffer.

1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
3. The term “buffer area” has the same meaning as “buffer.”

T. Shoreline Enhancement.

Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.

U. Shoreline Environment Designations.

The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).

V. Shoreline Habitat and Natural Systems Enhancement Projects.

1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
2. Provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline, projects may include shoreline modification actions such as:
3. Modification of vegetation,
4. Removal of nonnative or invasive plants,
5. Shoreline stabilization, dredging, and filling.

W. Shoreline Jurisdiction.

See "Shorelands."

X. Shoreline Letter of Exemption.

Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under [SMC 17E.060.300](#) and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.

Y. Shoreline Master Program.

1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
2. For the City of Spokane, the shoreline master program includes the:
3. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
4. Shoreline Regulations ([chapter 17E.060 SMC](#)),
5. City of Spokane Shoreline Restoration Plan (stand-alone document), and
6. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

Z. Shoreline Mixed Use.

Combination of water-oriented and non-water oriented uses within the same structure or development area.

AA. Shoreline Modifications.

Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

AB. Shoreline Protection.

1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.
2. The terms "Shoreline protection measure" and this term have the same meaning.
3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.

AC. Shoreline Recreational Development.

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, water-related and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms

AD. Shoreline Restoration.

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

AE. Shoreline Stabilization.

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

AF. Shoreline Structure.

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

AG. Shorelines Hearings Board (SHB).

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

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

AH. Short Plat – Final.

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

AI. Short Plat – Preliminary.

1. A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a short subdivision required by this title and chapter 58.17 RCW.
2. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.

AJ. Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. (RCW 58.17.020(6)).

AK. Sign.

[See SMC 17C.240.015.](#)

AL. Sign – Animated Sign.

[See SMC 17C.240.015.](#)

AM. Sign – Electronic Message Center Sign.

[See SMC 17C.240.015.](#)

AN. Sign Face.

[See SMC 17C.240.015.](#)

AO. Sign – Flashing Sign.

[See SMC 17C.240.015.](#)

AP. Sign Maintenance.

[See SMC 17C.240.015.](#)

AQ. Sign – Off-premises.

[See SMC 17C.240.015.](#)

AR. Sign Repair.

[See SMC 17C.240.015.](#)

AS. Sign Structure.

[See SMC 17C.240.015.](#)

AT. Significant Vegetation Removal.

The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.

1. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
2. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

AU. Single-family Residential Building.

A dwelling containing only one dwelling unit.

AV. Single-room Occupancy Housing (SRO).

A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.
2. SRO includes structures commonly called residential hotels and rooming houses.

AW. Site.

Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

AX. Site – Archaeological.

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

AY. Site, Parent.

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

AZ. Slump.

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

BA. SMC.

The Spokane Municipal Code, as amended.

Spokane Municipal Code Amendment

Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, and 17A.020.190

BB. Soil.

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

BC. Sound Contours.

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

BD. Sound Transmission Class (STC).

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

BE. Special Drainage District (SDD).

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

BF. Special Event Sign.

See [SMC 17C.240.015](#).

BG. Species of Concern.

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

BH. Specified Anatomical Areas.

They are human:

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

BI. Specified Sexual Activities.

Any of the following:

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

BJ. Spokane Regional Stormwater Manual (SRSW).

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

BK. Spokane Register of Historic Places.

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

BL. Sports Field.

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

BM. Stabilization.

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

BN. Standard Plans.

Refers to the City of Spokane's standard plans.

BO. Standard References

Standard engineering and design references identified in [SMC 17D.060.030](#).

BP. Start of Construction

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

((BP)) BQ. State Candidate Species.

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

((BQ)) BR. State Endangered Species.

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

((BR)) BS. State Register.

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

((BS)) BT. State Sensitive Species.

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

((BT)) BU. State Threatened Species.

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

((BU)) BV. Stealth Facilities.

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

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

((BV)) BW. Stewardship.

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

((BW)) BX. Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

((BX)) BY. Stormwater Management Program (SWMP).

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

((BY)) BZ. Story.

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

1. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;
2. That portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;

3. That portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. A basement or unused under-floor space is a story if the finished floor level directly above is either more than:
 - a. Six feet above grade for more than half of the total perimeter, or
 - b. Twelve feet above grade at any point.

((BZ)) CA. Stream.

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

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

((GA)) CB. Street.

See "Public Way" ([SMC 17A.020.160](#)).

((GB)) CC. Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
 - a. Principal arterial.
 - b. Minor arterial.
 - c. Collector arterial.
 - d. Local access street.
 - e. Parkway.
2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under [SMC 17A.020.160](#), "P" Definitions.

((GG)) CD. Street Frontage.

The lot line abutting a street.

((GD)) CE. Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

((GE)) CF. Structural Alteration.

See [SMC 17C.240.015](#).

((GF)) CG. Structure.

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:
 - a. Buildings,
 - b. Decks,
 - c. Fences,
 - d. Towers,

- e. Flag poles,
 - f. Signs, and
 - g. Other similar objects.
2. Structure does not include paved areas or vegetative landscaping materials.
 3. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

((GG)) CH. Structure – Historic.

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

((CH)) CI. Subdivision.

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

((CI)) CJ. Subject Property.

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

((CJ)) CK. Sublevel Construction Controls.

Design and construction requirements provided in [SMC 17F.100.090](#).

((CK)) CL. Submerged Aquatic Beds.

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

((CL)) CM. Substantial Damage – Floodplain.

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

((CM)) CN. Substantial Development.

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

((CN)) CO. Substantial Improvement – Floodplain.

1. This definition includes structures that have incurred “substantial damage,” regardless of the actual work performed.
2. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred.
3. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural

part of the building commences, whether or not that alteration affects the external dimensions of the structure.

4. The term does not, however, include either any:

- a. Project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Alteration of a “historic structure” (~~((listed on the National Register of Historic or State Inventory of Historic Places))~~), provided the alteration will not preclude the structure’s continued designation as a “historic structure.”

~~((GO))~~ CP. Suffix.

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

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

ORDINANCE NO. _____

AN ORDINANCE relating to Floodplain Management amending Spokane Municipal Code (SMC) Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170.

WHEREAS, the flood hazard areas of the City of Spokane are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, as a condition of participation in the National Flood Insurance Program (NFIP), the City of Spokane is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP and State of Washington minimum floodplain management regulations; and

WHEREAS, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for City residents; and

WHEREAS, the most recent update to the City's floodplain regulations occurred in 2011; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated Flood Damage Prevention Ordinance Washington Model that includes all the minimum standards required as a condition of participation in the NFIP; and

WHEREAS, in order to maintain participation in the NFIP and allow City of Spokane residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards by December 31, 2021; and

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

WHEREAS, on June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the UDC pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act ("SEPA") Checklist was prepared and a Determination of Non-Significance ("DNS") was issued on September 2, 2021, for the proposed amendment. The fourteen-day public comment period ended on September 16, 2021; and

WHEREAS, the Plan Commission held a workshop session to study the proposed amendment on July 14, 2021 and September 8, 2021; and

WHEREAS, prior to the Plan Commission public hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman-Review on September 8 and 15, 2021. The proposed UDC amendment was available for public review on the Planning and Development Services website at <https://my.spokanecity.org/projects/2021-floodplain-management-update/>; and

WHEREAS, on September 22, 2021 the City Plan Commission held a public hearing on the proposed UDC amendment and heard testimony from the public; and

WHEREAS, consistent with SMC 17G.025.010, the Plan Commission found that (i) the proposed amendment is consistent with applicable provisions of the City of Spokane Comprehensive Plan, and (ii) the proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment; and

WHEREAS, following a public hearing, the Plan Commission recommended approval of a number of minor and clarifying amendments to the Spokane Municipal Code regarding floodplain regulations, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, the Plan Commission's Findings of Fact, Conclusions, and Recommendations regarding the 2021 Floodplain Management Text Amendment, together with the Plan Commission's entire files relating to the same, are hereby incorporated into this ordinance.

Now, Therefore, The City of Spokane does ordain:

Section 1. That Section 17E.030.030 SMC is amended to read as follows:

Section 17E.030.030 Purpose

It is the purpose of this chapter to promote the public health, safety and general welfare, reduce the annual cost of flood insurance, and to minimize to the extent allowed by these provisions public and private losses due to flood conditions in specific areas, and to protect ecological systems, and their functions and values, by provisions designed to:

- A. protect human life and health;
- B. minimize expenditures of public money and costly flood control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business interruptions;
- E. minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas subject to flooding;
- F. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. adopt procedures to notify potential buyers that property is in a special flood hazard area; and
- H. encourage those who occupy areas of special flood hazard to assume responsibility for their actions.

Section 2. That Section 17E.030.050 SMC is amended to read as follows:

Section 17E.030.050 General Provisions

In all areas of special flood hazards, the following standards are required:

- A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.
- B. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazards identified by the Federal Insurance ((Administration)) Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Spokane County, Washington and Incorporated Areas" dated July 6, 2010, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM) dated July 6, 2010, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The procedure for map corrections is set forth in the federal code of regulations, 44 CFR Part 70. The

Flood Insurance Study and Flood Insurance Rate Maps are on file in the City planning department.

The best available information for flood hazard area identification as outlined in Section 17E.030.080(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 17E.030.080(B).

C. Compliance

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

D. Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another Spokane Municipal Code section, shoreline master program and any revisions thereto, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under the laws of the State of Washington.

F. Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside of the areas of special flood hazards, or uses permitted within such areas, will be free from flooding or flood damages. This chapter does not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

G. Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Section 3. That Section 17E.030.060 SMC is amended to read as follows:

Section 17E.030.060 Establishment of Development Permit

A. Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in [SMC 17E.030.050\(B\)](#). The permit shall be for all structures including manufactured homes, as defined in [chapter 17A.020 SMC](#) and for all development, including fill and other activities also as defined in [chapter 17A.020 SMC](#).

B. A pre-development conference as set forth in [chapter 17G.060 SMC](#) is required for all development proposed in areas identified as potential critical areas within the City of Spokane, including areas of special flood hazard established in [SMC 17E.030.050\(B\)](#).

C. Application for Floodplain Development Permit.

Application for a floodplain development permit shall be made on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question: existing or proposed structures, fill, storage of materials, drainage facilities and the location of foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator((-));
2. Elevation in relation to mean sea level to which any structure has been floodproofed((-));
3. ~~((Certification))~~ Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in [SMC 17E.030.130\(\(-\)\)](#);
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development((-));
5. A completed critical areas checklist as established at [chapter 17G.060 SMC\(\(-\)\)](#);
6. A completed environmental checklist, unless the ~~((local administrator))~~ Floodplain Administrator as designated in [SMC 17E.030.070](#) has determined that the project is categorically exempt from [chapter 17E.050 SMC](#); and
7. Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation; and
8. ~~((All))~~ Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application, including all studies, reports and information required by reviewing departments or agencies to fully disclose potential environmental impacts of the proposal. These studies are

required to demonstrate acceptance by the applicable department or agencies prior to the application being certified complete.

D. Fee Processing.

Floodplain development permits shall be processed as set forth in [chapter 17G.060 SMC](#).

E. Fee Schedule.

The fees for processing a floodplain development permit are set forth in [SMC 8.02.066\(F\)](#).

Section 4. That Section 17E.030.070 SMC is amended to read as follows:

Section 17E.030.070 Designation of the ((Local)) Floodplain Administrator

The director of planning services and/or his or her designee is hereby appointed as ((local administrator)) Floodplain Administrator to administer ((and)), implement, and enforce this chapter by granting or denying development permit applications in accordance with its provisions.

Section 5. That Section 17E.030.080 SMC is amended to read as follows:

Section 17E.030.080 Duties and Responsibilities of the ((Local)) Floodplain Administrator

A. The duties and responsibilities of the ((local administrator)) Floodplain Administrator shall include, but not be limited to, review of all development permits to determine:

1. that the permit requirements of this chapter have been satisfied, all necessary information has been provided for a determination that the application is counter complete;
2. that all ((necessary)) other required state and federal permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; ((and))
3. that the site is reasonably safe from flooding;
4. ((if)) that the proposed development is not located in the floodway. If located in the floodway, assure that the encroachment provisions of [SMC 17E.030.160](#) are met((-));
5. if the proposed development complies with the policies, provisions, and requirements of the shoreline master program, as now or hereafter amended((-)); and
6. notify FEMA when annexations occur in the Special Flood Hazard Area.

B. Use of Other Base Flood Data in “A” Zones.

When base flood elevation data has not been provided (“A” Zones) in accordance with [SMC 17E.030.050](#), the ~~((local administrator))~~ Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer [SMC 17E.050.140](#) and [SMC 17E.050.160](#).

C. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection (B) of this section, the ~~((local administrator))~~ Floodplain Administrator shall record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed non-residential structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in the subsection above, the ~~((local administrator))~~ Floodplain Administrator shall:
 - a. obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed, and
 - b. maintain the flood proofing certifications required in [SMC 17E.030.060](#).
3. The ~~((local administrator))~~ Floodplain Administrator shall maintain for public inspection all records pertaining to the provisions of this chapter.
4. Certification required in [SMC 17E.030.160\(A\)](#) (No Rise Standard).
5. Records of all variance actions, including justification for their issuance.
6. Improvement and damage calculations.

D. Alteration of Watercourses.

Whenever a watercourse is to be altered or relocated:

1. The ~~((local administrator))~~ Floodplain Administrator shall notify adjacent communities and the Washington state department of ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate notification means (44 CFR 60.3(b)(6)).
2. The ~~((local administrator))~~ Floodplain Administrator shall require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries.

The ~~((local administrator))~~ Floodplain Administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the

boundary shall be given a reasonable opportunity to appeal the interpretation as provided in [SMC 17E.030.090](#). Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

F. Review of Building Permits

1. Where elevation data is not available either through the FIS, FIRM, or from another authoritative source outlined in Section 17E.030.080(B), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
2. Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

G. Changes to Special Flood Hazard Area (SFHA)

1. If a project will encroach on the regulatory floodway or alter boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive, approvals required by FEMA.
2. If a CLOMR or LOMR application is made, then the project proponent shall also supply the full CLOMR or LOMR documentation package, as applicable, to the Floodplain Administrator, including all required property owner notifications. The Floodplain Administrator may condition permits to address Letter of Map Change determinations after issuance of the permit.

Section 6. That Section 17E.030.090 SMC is amended to read as follows:

Section 17E.030. Variance Procedure – Hearing Examiner

- A. The hearing examiner shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The hearing examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the director in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the hearing examiner, or any taxpayer, may appeal such decisions to the Spokane County superior court, as provided in [chapter 17G.060 SMC](#).
- D. In passing upon such applications, the hearing examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
 1. danger that materials may be swept onto other lands to the injury of others

2. danger to life and property due to flooding or erosion damage;
 3. susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. importance of the services provided by the proposed facility to the community;
 5. necessity to the facility of a waterfront location, where applicable;
 6. availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. compatibility of the proposed use with existing and anticipated development;
 8. relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 11. costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
 12. cumulative impact of additional requests of like actions in the area; and
 13. relationship of the proposed development to the shoreline master program policies and regulations as now or hereafter amended, and floodplain management for that area.
- E. Upon consideration of the factors of subsection (D) of this section and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of the variances as he/she deems necessary to further the purposes of this chapter.
- F. The ~~((local administrator))~~ Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

Section 7. That Section 17E.030.100 SMC is amended to read as follows:

Section 17E.030.100 Variances

A. Conditions.

A variance shall be granted if conditions set forth in [SMC 17G.060.170\(E\)](#) are met. In addition to [SMC 17G.060.170\(E\)](#), the following additional conditions should be considered:

1. Generally, the only condition under which a variance from the elevation standard is issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the decision criteria in this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases. Variances from the standards and conditions of this chapter are not allowed for residential uses in the floodway except for historic buildings as allowed by this section.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or the Spokane Register of Historic Places, ~~((without regard to the procedures set forth in this section))~~ upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances will not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances will only be issued upon a:
 - a. showing of good and sufficient cause;
 - b. determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.

~~((7.)) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except this section, and otherwise complies with [SMC 17E.030.050](#).~~

~~((8.)) 7. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction below the BFE increases risks to life and property.~~

B. Variances will be processed as set forth in [Table 17G.060-3](#).

C. The fees for processing a variance are set forth in [SMC 8.02.066\(G\)](#).

Section 8. That Section 17E.030.120 SMC is henceforth repealed :

~~((Section 17E.030.120 Resource Material))~~

~~((The following required standards are prescribed in all areas of special flood hazards. Except where this chapter provides otherwise, the most current edition of the following publications may be used as reference documents:~~

- ~~A. "Guideline and Specification for Contractors," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~B. "Floodplain Management Conferences," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~C. "Guide for Ordinance Development," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~D. "Coordination During Flood Insurance Studies," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~E. "The Floodway: A Guide for Community Permit Officials," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~F. "Floodplain Management Handbook for Local Administrators," Washington State Department of Ecology.~~
- ~~G. "Program for Map Changes by Letter," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~H. "Appeals, Revisions, and Amendments to Flood Insurance Maps," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~I. "Base Flood Elevation Determination," Federal Emergency Management Agency, Federal Insurance Administration.))~~

Section 9. That Section 17E.030.130 SMC is amended to read as follows:

Section 17E.030.130 General Standards

In all areas of special flood hazards, the following standards, in addition to those imposed by other existing regulations are required:

A. Anchoring.

1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the buoyancy.
2. All manufactured homes shall likewise be anchored to prevent flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to:
 - a. use of over-the-top or frame ties is provided at each of the four corners of the manufactured home, with two additional ties per site at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;
 - b. frame ties is provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
 - c. all components at the anchoring system are capable of carrying a force of four thousand eight hundred pounds; and
 - d. any additions to the manufactured home are similarly anchored.
3. The guidebook "Manufactured Home Installation in Flood Hazard Areas, FEMA-85 (~~(-9/85)~~)" is adopted by reference for further manufactured home anchoring techniques.

~~((B. AO Zone Drainage.~~

~~Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.))~~

~~((C.))~~ **B. Construction Materials and Methods.**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or

located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Storage of Materials and Equipment

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

D. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. Any proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171).
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. ((Subdivision Proposals)) Development and Subdivision Proposals.

~~((All subdivisions proposals shall:~~

- ~~1. be consistent with this chapter;~~
- ~~2. be consistent with the need to minimize flood damage;~~
- ~~3. have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;~~
- ~~4. have adequate drainage provided to reduce exposure to flood damage; and~~
- ~~5. be generated by an engineer hired by the applicant for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less; where base flood elevation data has not been provided or is not available from another source.))~~

All development, including subdivisions, shall:

1. Be consistent with the need to minimize flood damage;
2. Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. Have adequate drainage provided to reduce exposure to flood damage; and
4. Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation

data shall be included as part of the application, and prepared by an engineer licensed in the State of Washington.

((F. Review of Building Permits.

~~Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building and land use permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, et cetera, where available. Failure to elevate at least two feet above highest adjacent grade in these zones may result in higher insurance rates. The applicant will provide studies and information as necessary for review.))~~

F. Minimum Requirements.

All development or which specific provisions are not specified in the Spokane Municipal Code or the state building codes, and adopted amendments, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the encroachment limitations of this ordinance if located in a regulatory floodway;
3. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials;
5. Meet the flood opening requirements of [SMC 17E.030.140\(A\)\(3\)](#), and
6. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Section 10. That Section 17E.030.140 SMC is amended to read as follows:

Section 17E.030.140 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in ~~((this chapter,))~~ Section 17E.030.050(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 17E.030.080(B), Use of Other Base Flood Data in "A" Zones, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure in AE and other A Zones where BFE has been determined or can be reasonably obtained shall have the lowest floor, including basement,

elevated two feet above the base flood elevation. Mechanical equipment and utilities shall be waterproof or elevated least two foot above the BFE.

2. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- ~~((2-))~~ 3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.
 - b. The bottom of all openings must be no higher ~~((that))~~ than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
 - e. Alternatively, a registered engineer or architect may design and certify engineered openings.

B. Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall ~~((either have the lowest floor, including basement, elevated two feet above the base flood elevation; or, together with attendant utility and sanitary facilities, shall))~~ meet the requirements of subsection 1 or 2, below:

- ~~((1. be floodproofed so that below two feet or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~
- ~~2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~
- ~~3. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their~~

~~development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the local administrator as set forth in [SMC 17E.030.080](#);~~

- ~~4. nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A) of this section;}}~~

1. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

- a. In AE, A1-30 zones, or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement shall have the lowest floor, including basement, elevated two foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater.
- b. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.
- c. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or a registered architect and must meet or exceed the following minimum criteria:
 - i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- e. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
 - i. Alternatively, a registered engineer or architect may design and certify engineered openings.

2. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

- a. Be dry floodproofed so that below two foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in [SMC 17E.030.080](#);
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in [SMC 17E.030.140\(A\)\(3\)](#).

~~((5-))~~ 3. ((applicants)) Applicants who are floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level is rated as one foot below).

C. Manufactured Homes.

1. All manufactured homes to be placed or substantially improved ~~((within zones A1-A30, AH, AO and AE on the City's flood insurance rate map on sites))~~ on sites within the City's Special Flood Hazard Areas (SFHAs) shall be elevated on a permanent foundation such that:

- ~~((a. outside of a manufactured home park or subdivision;~~
- ~~b. in a new manufactured home park or subdivision;~~
- ~~c. in an expansion to an existing manufactured home park or subdivision, or~~
- ~~d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;~~

~~shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.~~

~~2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH,~~

~~AO and AE on the City's flood insurance rate map that are not subject to the above manufactured home provisions shall be elevated so that either:~~

- ~~a. the lowest floor of the manufactured home is elevated two feet or more above the base flood elevation; or~~
- ~~b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;))~~
- a. the lowest floor of the manufactured home is elevated two feet above the Base Flood Elevation (BFE); and
- b. it be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and
- c. comply with [SMC 17E.030.060\(C\)](#) in completing an Elevation Certificate with the other necessary permits.

D. Recreational Vehicles.

Recreational vehicles placed on sites (~~within zones A1-30, AH, AO and AE on the City's flood insurance rate map~~)) are required to either:

1. be on the site for fewer than one hundred and eighty consecutive days;
2. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. meet the requirements of subsection (C) of this section and the elevation and anchoring requirements for manufactured homes.

E. Livestock Sanctuary Areas

Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated two feet above the Base Flood Elevation (BFE). Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of Chapter 17E.030.

F. Enclosed Area Below the Lowest Floor.

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

Section 11. That Section 17E.030.150 SMC is amended to read as follows:

Section 17E.030.150 ((Before Regulatory Floodway)) AE Zones with Base Flood Elevations but No Floodways

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted ~~((within zones A1-30 and AE on the City's FIRM,))~~ unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

Section 12. That Section 17E.030.160 SMC is amended to read as follows:

Section 17E.030.160 Floodways

Located within areas of special flood hazard established in [SMC 17E.030.050](#) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and increase erosion potential, the following provisions apply:

A. No Rise Standard

Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any ~~((increasing))~~ increase in flood levels during the occurrence of the base flood discharge.

B. Residential Construction in Floodways.

Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

1. repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and
2. repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the ~~((assessed))~~ market value of the structure either:
 - a. before the repair or reconstruction is started; or
 - b. if the structure has been damaged, and is being restored, before the damage occurred.

3. Any ((project of)) improvement ((of a structure)) to structures identified as historic places or to correct existing violations of state or local health,

sanitary or safety code specification (~~((which))~~) that have been identified by the local code enforcement official and (~~((which))~~) are the minimum necessary to assure safe living conditions (~~((or to structures identified as historic places))~~) shall not be included in the fifty percent.

C. Replacement of Farmhouses in Floodway.

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

1. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
2. There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
3. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
4. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
5. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
6. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
7. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
8. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
9. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

D. Substantially Damaged Residences in Floodway.

1. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially

damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

2. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - a. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - b. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
 - c. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
 - d. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
 - e. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
 - f. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
 - g. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

~~((D-))~~ E. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [SMC 17E.030.130](#) ~~((and))~~ , [17E.030.140](#) , and [17E.030.130\(F\)](#).

Section 13. That Section 17E.030.170 SMC is amended to read as follows:

Section 17E.030.170 ((Standards for Shallow Flooding Areas (AO Zones))) Essential Public and Critical Facilities within Special Flood Hazard Areas

~~((A. Shallow flooding areas appear on FIRMS as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:~~

- ~~1. New construction and substantial improvements of residential structures and manufactures homes within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade to the structure, two feet or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).~~
- ~~2. New construction and substantial improvements of nonresidential structures within AO zones shall either:~~
 - ~~a. have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, two feet or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or~~
 - ~~b. together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in [SMC 17E.030.140\(B\)\(3\)](#).~~
- ~~3. Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.~~
- ~~4. Recreational vehicles placed on sites within AO zones on the community's FIRM are required to either:~~
 - ~~a. be on the site for fewer than one hundred eighty consecutive days, or~~
 - ~~b. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~
 - ~~c. meet the requirements of subsections (A)(1) and (A)(3) of this section and the anchoring requirements for manufactured homes ([SMC 17E.030.130\(A\)\(2\)](#)).~~

B. Essential Public Facilities.))

1. Construction of ((new)) essential public facilities, as defined in [SMC 17C.190.530](#), or another critical facility shall be, to the extent possible, located outside the limits of the special flood hazard area.

Spokane Municipal Code Amendment

Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170

2. Construction of new essential public facilities shall be permissible within the special flood hazard area if no feasible alternative site is available.
3. (~~Essential public facilities~~) Facilities constructed within the special flood hazard area shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site or to the height of the 500-year flood, whichever is higher.
4. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. All (~~essential public~~) facilities shall have access routes elevated to or above the level of the base flood elevation.
5. Access to and from the facility should also be protected to the height utilized above.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

EXHIBIT 2 – SEPA DETERMINATION OF NONSIGNIFICANCE

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(s): Floodplain Management Text Amendment

PROPONENT: City of Spokane

DESCRIPTION OF PROPOSAL: This proposal will amend the Spokane Municipal Code (SMC): Chapter 17A.020 Definitions, specifically "A" Definitions, "B" Definitions, "D" Definitions, "F" Definitions, "H" Definitions, "M" Definitions, and "S" Definitions; and Chapter 17E.030 Floodplain Management Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: This proposal has a City-wide impact, with focus on floodplains within the City's jurisdiction including lands along Latah Creek and the Spokane River. The text amendment is to ensure compliance with changes in federal and state laws. Details on the project will be made available at the website: <https://my.spokanecity.org/projects/2021-floodplain-management-update/>.

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 upon request.

There is no comment period for this DNS.

This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.

[X] This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5:00 p.m. on September 16, 2021 if they are intended to alter the DNS.

Responsible Official: Louis Meuler

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

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: September 2, 2021 **Signature:** *Louis Meuler*
Louis Meuler (Sep 2, 2021 11:14 PDT)

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 12:00 p.m. on September 23, 2021 (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.

A. BACKGROUND

1. **Name of proposed project:** Floodplain Management Text Amendment
2. **Applicant:** City of Spokane – Planning Services
Address: 808 W. Spokane Falls Boulevard
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6500
3. **Agent or Primary Contact:** Amanda Beck, Assistant Planner II
Address: 808 W. Spokane Falls Boulevard Email: abeck@spokanecity.org
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6414
4. **Location of Project:**
This is a City-wide non-project legislative action; it would apply to all floodplains and floodway areas within the City of Spokane boundary. The City of Spokane is located in Spokane County.
5. **Date checklist prepared:** June 21, 2021
6. **Agency requesting checklist:** City of Spokane, Washington
7. **Proposed timing or schedule (including phasing, if applicable):**
Begin text amendment process in June 2021, with City Council approval no later than December 31, 2021.
8. a. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:**
Amendments will be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in Federal and State statutes and regulations. Any future amendments would be after a Community Assistance Contact (CAC) or Community Assistance Visit (CAV) CAC or CAV with Ecology, to comply with minimum NFIP regulations.
- b. **Do you own or have options on land nearby or adjacent to this proposal? If yes, explain:**
Yes, the City of Spokane owns land including parks and administrative buildings within the City limits, or “affected geographical area” of this proposal.
9. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:**
FEMA flood insurance study of Spokane County completed in 2010, Critical Areas ordinances that were updated in 2017, the Shoreline Master Program Periodic Review amending SMC 17E.060 adopted in April 2021, and the Shaping Spokane Comprehensive Plan update in 2017. As a non-project action amending the municipal code to comply with changes in Federal and State regulations, no specific studies have been conducted for this action.

10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:

Floodplain Development Permits subject to Floodplain Management regulations are likely within the City. Additional SEPA project-level review will be conducted at the time such proposals are submitted and will be subject to threshold determinations.

11. List any government approvals or permits that will be needed for your proposal, if known:

Plan Commission public hearing and recommendation followed by City Council public hearings and final approval of the ordinance amending Chapter 17E.030. These legislative actions are all expected in 2021.

12. 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.

To comply with changes to the Washington State FEMA Model Ordinance, the City has initiated a text amendment to ensure compliance with Federal and State floodplain regulations and changes affecting all floodplains and floodways within its jurisdiction. The intent of this ordinance is to protect public health and safety, public and private property within floodplains, decrease insurance loss claims due to flooding, and to protect the functions and value of floodplains.

This proposal will amend Spokane Municipal Code (SMC): Chapter 17A.020 Definitions, specifically "A" Definitions, "B" Definitions, "D" Definitions, "F" Definitions, "H" Definitions, "M" Definitions, and "S" Definitions; and Chapter 17E.030 Floodplain Management Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170. The exact amendments to the code are available online at the following address: <https://my.spokanecity.org/projects/2021-floodplain-management-update/>.

13. Location of the proposal:

This is a City-wide non-project legislative action; it would apply to all floodplains and floodway areas within the City of Spokane.

14. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? ☒ Yes ☐ No

The General Sewer Service Area? ☒ Yes ☐ No

The Priority Sewer Service Area? ☒ Yes ☐ No

The City of Spokane? ☒ Yes ☐ No

15. The following questions supplement Part A.

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

- (1) **Describe any systems, other than those designed for the disposal of sanitary waste installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities).**

Not applicable, this is a non-project action and will not directly result in any direct modification of such systems.

- (2) **Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored?**

N/A, this is a non-project action.

- (3) **What protective measures will be taken to ensure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems.**

N/A, this is a non-project action.

- (4) **Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater?**

N/A, this is a non-project action.

b. Stormwater

- (1) **What are the depths on the site to groundwater and to bedrock (if known)?**

Varies throughout the City.

- (2) **Will stormwater be discharged into the ground? If so, describe any potential impacts.**

N/A

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (check one):

☒ Flat ☒ Rolling ☒ Hilly ☒ Steep slopes ☐ Mountainous

Other: While slopes in the City vary, this is a non-project code amendment that will not directly modify the topology of the City.

b. What is the steepest slope on the site (approximate percent slope)?

N/A, 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.**

N/A (non-project action)

- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

N/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.**

As a non-project action, the proposal will not require any fill or export of soils.

- f. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

N/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)?**

N/A (non-project action)

- h. **Proposed measures to reduce or control erosion or other impacts to the earth, if any:**

None.

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.**

N/A (non-project action)

- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

None.

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.**

The Spokane River and Latah Creek fall within the City's jurisdiction. Various private and public ponds and lakes are situated within the City as well as a number of ephemeral drainages.

- (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.**

None, (non-project action)

- (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 action)

- (5) **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

This proposal is an amendment to the floodplain regulations, concerning modification of floodplain standards and codes in the City to accommodate changes in State and Federal regulations. It is a non-project action and applicable City-wide.

- (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 (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.**

No (non-project action)

- (2) **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (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 (non-project action). The City requires that all development connect to existing sewer service at time of development/update.

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.**

Stormwater is collected, treated, and disposed of via various methods in the City, subject to the requirements of [Chapter 13.03 Sewers, Article III General Requirements](#) SMC.

- (2) Could waste materials enter ground or surface waters? If so, generally describe.**

N/A (non-project action)

- (3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

No (non-project action)

- d. Proposed Measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.**

None

4. Plants

- a. Check the type(s) of vegetation found on the site:**

Deciduous trees: ☒ alder ☒ maple ☒ aspen Other: Answer

Evergreen trees: ☒ fir ☒ cedar ☒ pine Other: Answer

☒ shrubs ☒ grass ☒ pasture ☒ crop or grain

☐ orchards, vineyards or other permanent crops

Wet soil plants: ☒ cattail ☒ buttercup ☒ bullrush ☐ skunk cabbage

Other: Answer

Water plants: ☒ water lily ☒ eelgrass ☐ milfoil

Other:

Any other types of vegetation: Note that this is a City-wide non-project action and would not directly alter or affect the various plants and trees located in the City.

- b. What kind and amount of vegetation will be removed or altered?**

None (non-project action)

- c. List threatened and endangered species known to be on or near the site:**

None (non-project action)

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

None (non-project action)

- e. **List all noxious weeds and invasive species known to be on or near the site:**

None (non-project action)

5. Animals

- a. **Check *and* List any birds and other animals which have been observed on or near the site or are known to be on or near the site:**

Birds: ☒ hawk ☒ heron ☒ eagle ☒ songbirds Other:

Mammals: ☒ deer ☒ bear ☒ elk ☐ beaver Other:

Fish: ☒ bass ☐ salmon ☒ trout ☐ herring ☒ shellfish

Other:

N/A, note this is a non-project action and would not directly alter or affect the various wildlife found in the City.

- b. **List any threatened or endangered animal species known to be on or near the site.**

None (non-project action)

- c. **Is the site part of a migration route? If so, explain.**

Various migratory birds transit through the city as part of normal migration patterns.

- d. **Proposed measures to preserve or enhance wildlife, if any:**

None (non-project action)

- e. **List any invasive animal species known to be on or near the site.**

None (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:**

No (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:**

None (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.**

N/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.**

N/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.**

None (non-project action)

- (4) Describe special emergency services that might be required.**

None (non-project action)

- (5) Proposed measures to reduce or control environmental health hazards, if any:**

None (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)?**

The city experiences typical noises present in any urban environment, including aircraft noise from operations at two airports and Fairchild Air Force Base. However, as a non-project amendment to the SMC the urban noise environment won't affect the proposal.

- (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.**

None (non-project action)

- (3) Proposed measure to reduce or control noise impacts, if any:**

None (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.**

The City contains a full range of urban land uses—as described in the Comprehensive Plan and Zoning Map. The proposal is a non-project action that will not directly modify or affect these 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?**

There are some farmlands in the City of Spokane, mainly located in the Latah/Hangman neighborhood in the southwest quadrant of the City. However, as a non-project proposal impacts to these uses are not expected.

- 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 (non-project action)

- c. **Describe any structures on the site.**

Varies throughout the City (non-project action)

- d. **Will any structures be demolished? If so, which?**

No (non-project action)

- e. **What is the current zoning classification of the site?**

Varies (non-project action)

- f. **What is the current comprehensive plan designation of the site?**

Varies (non-project action)

- g. **If applicable, what is the current shoreline master program designation of the site?**

The City includes various jurisdictional shoreline areas along the Spokane River. However, the proposal will not affect the standards or policies applied to those areas.

- h. **Has any part of the site been classified as a critical area by the city or the county? If so, specify.**

This is a non-project action that applies to the entire City, including parts classified as Critical Areas. The critical areas ordinance in SMC 17E applies to floodplains and would apply to any action within those and other critical areas.

- i. **Approximately how many people would reside or work in the completed project?**

N/A (non-project action)

- j. **Approximately how many people would the completed project displace?**

None (non-project action)

k. **Proposed measures to avoid or reduce displacement impacts, if any:**

None (non-project action)

l. **Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

This proposed amendment would bring the City's regulations into compliance with recent changes to Federal and State regulations, which would not conflict with the Shaping Spokane Comprehensive Plan but would in fact support many of the goals outlined in Chapter 9: Natural Environment.

m. **Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:**

None (non-project action)

9. Housing

a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

None (non-project action)

b. **Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing.**

None (non-project action)

c. **Proposed measures to reduce or control housing impacts, if any:**

None (non-project action)

10. Aesthetics

a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Not applicable, this is a non-project action.

b. **What views in the immediate vicinity would be altered or obstructed?**

None (non-project action)

c. **Proposed measures to reduce or control aesthetic impacts, if any:**

None (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?**

None (non-project action)

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

No (non-project action)

- c. **What existing off-site sources of light or glare may affect your proposal?**

None (non-project action)

- d. **Proposed measures to reduce or control light and glare impacts, if any:**

None (non-project action)

12. Recreation

- a. **What designated and informal recreational opportunities are in the immediate vicinity?**

The City contains numerous formal and informal recreational opportunities. As a non-project amendment to floodplain codes, no impacts to these resources are expected.

- b. **Would the proposed project displace any existing recreational uses? If so, describe.**

No (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:**

None (non-project action)

13. Historic and cultural preservation

- a. **Are there any buildings, structures, or sites, located on or near the site 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.**

The City contains various structures either listed or eligible for listing in both the national and local historic registers. However, as a non-project amendment to the floodplain standards in the SMC no impact to these structures is expected.

- 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.**

There exist within the City certain areas that qualify as tribal or historic uses. However, as a non-project amendment to code this proposal is not expected to affect them.

- 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.**

None. (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.**

None (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.**

The city is served by a comprehensive network of streets, highways, and freeways. As a non-project amendment to code, the proposal will not affect them.

- 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 and wider region with various routes.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

None (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).**

No (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.**

No (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? (Note: to assist in review and if known, indicate vehicle trips during PM peak, AM Peak, and Weekday (24 hours).**

None

- 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 (non-project action)

- h. Proposed measures to reduce or control transportation impacts, if any:**

None (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.**

No, this proposal should not result in an increased need for public services.

- b. **Proposed measures to reduce or control direct impacts on public services, if any:**

N/A

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:**

None (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: September 2, 2021 Signature: Amanda Beck

Project Proponent (Please print or type):

Name: City of Spokane Address: 808 W. Spokane Falls Boulevard
Phone: 509-625-6500 Spokane, WA, 99201

Checklist Preparer (If different from proponent):

Name: Amanda Beck Address: 808 W. Spokane Falls Boulevard
Phone: 509-625-6414 Spokane, WA, 99201

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: Tirrell Black

Based on this staff review of the environmental checklist and other pertinent information, 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?

This proposal is a state mandated update to floodplain regulations to comply with federal and state changes. These changes are largely intended to update terms and requirements already in place for actions within floodplains and to clarify responsibility and intent of existing requirements. No direct action or change to the physical environment is required by these changes. Accordingly, the proposal will not result in direct changes to water, air, or toxic/hazardous substances discharge. Nor will the proposal require the creation of any new or increased noise in the City.

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?

As described in answer 1 above, the proposal is unlikely to require any change to the existing environment and thus will be unlikely to affect plants, animals, fish, or marine life. The intent of floodplain regulations is to protect or conserve the ecological systems of floodplains, as well as protect life and property.

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?

As discussed above, the proposal will not develop or cause to be developed any uses or structures requiring energy resources. The changes are intended to increase protection of natural resources like surface waters while protecting structures from the detrimental impacts of flooding and water infiltration. Accordingly, the proposal has a beneficial impact on natural resources.

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?

The clarifications proposed under this text amendment would bring the City's regulations into compliance with the Endangered Species Act (44 CFR § 60.3(a)2) and other updated Federal and State requirements, with the intent to protect and/or conserve the water-dependent ecosystems relied upon by endangered species.

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?

This proposed text amendment would not affect shoreline use or use of lands within the floodplain, except to ensure that regulations would meet Federal and State regulations for floodplain management, including minimum requirements of the National Flood Insurance Program (NFIP), so it is unlikely incompatible use would be encouraged by this amendment.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal would not modify requirements for the planning, permitting, or construction of transportation or public services or utilities except in cases where those items are to be developed in or near floodplains. In those cases, the proposal directly updates regulations guiding such actions to ensure compliance with the latest Federal and State requirements for floodplain protection.

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 floodplain text amendment brings City regulations into compliance with Federal and State laws, including the Growth Management Act, and ensures the City's regulations remain consistent with adopted local plans. This amendment is to comply with recent changes to the FEMA Model Ordinance, and recent policy changes enacted by FEMA.

WA State Model Ordinance

2/24/2021 Version

Evaluation Sheet

Locality: _____

Reviewer: _____

Ordinance No.: _____

Review Date: _____

Ordinance Date: _____

Reason for Review: _____

Flood Zones: ☐A ☐AE/A1-30 ☐Floodway ☐AO (Appx. A) ☐V (Appx B) ☐VE/V1-30 (Appx. B)Puget Sound BiOp Door 3 ☐Yes ☐No

CRS Level: _____

Criteria & Model Ordinance Reference	Comments and References
Section 1.0 - Statutory Authorization, Findings of Fact, Purpose, and Objectives	<i>(Not mandatory to adopt section 1.0)</i>
1.1 Statutory Authorization The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the {Decision Making Body} of {Community Name}, does ordain as follows:	This language is included in the approving ordinance adopted by the Spokane City Council.
1.2 Findings of Fact The flood hazard areas of {Community Name} are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadvertently anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.	This language is included in the approving ordinance adopted by the Spokane City Council, and also SMC 17E.030.020.

<p>1.3 Statement of Purpose</p> <p>It is the purpose of this ordinance to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:</p> <ol style="list-style-type: none"> 1) Protect human life and health; 2) Minimize expenditure of public money for costly flood control projects; 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; 4) Minimize prolonged business interruptions; 5) Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas; 6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding; 7) Notify potential buyers that the property is in a Special Flood Hazard Area; 8) Notify those who occupy flood hazard areas that they assume responsibility for their actions; and 9) Participate in and maintain eligibility for flood insurance and disaster relief. 	<p>Mirrored language is included in SMC 17E.030.030, only lacking item #9.</p>
<p>1.4 Methods of Reducing Flood Losses</p> <p>In order to accomplish its purposes, this ordinance includes methods and provisions for:</p> <ol style="list-style-type: none"> 1) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities, 2) Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction; 3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters; 4) Controlling filling, grading, dredging, and other development, which may increase flood damage; and 5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas. 	<p>This language is included in SMC 17E.030.040.</p>

Section 2.0 – Definitions	Included		44 CFR 59.1 <i>*Terms with one asterisk are a specific minimum requirement and typically must be adopted.</i> <i>Unless specifically defined below, terms or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage, and to give this ordinance the most reasonable application.</i>
	Yes	No	
*Alteration of watercourse: Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.	Yes		Language included in SMC 17A.020.010
Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.	Yes		Similar language existing in SMC 17A.020.010
Area of shallow flooding: A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.	Yes		Similar language existing in SMC 17A.020.010
*Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".	Yes		Existing language updated to read: "The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. Special Flood Hazard Area is synonymous in meaning with the phrase "area of special flood hazard."
ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.		No	Definition not included in SMC 17A.020.010
*Base flood: The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").	Yes		Language included in SMC 17A.020.020
*Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.	Yes		Language added to SMC 17A.020.020 with this ordinance
*Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.	Yes		Similar language existing in SMC 17A.020.020
Building: See "Structure."	Yes		Definition in SMC 17A.020.020
Building Code: The currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.		No	Definition not included in SMC 17A.020.020

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.	Yes		Similar language existing SMC 17A.020.020
Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.		No	Definition not included in SMC 17A.020.030 as Spokane is not a coastal municipality
Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.	Yes		Similar language existing in SMC 17A.020.030
*Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.	Yes		Language included in SMC 17A.020.040
Elevated Building: For insurance purposes, a non- basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.	Yes		Language included in SMC 17A.020.050
Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).		No	Definition not included in SMC 17A.020.050
Essential Facility: This term has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.		No	Definition not included in SMC 17A.020.050
Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.	Yes		Definition included in SMC 17A.020.050

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).	Yes		Definition included in SMC 17A.020.050
Farmhouse: A single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.		No	Definition not included in SMC 17A.020.060
*Flood or Flooding: 1) A general and temporary condition of partial or complete inundation of normally dry land areas from: a) The overflow of inland or tidal waters. b) The unusual and rapid accumulation or runoff of surface waters from any source. c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.	Yes		Existing language in SMC 17A.020.060 updated to required language
*Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).	Yes		Language added to SMC 17A.020.060 with this ordinance
*Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).	Yes		Language added to SMC 17A.020.060 with this ordinance

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."	Yes		Language added to SMC 17A.020.060 with this ordinance
*Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.	Yes		Language added to SMC 17A.020.060 with this ordinance
Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.		No	Language not included in SMC 17A.020.060
*Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.	Yes		Existing language in SMC 17A.020.060 updated to required language
*Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."	Yes		Language added to SMC 17A.020.060 in addition to definition required for Washington Shoreline Management Act
*Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.	Yes		Language added to SMC 17A.020.060 with this ordinance
*Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.	Yes		Language added to SMC 17A.020.080 with this ordinance

<p>*Historic structure: Any structure that is:</p> <ol style="list-style-type: none"> 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: 5) By an approved state program as determined by the Secretary of the Interior, or 6) Directly by the Secretary of the Interior in states without approved programs. 	Yes		Language added to SMC 17A.020.080 with this ordinance
<p>*Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).</p>	Yes		<p>Similar definition exists in SMC 17A.020.120:</p> <p>"The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of SMC 17E.030.140."</p>
<p>Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."</p>	Yes		Similar definition exists in SMC 17A.020.130
<p>Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.</p>	Yes		Similar definition exists in SMC 17A.020.130
<p>*Mean Sea Level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.</p>	Yes		Definition added to SMC 17A.020.130 with this ordinance

*New construction: For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.	Yes		Definition in SMC 17A.020.140 updated with required language
New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.	Yes		Similar definition exists in SMC 17A.020.140
One-hundred-year flood or 100-year flood: See “Base flood.”		No	Cross-referenced definition not included in SMC 17A.020.150, rely on SMC 17A.020.020
Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.		No	definition not included in SMC 17A.020.180
*Recreational Vehicle: A vehicle, 1) Built on a single chassis; 2) 400 square feet or less when measured at the largest horizontal projection; 3) Designed to be self-propelled or permanently towable by a light duty truck; and 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.	Yes		Definition included in SMC 17A.020.180

<p>*Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.</p>	Yes		Definition added to SMC 17A.020.190 with this ordinance
<p>*Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.</p>	Yes		Definition added to existing language in SMC 17A.020.190 with this ordinance
<p>*Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.</p>	Yes		Definition updated with this ordinance
<p>*Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the reconstruction, rehabilitation, addition, or other improvement is started. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:</p> <ol style="list-style-type: none"> 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." 	Yes		Definition updated and modified with this ordinance

Revised: February 2021

*Variance: A grant of relief by a community from the terms of a floodplain management regulation.	Yes		Existing language in SMC 17A.020.220: “A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by Title 17 SMC.”
Water Dependent: A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.	Yes		Similar language exists in SMC 17A.020.230
Water surface elevation: The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.		No	Language not included in SMC 17A.020.230

Section 3.0 – General Provisions	Code of Federal Regulations Requirement
3.1 Lands to Which This Ordinance Applies This ordinance shall apply to all special flood hazard areas within the boundaries of {Community Name} .	(44 CFR 59.22(a)) Included in SMC 17E.030.050(A)
3.2 Basis for Establishing the Areas of Special Flood Hazard The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for {exact title of study} ” dated {date} , and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated {date} , and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at {community address} . The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 4.3-2.	Mandatory 44 CFR 60.3 (preamble) and 44 CFR 60.2(h) Language included in SMC 17E.030.050(B)
3.3 Compliance All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.	Mandatory (44 CFR 60.2(h)) Language added to SMC 17E.030.050
3.4 Penalties For Noncompliance No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than _____ or imprisoned for not more than ____ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the ____ from	Mandatory (44 CFR 60.2(h)) Language included in SMC 17E.030.180

Revised: February 2021

taking such other lawful action as is necessary to prevent or remedy any violation.	
3.5 Abrogation and Greater Restrictions This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.	Included in SMC 17E.030.050(D)
3.6 Interpretation In the interpretation and application of this ordinance, all provisions shall be: 1) Considered as minimum requirements; 2) Liberally construed in favor of the governing body; and, 3) Deemed neither to limit nor repeal any other powers granted under state statutes.	<i>Recommended language</i> Included in SMC 17E.030.050(E)
3.7 Warning And Disclaimer of Liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of {Community Name} , any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.	<i>Recommended language</i> Included in SMC 17E.030.050(F)
3.8 Severability This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.	<i>Mandatory (44 CFR 60.1(b))</i> <i>The severability cause may be included in the adopting ordinance and left uncoded.</i> Added to SMC 17E.030.050

Section 4.0 – Administration	
<p>4.1 Establishment of Development Permit</p> <p>4.1-1 Development Permit Required</p> <p>A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”</p>	<p><i>Mandatory (44 CFR 60.3(b)(1))</i></p> <p>Existing in SMC 17E.030.060</p>
<p>4.1-2 Application for Development Permit</p> <p>Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:</p> <ol style="list-style-type: none"> 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator. 2) Elevation in relation to mean sea level to which any structure has been flood proofed; 3) Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 5.2-2; 4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development; 5) Where a structure is proposed in a V,V1-30, or VE zone, a V-zone design certificate; 6) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and <p>Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.</p>	<p><i>The format of Section 4.1-2 is not mandatory but the elevation information in subsection 1 and information in subsections 2 through 7 is mandatory.</i></p> <p><i>Elevation Certificates are not mandatory outside of Community Rating System communities but are highly recommended.</i></p> <p>Updated language in SMC 17E.030.060(C)</p>
<p>4.2 Designation of the Floodplain Administrator</p> <p>The {job title of the appropriate administrative official} is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.</p>	<p><i>Mandatory (44 CFR 59.22(b)(1))</i></p> <p>Similar language exists in SMC 17E.030.070</p>

<p>4.3 Duties & Responsibilities of the Floodplain Administrator</p> <p>Duties of the (<i>Floodplain Administrator</i>) shall include, but not be limited to:</p>	<p><i>Mandatory (44 CFR 60.1 (b))</i></p> <p>Included in SMC 17E.030.080</p>
<p>4.3-1 Permit Review</p> <p>Review all development permits to determine that:</p> <ol style="list-style-type: none"> 1) The permit requirements of this ordinance have been satisfied; 2) All other required state and federal permits have been obtained; 3) The site is reasonably safe from flooding; 4) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 5.4-1 are met. 5) Notify FEMA when annexations occur in the Special Flood Hazard Area. 	<p><i>Mandatory (44 CFR 60.1 (b))</i></p> <p>Updated language in SMC 17E.030.080(A)</p>
<p>4.3-2 Use of Other Base Flood Data (In A and V Zones)</p> <p>When base flood elevation data has not been provided (in A or V zones) in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD,</p> <p>the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.4 FLOODWAYS.</p>	<p><i>Mandatory (44 CFR 60.3(b)(4))</i></p> <p>Language included in SMC 17E.030.080(B)</p>
<p>4.3-3 Information to be Obtained and Maintained</p> <ol style="list-style-type: none"> 1) Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 4.3-2, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. 2) Documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones. 3) For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 4.3-2: <ol style="list-style-type: none"> a) Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed. b) Maintain the flood proofing certifications required in Section 4.1-2(3). 4) Certification required by Section 5.4.1 {or the numbering system used by the community} (floodway encroachments). 5) Records of all variance actions, including justification for their issuance. 6) Improvement and damage calculations. 7) Maintain for public inspection all records pertaining to the provisions of this ordinance. 	<p><i>Required verbatim per (44 CFR 60.3 (b)(5))</i></p> <p><i>(44 CFR 60.3(b)(5)(i) and (iii))</i> <i>(44 CFR 60.3(e)(2))</i> <i>(44 CFR 60.3(b)(5)(i) and (iii))</i> <i>(44 CFR 60.3(b)(5)(ii))</i> <i>(44 CFR 60.3(b)(5)(iii))</i> <i>(44 CFR 60.3(d)(3))</i> <i>(44 CFR 60.6(a)(6))</i> <i>(44 CFR 60.3(b)(5)(iii))</i></p> <p>Updated language in SMC 17E.030.080(C) except for 4.3-3(2)</p>

<p>4.3-4 Alteration of Watercourses</p> <p>Whenever a watercourse is to be altered or relocated:</p> <ol style="list-style-type: none"> 1) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and 2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. 	<p><i>Mandatory per (44CFR 60.3(b)(6)) and (44CFR 60.3(b)(7))</i></p> <p>Updated language in SMC 17E.030.080(D)</p>
<p>4.3-5 Interpretation of FIRM Boundaries</p> <p>Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.</p>	<p><i>This section is not required, but if the Local Administrators are performing this task on a regular basis, it should be adopted per (44 CFR 59-76)</i></p> <p>Updated language in SMC 17E.030.080(E)</p>
<p>4.3-6 Review of Building Permits</p> <p>Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (as required by Section 4.3-2), applications for floodplain development shall be reviewed to assure that proposed construction will be <i>reasonably safe from flooding</i>. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.</p> <p>(Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)</p>	<p><i>Mandatory per (44 CFR 60.3(a)(3))</i></p> <p>Language added from other section of SMC to be included in SMC 17E.030.080(F)</p>
<p>4.3-7 Changes to Special Flood Hazard Area</p> <p>If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project approval shall be conditioned accordingly.</p>	<p><i>Recommended.</i></p> <p><i>However, be aware that 44 CFR 65.3 requires communities to submit new technical information regarding changes affecting flooding conditions. Section 4.3-7 gives a community the authority to require necessary information from project proponents.</i></p> <p>Language added to 17E.030.080</p>

Section 5.0 – Provisions for Flood Hazard Reduction	<i>(Section 5.0 is required)</i>
5.1 General Standards In all areas of special flood hazards, the following standards are required:	Language exists in SMC 17E.030.130
5.1-1 Anchoring 1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. 2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.	<p><i>Mandatory per (44 CFR 60.3(a)(b)), (44 CFR 60.3(a)(3)(i)), and (44 CFR 60.3(b)(8))</i></p> <p><i>Refer to guidebook FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."</i></p> <p>Language updated in SMC 17E.030.130(A)</p>
5.1-2 Construction Materials and Methods 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. 3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.	<p><i>Mandatory</i> <i>(44 CFR 60.3(a)(3)(ii-iv))</i></p> <p>Language exists in SMC 17E.030.130</p>
5.1-3 Storage of Materials and Equipment 1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas. 2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.	<p><i>Recommended</i></p> <p>Language added to SMC 17E.030.130</p>
5.1-4 Utilities 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems; 2) Water wells shall be located on high ground that is not in the floodway;* 3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; 4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.	<p><i>Mandatory per (44 CFR 60.3(a)(5)(6))</i></p> <p><i>WAC 173-160-171 prohibits new water wells in floodways.</i></p> <p>Language exists in SMC 17E.030.130(D) including reference to WAC</p>

<p>5.1-5 Development and Subdivision Proposals</p> <p>All development, including subdivisions, shall:</p> <ol style="list-style-type: none"> 1) Be consistent with the need to minimize flood damage; 2) Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; 3) Have adequate drainage provided to reduce exposure to flood damage. 4) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application. 	<p style="text-align: center;"><i>Mandatory</i> (44 CFR 60.3(a)(4) and (b)(3))</p> <p>Language updated in SMC 17E.030.130(E)</p>
<p>5.2 Specific Standards</p> <p>In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 4.3-2, USE OF OTHER BASE FLOOD DATA. The following provisions are required:</p>	<p style="text-align: center;"><i>Mandatory per (44 CFR 60.3(c)(1))</i> (Additional standards were clarified in FEMA Technical Bulletin 11-01 to allow below-grade crawlspace construction for buildings located in the special flood hazard areas. However, the standards in 11-01 must be specifically adopted, and adopting them can result in a 20% increase in flood insurance premiums.)</p> <p style="text-align: center;">Included in SMC 17E.030.140</p>
<p>5.2-1 Residential Construction</p> <ol style="list-style-type: none"> 1) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE. 2) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A. 3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade. 4) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in Appendix B. 5) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria: <ol style="list-style-type: none"> a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. b) The bottom of all openings shall be no higher than one foot above grade. c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided 	<p style="text-align: center;"><i>Mandatory per</i> (44 CFR 60.3(c)(2) and (5)), (44 CFR 60.3(c)(7)), (44 CFR 60.3(b)(2)), (44 CFR 60.3(e)), and (44 CFR 60.3(c)(5))</p> <p>Language updated in SMC 17E.030.140(A), excluding language in 5.2-1(2) and (4)</p>

Revised: February 2021

<p>that they permit the automatic entry and exit of floodwater.</p> <p>d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.</p> <p>Alternatively, a registered engineer or architect may design and certify engineered openings.</p>	
<p>5.2-2 Nonresidential Construction</p> <p>New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the following requirements:</p> <ol style="list-style-type: none"> 1) Meet the standards in Section 5.2-1, or 2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements: <ol style="list-style-type: none"> a) Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater; b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(3); d) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 5.2-1(5); <p>(Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.)</p>	<p><i>Mandatory per (44 CFR 60.3(c)(3) and (4))</i></p> <p><i>Nonresidential construction must meet the requirements of subsection 1 or 2.</i></p> <p>Language updated in SMC 17E.030.140(B)</p>

<p>5.2-3 Manufactured Homes</p> <p>1) All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement*.</p> <p>This applies to manufactured homes:</p> <ul style="list-style-type: none"> a) Outside of a manufactured home park or subdivision, b) In a new manufactured home park or subdivision, c) In an expansion to an existing manufactured home park or subdivision, or d) In an existing manufactured home park or subdivision on a site which a manufactured home has incurred “substantial damage” as the result of a flood; and <p>2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions shall be elevated so that either:</p> <ul style="list-style-type: none"> a) The lowest floor of the manufactured home is elevated one foot or more* b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. 	<p><i>Mandatory per(44 CFR 60.3(c)(6)(12))</i></p> <p><i>* If this phrase is applied to all manufactured homes in the floodplain, then the remaining verbiage is not necessary to adopt.</i></p> <p>Updated language in SMC 17E.030.140(C) to read: “All manufactured homes to be placed or substantially improved on sites within the City’s Special Flood Hazard Areas (SFHAs) shall be elevated on a permanent foundation such that:</p> <ul style="list-style-type: none"> a. the lowest floor of the manufactured home is elevated two feet above the Base Flood Elevation (BFE); and b. it be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and c. comply with SMC 17E.030.060(C) in completing an Elevation Certificate with the other necessary permits.”
<p>5.2-4 Recreational Vehicles</p> <p>Recreational vehicles placed on sites are required to either:</p> <ul style="list-style-type: none"> 1) Be on the site for fewer than 180 days, or 2) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or 3) Meet the requirements of 5.2-3, above. 	<p><i>Mandatory</i> <i>(44 CFR 60.3(c)(14))</i></p> <p>Language exists in SMC 17E.030.140(D)</p>
<p>5.2-5 Enclosed Area Below the Lowest Floor</p> <p>If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.</p>	<p><i>Mandatory</i> <i>(44 CFR 60.3(c)(5))</i></p> <p>Added language to SMC 17E.030.140</p>

<p>5.2-6 Small Accessory Structures (Detached Garages & Small Storage Structures)</p> <p>For A Zones (A, AE, A1-30, AH, AO):</p> <p>1) In A, AE, A1-30, AH, and AO flood zones, small accessory structures (less than or equal to the size of a one story, two car garage) used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:</p> <ul style="list-style-type: none"> a) Use of the small accessory structure must be limited to parking of vehicles or limited storage; b) The portions of the small accessory structure located below the BFE must be built using flood resistant materials; c) The small accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement; d) Any machinery or equipment servicing the small accessory structure must be elevated or flood proofed to or above the BFE; e) If located in a floodway, then the small accessory structure must comply with floodway encroachment provisions in Section 5.4-1; f) The small accessory structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5). g) The structure shall have low damage potential, and h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use. i) The structure shall not be used for human habitation. <p>2) In V, VE, V1-30, and VO flood zones, small accessory structures constructed pursuant to this section may be no more than 100 square feet in size.</p> <p>3) Detached garages, storage structures, and other small accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1.</p> <p>4) Upon completion of the structure, certification that the requirement of this section have been satisfied shall be provided to the Floodplain Administrator for verification.</p>	<p style="text-align: center;"><i>Recommended</i></p> <p>Not included in SMC, Spokane does not have AO Zones.</p>
<p>5.3 AE and A1-30 Zones with Base Flood Elevations but No Floodways</p> <p>In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.</p>	<p style="text-align: center;"><i>Mandatory</i> (44 CFR 60.3(c)(10))</p> <p>Language included in SMC 17E.030.150</p>

<p>5.4 Floodways</p> <p>Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:</p>	<p><i>(More restrictive language for floodway development per RCW 86.16)</i></p> <p>Language exists in SMC 17E.030.160</p>
<p>5.4-1 No Rise Standard</p> <p>Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.</p>	<p><i>Mandatory</i> <i>(44 CFR 60.3(d)(3))</i></p> <p>Updated language in SMC 17E.030.160(A)</p>
<p>5.4-2 Residential Construction in Floodways</p> <p>Construction or reconstruction of residential structures is prohibited within designated floodways*, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.</p> <p>1) Replacement of Farmhouses in Floodway Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:</p> <ol style="list-style-type: none"> The new farmhouse is a replacement for an existing farmhouse on the same farm site; There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway; Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse; A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing; A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse; For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the 	<p><i>Mandatory (RCW 86.16.041)</i></p> <p><i>Subsections 1 and 2 can be eliminated at local option.</i></p> <p>Updated language in SMC 17E.030.160(B) and added language for Replacement of Farmhouses in Floodway as SMC 17E.030.160(C) and Substantially Damaged Residences in Floodway in SMC 17E.030.160(D)</p>

improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;

- g) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwaters into the system;
- h) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and
- i) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

2) Substantially Damaged Residences in Floodway

- a) For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-

076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

- i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
- ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
- iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
- iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.

<ul style="list-style-type: none"> v) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system. vi) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters. vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage. 	
<p>5.4-3 All Other Building Standards Apply in the Floodway</p> <p>If Section 5.4-1 is satisfied or construction is allowed pursuant to Section 5.4-2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, Provision For Flood Hazard Reduction.</p>	<p><i>Mandatory (44 CFR 60.3(d)(1-4)</i></p> <p>Language included in SMC 17E.030.160(E)</p>
<p>5.5 General Requirements for Other Development</p> <p>All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any {community name} amendments, shall:</p> <ol style="list-style-type: none"> 1) Be located and constructed to minimize flood damage; 2) Meet the encroachment limitations of this ordinance if located in a regulatory floodway; 3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood; 4) Be constructed of flood damage-resistant materials; 5) Meet the flood opening requirements of Section 5.2-1(5), and 6) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations. 	<p><i>Optional Provision</i></p> <p>Language added to SMC 17E.030.130</p>

<p>5.6 Critical Facility</p> <p>Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.</p>	<p><i>Optional Provision</i></p> <p>Language updated in SMC 17E.030.170</p>
<p>5.7 Livestock Sanctuary Areas</p> <p>Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.</p>	<p><i>Required by RCW 86.16.190. A city that does not allow livestock can forgo this section. While state law requires that local governments make provision for critter pads, it is extremely important to note that RCW 86.16.190 does not relax NFIP standards, including the no rise standard in floodways, in any way.</i></p> <p><i>Note: To be “elevated sufficiently to protect livestock” typically means to be elevated at least one foot above the BFE.</i></p> <p>Livestock are permitted in the RA Zone, so language added to SMC 17E.030.140 with elevation requirement concurring with section to require 2 feet above BFE</p>

Section 6.0 - Variances	
<p>Variances from the floodplain management standards shall only be issued if meeting all of the applicable criteria in sections 6.1 and 6.2. Variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.</p>	<p><i>Recommended</i></p> <p>Conditions for consideration of a variance is included in SMC 17E.030.100, and duties of the Hearing Examiner are outlined in SMC 17E.030.090</p>

6.1 Requirements for Variances

1) Variances shall only be issued:

- a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
- c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- d) Upon a showing of good and sufficient cause;
- e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
- f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 **{or the numbering system used by the community}** of this ordinance in the definition of "Functionally Dependent Use."

2) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

3) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 4.0 and 5.0 **{or the numbering system used by the community}** of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

Recommended. However, any variance provisions need to meet the standards in

44 CFR 60.6

Language included and updated in
SMC 17E.030.100

<p>6.2 Variance Criteria</p> <p>1) In considering variance applications, the {Governing Body} shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:</p> <ul style="list-style-type: none"> a) The danger that materials may be swept onto other lands to the injury of others; b) The danger to life and property due to flooding or erosion damage; c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; d) The importance of the services provided by the proposed facility to the community; e) The necessity to the facility of a waterfront location, where applicable; f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage; g) The compatibility of the proposed use with existing and anticipated development; h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area; i) The safety of access to the property in time of flood for ordinary and emergency vehicles; j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and, f) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges. 	<p><i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i></p> <p>Language included and updated in SMC 17E.030.090</p>
<p>6.3 Additional Requirements for the Issuance of a Variance</p> <p>1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:</p> <ul style="list-style-type: none"> a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and b. Such construction below the BFE increases risks to life and property. <p>2) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.</p> <p>3) The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.</p> <p>Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or</p>	<p><i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i></p> <p>Similar language included and updated in SMC 17E.030.100</p>

financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

APPENDIX A - STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)	(44 CFR 60.3(c)7, 8 and 11)
<p>Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:</p> <ol style="list-style-type: none"> 1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above* the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified). 2. New construction and substantial improvements of nonresidential structures within AO zones shall either: <ol style="list-style-type: none"> a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above* the depth number specified on the FIRM (at least two feet if no depth number is specified); or b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in section 5.2-2(2). 3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. 4. Recreational vehicles placed on sites within AO zones on the community's FIRM either: <ol style="list-style-type: none"> a. Be on the site for fewer than 180 consecutive days, or b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or 	<p><i>The preamble is an optional provision.</i></p> <p><i>Per 44 CFR 60.3(c)(7), all other Appendix A standards are mandatory IF there are Mapped AO zones in the community.</i></p> <p><i>44 CFR 60.3(c)(8)(i), 44 CFR 60.3(c)(8)(ii), and 44 CFR 60.3(c)(11)</i></p> <p>Not included in SMC as the City of Spokane does not have AO Zones.</p>

c. Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.2-3).	
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APPENDIX B - STANDARDS FOR COASTAL HIGH HAZARD AREAS (V ZONES)	44 CFR 60.3(e)(2 – 8)
<p>Located within areas of special flood hazard established in Section 3.2 are Coastal High Hazard Areas, designated as zones V1-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:</p> <ol style="list-style-type: none"> 1. All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that: <ol style="list-style-type: none"> a) Elevation: <ol style="list-style-type: none"> i. Residential Buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level. ii) Nonresidential buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level or meets the elevation requirements of ASCE 24, whichever is higher; and b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). <p>A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (1)(a)(i) and (2)(a)(ii).</p> 2. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The (Floodplain Administrator) shall maintain a record of all such information. 3. All new construction within zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide. 4. Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM have the space below the lowest 	<p><i>The preamble is an optional provision.</i></p> <p><i>Per 44 CFR 60.3(e)(4), all other standards in Appendix B are mandatory if the community has any V1-30, VE or V zones mapped on its FIRM.</i></p> <p><i>44 CFR 60.3(e)(4), 44 CFR 60.3(e)(4)(i), 44 CFR 60.3(e)(4)(ii), 44 CFR 60.3(e)(2), 44 CFR 60.3(e)(3), 44 CFR 60.3(e)(5), 44 CFR 60.3(e)(5)(i), 44 CFR 60.3(e)(6), 44 CFR 60.3(e)(7), 44 CFR 60.3(e)(8)(i-iv), and 44 CFR 60.3(e)(9)(i-iii)</i></p> <p>Not included in the SMC as the City of Spokane does not have V Zones, the municipality is not a coastal city.</p>

floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

- a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
- b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

5. Prohibit the use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM.
6. Prohibit man-made alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.
7. All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites:
 - a) Outside of a manufactured home park or subdivision,
 - b) In a new manufactured home park or subdivision,
 - c) In an expansion to an existing manufactured home park or subdivision, or
 - d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall meet the standards of paragraphs (1) through (6) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the FIRM shall meet the requirements of Section 5.2-3.
8. Recreational vehicles placed on sites within V or VE zones on the community's FIRM shall either:

<ul style="list-style-type: none"> a) Be on the site for fewer than 180 consecutivedays, or b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or c) Meet the requirements of subsections (1) through (6) of this section. 	
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**Agenda Sheet for City Council Meeting of:**

10/18/2021

Date Rec'd

10/6/2021

Clerk's File #

ORD C36118

Renews #**Submitting Dept**

PLANNING & ECONOMIC

Cross Ref #**Contact Name/Phone**

AMANDA BECK 625-6414

Project #**Contact E-Mail**

ABECK@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

0650 - 2021 FLOODPLAIN MANAGEMENT TEXT AMENDMENT - 17E.030

Agenda Wording

An Ordinance to amend various sections of Chapter 17E.030, Floodplain Management, as part of work to complete a state mandated update of floodplain regulations.

Summary (Background)

The proposed amendments coincide with updates to Chapter 17A.020, Definitions, as part of a City-initiated update to floodplain regulations that are state mandated updates to the Spokane Municipal Code. The amendments to Chapter 17E.030 include clarifying requirements for floodplain development, updating references to best practice guidance from FEMA, and updating base flood elevation requirements among other items.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact**Budget Account**

Neutral

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

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

MEULER, LOUIS

Study Session\Other

7/12 UE

Division Director

BECKER, KRIS

Council Sponsor

CM Lori Kinnear

Finance

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Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

This amendment must be completed by December 31, 2021 for the City to remain a NFIP participating community.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

Briefing Paper

Urban Experience Committee

Division & Department:	Business and Development — Planning Services
Subject:	Floodplain Management Update of SMC 17E.030
Date:	July 12, 2021
Author (email & phone):	Amanda Beck; abeck@spokanecity.org ; 509-625-6414
City Council Sponsor:	CM Kinnear
Executive Sponsor:	Louis Meuler, Planning Director
Committee(s) Impacted:	Urban Experience
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment:	RCW 43.21C, RCW 86.16, WAC 197-11, Shaping Spokane Comprehensive Plan Chapter 9.
Strategic Initiative:	Urban Experience - River Connection; Innovative Infrastructure - Resiliency.
Deadline:	December 31, 2021
Outcome:	Mandated update of Spokane Municipal Code 17E.030.
Background and History: <p>Local governments are responsible for managing development in floodplains under the National Flood Insurance Program (NFIP), which is overseen by the Federal Emergency Management Agency (FEMA). The Washington Department of Ecology is the state lead for floodplain management. In December 2019, Ecology revised the state's <i>FEMA Model Ordinance</i> to incorporate new minimum regulations.</p> <p>FEMA's National Flood Insurance Program nationally maps floodplains, outlines federal regulations for management, and provides insurance for buildings within floodplains. FEMA offers insurance to residents in participating communities that agree to enforce minimum NFIP standards. The regulated area is called the Special Flood Hazard Area and this includes the 100 year floodplain and the floodway. There is a 100-year floodplain along Latah Creek and the Spokane River.</p> <p>Amending the Unified Development Code to comply with Ecology changes will achieve:</p> <ul style="list-style-type: none"> • Compliance with the appropriate Code of Federal Regulations (CFR), RCWs, and WACs; • Be consistent with the Comprehensive Plan and City development regulations; and • Allow appropriate use and enjoyment of land within the floodplain while protecting life and property. 	
Executive Summary: <p>The City-initiated amendment to SMC 17A.020 and 17E.030 is state mandated and proposed amendments focus on compliance with state and federal regulatory changes. Amendments will go through review with Ecology, internal staff, and partner agencies. The City is required to complete an amendment of its floodplain management regulations to comply with state changes by December 31, 2021.</p>	
Budget Impact: <p>Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Other budget impacts: Not applicable</p>	
Operations Impact: <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: Dept. of Ecology review → City Council legislative action.</p> <p>Known challenges/barriers: None.</p>	

ORDINANCE NO. C36118

AN ORDINANCE relating to Floodplain Management amending Spokane Municipal Code (SMC) Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170.

WHEREAS, the flood hazard areas of the City of Spokane are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, as a condition of participation in the National Flood Insurance Program (NFIP), the City of Spokane is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP and State of Washington minimum floodplain management regulations; and

WHEREAS, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for City residents; and

WHEREAS, the most recent update to the City's floodplain regulations occurred in 2011; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated Flood Damage Prevention Ordinance Washington Model that includes all the minimum standards required as a condition of participation in the NFIP; and

WHEREAS, in order to maintain participation in the NFIP and allow City of Spokane residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards by December 31, 2021; and

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

WHEREAS, on June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the UDC pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act ("SEPA") Checklist was prepared and a Determination of Non-Significance ("DNS") was issued on September 2, 2021, for the proposed amendment. The fourteen-day public comment period ended on September 16, 2021; and

WHEREAS, the Plan Commission held a workshop session to study the proposed amendment on July 14, 2021 and September 8, 2021; and

WHEREAS, prior to the Plan Commission public hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman-Review on September 8 and 15, 2021. The proposed UDC amendment was available for public review on the Planning and Development Services website at <https://my.spokanecity.org/projects/2021-floodplain-management-update/>; and

WHEREAS, on September 22, 2021 the City Plan Commission held a public hearing on the proposed UDC amendment and heard testimony from the public; and

WHEREAS, consistent with SMC 17G.025.010, the Plan Commission found that (i) the proposed amendment is consistent with applicable provisions of the City of Spokane Comprehensive Plan, and (ii) the proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment; and

WHEREAS, following a public hearing, the Plan Commission recommended approval of a number of minor and clarifying amendments to the Spokane Municipal Code regarding floodplain regulations, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, the Plan Commission's Findings of Fact, Conclusions, and Recommendations regarding the 2021 Floodplain Management Text Amendment, together with the Plan Commission's entire files relating to the same, are hereby incorporated into this ordinance.

Now, Therefore, The City of Spokane does ordain:

Section 1. That Section 17E.030.030 SMC is amended to read as follows:

Section 17E.030.030 Purpose

It is the purpose of this chapter to promote the public health, safety and general welfare, reduce the annual cost of flood insurance, and to minimize to the extent allowed by these provisions public and private losses due to flood conditions in specific areas, and to protect ecological systems, and their functions and values, by provisions designed to:

- A. protect human life and health;
- B. minimize expenditures of public money and costly flood control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business interruptions;
- E. minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas subject to flooding;
- F. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. adopt procedures to notify potential buyers that property is in a special flood hazard area; and
- H. encourage those who occupy areas of special flood hazard to assume responsibility for their actions.

Section 2. That Section 17E.030.050 SMC is amended to read as follows:

Section 17E.030.050 General Provisions

In all areas of special flood hazards, the following standards are required:

- A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.
- B. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazards identified by the Federal Insurance ((Administration)) Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Spokane County, Washington and Incorporated Areas" dated July 6, 2010, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM) dated July 6, 2010, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The procedure for map corrections is set forth in the federal code of regulations, 44 CFR Part 70. The

Flood Insurance Study and Flood Insurance Rate Maps are on file in the City planning department.

The best available information for flood hazard area identification as outlined in Section 17E.030.080(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 17E.030.080(B).

C. Compliance

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

D. Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another Spokane Municipal Code section, shoreline master program and any revisions thereto, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under the laws of the State of Washington.

F. Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside of the areas of special flood hazards, or uses permitted within such areas, will be free from flooding or flood damages. This chapter does not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

G. Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Section 3. That Section 17E.030.060 SMC is amended to read as follows:

Section 17E.030.060 Establishment of Development Permit

A. Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in [SMC 17E.030.050\(B\)](#). The permit shall be for all structures including manufactured homes, as defined in [chapter 17A.020 SMC](#) and for all development, including fill and other activities also as defined in [chapter 17A.020 SMC](#).

B. A pre-development conference as set forth in [chapter 17G.060 SMC](#) is required for all development proposed in areas identified as potential critical areas within the City of Spokane, including areas of special flood hazard established in [SMC 17E.030.050\(B\)](#).

C. Application for Floodplain Development Permit.

Application for a floodplain development permit shall be made on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question: existing or proposed structures, fill, storage of materials, drainage facilities and the location of foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator((-));
2. Elevation in relation to mean sea level to which any structure has been floodproofed((-));
3. ~~((Certification))~~ Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in [SMC 17E.030.130\(\(-\)](#);
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development((-));
5. A completed critical areas checklist as established at [chapter 17G.060 SMC\(\(-\)](#);
6. A completed environmental checklist, unless the ~~((local administrator))~~ Floodplain Administrator as designated in [SMC 17E.030.070](#) has determined that the project is categorically exempt from [chapter 17E.050 SMC](#); and
7. Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation; and
8. ~~((All))~~ Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application, including all studies, reports and information required by reviewing departments or agencies to fully disclose potential environmental impacts of the proposal. These studies are

required to demonstrate acceptance by the applicable department or agencies prior to the application being certified complete.

D. Fee Processing.

Floodplain development permits shall be processed as set forth in [chapter 17G.060 SMC](#).

E. Fee Schedule.

The fees for processing a floodplain development permit are set forth in [SMC 8.02.066\(F\)](#).

Section 4. That Section 17E.030.070 SMC is amended to read as follows:

Section 17E.030.070 Designation of the ((Local)) Floodplain Administrator

The director of planning services and/or his or her designee is hereby appointed as ((local administrator)) Floodplain Administrator to administer ((and)), implement, and enforce this chapter by granting or denying development permit applications in accordance with its provisions.

Section 5. That Section 17E.030.080 SMC is amended to read as follows:

Section 17E.030.080 Duties and Responsibilities of the ((Local)) Floodplain Administrator

A. The duties and responsibilities of the ((local administrator)) Floodplain Administrator shall include, but not be limited to, review of all development permits to determine:

1. that the permit requirements of this chapter have been satisfied, all necessary information has been provided for a determination that the application is counter complete;
2. that all ((necessary)) other required state and federal permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; ((and))
3. that the site is reasonably safe from flooding;
4. ((if)) that the proposed development is not located in the floodway. If located in the floodway, assure that the encroachment provisions of [SMC 17E.030.160](#) are met((-));
5. if the proposed development complies with the policies, provisions, and requirements of the shoreline master program, as now or hereafter amended((-)); and
6. notify FEMA when annexations occur in the Special Flood Hazard Area.

B. Use of Other Base Flood Data in “A” Zones.

When base flood elevation data has not been provided (“A” Zones) in accordance with [SMC 17E.030.050](#), the ~~((local administrator))~~ Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer [SMC 17E.050.140](#) and [SMC 17E.050.160](#).

C. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection (B) of this section, the ~~((local administrator))~~ Floodplain Administrator shall record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed non-residential structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in the subsection above, the ~~((local administrator))~~ Floodplain Administrator shall:
 - a. obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed, and
 - b. maintain the flood proofing certifications required in [SMC 17E.030.060](#).
3. The ~~((local administrator))~~ Floodplain Administrator shall maintain for public inspection all records pertaining to the provisions of this chapter.
4. Certification required in [SMC 17E.030.160\(A\)](#) (No Rise Standard).
5. Records of all variance actions, including justification for their issuance.
6. Improvement and damage calculations.

D. Alteration of Watercourses.

Whenever a watercourse is to be altered or relocated:

1. The ~~((local administrator))~~ Floodplain Administrator shall notify adjacent communities and the Washington state department of ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate notification means (44 CFR 60.3(b)(6)).
2. The ~~((local administrator))~~ Floodplain Administrator shall require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries.

The ~~((local administrator))~~ Floodplain Administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the

boundary shall be given a reasonable opportunity to appeal the interpretation as provided in [SMC 17E.030.090](#). Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

F. Review of Building Permits

1. Where elevation data is not available either through the FIS, FIRM, or from another authoritative source outlined in Section 17E.030.080(B), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
2. Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

G. Changes to Special Flood Hazard Area (SFHA)

1. If a project will encroach on the regulatory floodway or alter boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive, approvals required by FEMA.
2. If a CLOMR or LOMR application is made, then the project proponent shall also supply the full CLOMR or LOMR documentation package, as applicable, to the Floodplain Administrator, including all required property owner notifications. The Floodplain Administrator may condition permits to address Letter of Map Change determinations after issuance of the permit.

Section 6. That Section 17E.030.090 SMC is amended to read as follows:

Section 17E.030. Variance Procedure – Hearing Examiner

- A. The hearing examiner shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The hearing examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the director in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the hearing examiner, or any taxpayer, may appeal such decisions to the Spokane County superior court, as provided in [chapter 17G.060 SMC](#).
- D. In passing upon such applications, the hearing examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
 1. danger that materials may be swept onto other lands to the injury of others

2. danger to life and property due to flooding or erosion damage;
 3. susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. importance of the services provided by the proposed facility to the community;
 5. necessity to the facility of a waterfront location, where applicable;
 6. availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. compatibility of the proposed use with existing and anticipated development;
 8. relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 11. costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
 12. cumulative impact of additional requests of like actions in the area; and
 13. relationship of the proposed development to the shoreline master program policies and regulations as now or hereafter amended, and floodplain management for that area.
- E. Upon consideration of the factors of subsection (D) of this section and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of the variances as he/she deems necessary to further the purposes of this chapter.
- F. The ~~((local administrator))~~ Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

Section 7. That Section 17E.030.100 SMC is amended to read as follows:

Section 17E.030.100 Variances

A. Conditions.

A variance shall be granted if conditions set forth in [SMC 17G.060.170\(E\)](#) are met. In addition to [SMC 17G.060.170\(E\)](#), the following additional conditions should be considered:

1. Generally, the only condition under which a variance from the elevation standard is issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the decision criteria in this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases. Variances from the standards and conditions of this chapter are not allowed for residential uses in the floodway except for historic buildings as allowed by this section.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or the Spokane Register of Historic Places, ~~((without regard to the procedures set forth in this section))~~ upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances will not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances will only be issued upon a:
 - a. showing of good and sufficient cause;
 - b. determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.

~~((7.)) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except this section, and otherwise complies with [SMC 17E.030.050](#).~~

~~((8.)) 7. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction below the BFE increases risks to life and property.~~

B. Variances will be processed as set forth in [Table 17G.060-3](#).

C. The fees for processing a variance are set forth in [SMC 8.02.066\(G\)](#).

Section 8. That Section 17E.030.120 SMC is henceforth repealed :

~~((Section 17E.030.120 Resource Material))~~

~~((The following required standards are prescribed in all areas of special flood hazards. Except where this chapter provides otherwise, the most current edition of the following publications may be used as reference documents:~~

- ~~A. "Guideline and Specification for Contractors," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~B. "Floodplain Management Conferences," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~C. "Guide for Ordinance Development," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~D. "Coordination During Flood Insurance Studies," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~E. "The Floodway: A Guide for Community Permit Officials," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~F. "Floodplain Management Handbook for Local Administrators," Washington State Department of Ecology.~~
- ~~G. "Program for Map Changes by Letter," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~H. "Appeals, Revisions, and Amendments to Flood Insurance Maps," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~I. "Base Flood Elevation Determination," Federal Emergency Management Agency, Federal Insurance Administration.))~~

Spokane Municipal Code Amendment

Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170

Section 9. That Section 17E.030.130 SMC is amended to read as follows:

Section 17E.030.130 General Standards

In all areas of special flood hazards, the following standards, in addition to those imposed by other existing regulations are required:

A. Anchoring.

1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the buoyancy.
2. All manufactured homes shall likewise be anchored to prevent flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to:
 - a. use of over-the-top or frame ties is provided at each of the four corners of the manufactured home, with two additional ties per site at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;
 - b. frame ties is provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
 - c. all components at the anchoring system are capable of carrying a force of four thousand eight hundred pounds; and
 - d. any additions to the manufactured home are similarly anchored.
3. The guidebook "Manufactured Home Installation in Flood Hazard Areas, FEMA-85 ((-9/85")) is adopted by reference for further manufactured home anchoring techniques.

~~((B. AO Zone Drainage.~~

~~Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.))~~

~~((C.))~~ **B. Construction Materials and Methods.**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or

located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Storage of Materials and Equipment

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

D. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. Any proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171).
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. ((Subdivision Proposals)) Development and Subdivision Proposals.

~~((All subdivisions proposals shall:~~

- ~~1. be consistent with this chapter;~~
- ~~2. be consistent with the need to minimize flood damage;~~
- ~~3. have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;~~
- ~~4. have adequate drainage provided to reduce exposure to flood damage; and~~
- ~~5. be generated by an engineer hired by the applicant for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less; where base flood elevation data has not been provided or is not available from another source.))~~

All development, including subdivisions, shall:

1. Be consistent with the need to minimize flood damage;
2. Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. Have adequate drainage provided to reduce exposure to flood damage; and
4. Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation

data shall be included as part of the application, and prepared by an engineer licensed in the State of Washington.

((F. Review of Building Permits.

~~Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building and land use permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, et cetera, where available. Failure to elevate at least two feet above highest adjacent grade in these zones may result in higher insurance rates. The applicant will provide studies and information as necessary for review.))~~

F. Minimum Requirements.

All development or which specific provisions are not specified in the Spokane Municipal Code or the state building codes, and adopted amendments, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the encroachment limitations of this ordinance if located in a regulatory floodway;
3. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials;
5. Meet the flood opening requirements of [SMC 17E.030.140\(A\)\(3\)](#), and
6. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Section 10. That Section 17E.030.140 SMC is amended to read as follows:

Section 17E.030.140 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in ~~((this chapter,))~~ Section 17E.030.050(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 17E.030.080(B), Use of Other Base Flood Data in "A" Zones, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure in AE and other A Zones where BFE has been determined or can be reasonably obtained shall have the lowest floor, including basement,

Spokane Municipal Code Amendment
Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170

elevated two feet above the base flood elevation. Mechanical equipment and utilities shall be waterproof or elevated least two foot above the BFE.

2. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- ~~((2.))~~ 3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.
 - b. The bottom of all openings must be no higher ~~((that))~~ than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
 - e. Alternatively, a registered engineer or architect may design and certify engineered openings.

B. Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall ~~((either have the lowest floor, including basement, elevated two feet above the base flood elevation; or, together with attendant utility and sanitary facilities, shall))~~ meet the requirements of subsection 1 or 2, below:

- ~~((1. be floodproofed so that below two feet or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~
- ~~2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~
- ~~3. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their~~

~~development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the local administrator as set forth in [SMC 17E.030.080](#);~~

- ~~4. nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A) of this section;}}~~

1. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

- a. In AE, A1-30 zones, or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement shall have the lowest floor, including basement, elevated two foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater.
- b. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.
- c. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or a registered architect and must meet or exceed the following minimum criteria:
 - i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- e. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
 - i. Alternatively, a registered engineer or architect may design and certify engineered openings.

2. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

- a. Be dry floodproofed so that below two foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in [SMC 17E.030.080](#);
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in [SMC 17E.030.140\(A\)\(3\)](#).

~~((5-))~~ 3. ((applicants)) Applicants who are floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level is rated as one foot below).

C. Manufactured Homes.

1. All manufactured homes to be placed or substantially improved ~~((within zones A1-A30, AH, AO and AE on the City's flood insurance rate map on sites))~~ on sites within the City's Special Flood Hazard Areas (SFHAs) shall be elevated on a permanent foundation such that:

- ~~((a. outside of a manufactured home park or subdivision;~~
- ~~b. in a new manufactured home park or subdivision;~~
- ~~c. in an expansion to an existing manufactured home park or subdivision, or~~
- ~~d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;~~

~~shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.~~

~~2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH,~~

~~AO and AE on the City's flood insurance rate map that are not subject to the above manufactured home provisions shall be elevated so that either:~~

- ~~a. the lowest floor of the manufactured home is elevated two feet or more above the base flood elevation; or~~
- ~~b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;))~~
- a. the lowest floor of the manufactured home is elevated two feet above the Base Flood Elevation (BFE); and
- b. it be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and
- c. comply with [SMC 17E.030.060\(C\)](#) in completing an Elevation Certificate with the other necessary permits.

D. Recreational Vehicles.

Recreational vehicles placed on sites (~~within zones A1-30, AH, AO and AE on the City's flood insurance rate map~~)) are required to either:

1. be on the site for fewer than one hundred and eighty consecutive days;
2. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. meet the requirements of subsection (C) of this section and the elevation and anchoring requirements for manufactured homes.

E. Livestock Sanctuary Areas

Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated two feet above the Base Flood Elevation (BFE). Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of Chapter 17E.030.

F. Enclosed Area Below the Lowest Floor.

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

Section 11. That Section 17E.030.150 SMC is amended to read as follows:

Section 17E.030.150 ((Before Regulatory Floodway)) AE Zones with Base Flood Elevations but No Floodways

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted ~~((within zones A1-30 and AE on the City's FIRM,))~~ unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

Section 12. That Section 17E.030.160 SMC is amended to read as follows:

Section 17E.030.160 Floodways

Located within areas of special flood hazard established in [SMC 17E.030.050](#) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and increase erosion potential, the following provisions apply:

A. No Rise Standard

Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any ~~((increasing))~~ increase in flood levels during the occurrence of the base flood discharge.

B. Residential Construction in Floodways.

Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

1. repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and
2. repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the ~~((assessed))~~ market value of the structure either:
 - a. before the repair or reconstruction is started; or
 - b. if the structure has been damaged, and is being restored, before the damage occurred.

3. Any ((project of)) improvement ((of a structure)) to structures identified as historic places or to correct existing violations of state or local health,

sanitary or safety code specification (~~((which))~~) that have been identified by the local code enforcement official and (~~((which))~~) are the minimum necessary to assure safe living conditions (~~((or to structures identified as historic places))~~) shall not be included in the fifty percent.

C. Replacement of Farmhouses in Floodway.

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

1. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
2. There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
3. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
4. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
5. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
6. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
7. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
8. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
9. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

D. Substantially Damaged Residences in Floodway.

1. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially

damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

2. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - a. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - b. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
 - c. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
 - d. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
 - e. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
 - f. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
 - g. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

~~((D-))~~ E. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [SMC 17E.030.130](#) ~~((and))~~ , [17E.030.140](#) , and [17E.030.130\(F\)](#).

Section 13. That Section 17E.030.170 SMC is amended to read as follows:

Section 17E.030.170 ((Standards for Shallow Flooding Areas (AO Zones))) Essential Public and Critical Facilities within Special Flood Hazard Areas

~~((A. Shallow flooding areas appear on FIRMS as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:~~

- ~~1. New construction and substantial improvements of residential structures and manufactures homes within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade to the structure, two feet or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).~~
- ~~2. New construction and substantial improvements of nonresidential structures within AO zones shall either:~~
 - ~~a. have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, two feet or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or~~
 - ~~b. together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in [SMC 17E.030.140\(B\)\(3\)](#).~~
- ~~3. Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.~~
- ~~4. Recreational vehicles placed on sites within AO zones on the community's FIRM are required to either:~~
 - ~~a. be on the site for fewer than one hundred eighty consecutive days, or~~
 - ~~b. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~
 - ~~c. meet the requirements of subsections (A)(1) and (A)(3) of this section and the anchoring requirements for manufactured homes ([SMC 17E.030.130\(A\)\(2\)](#)).~~

B. Essential Public Facilities.))

1. Construction of ((new)) essential public facilities, as defined in [SMC 17C.190.530](#), or another critical facility shall be, to the extent possible, located outside the limits of the special flood hazard area.

Spokane Municipal Code Amendment

Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170

2. Construction of new essential public facilities shall be permissible within the special flood hazard area if no feasible alternative site is available.
3. (~~Essential public facilities~~) Facilities constructed within the special flood hazard area shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site or to the height of the 500-year flood, whichever is higher.
4. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. All (~~essential public~~) facilities shall have access routes elevated to or above the level of the base flood elevation.
5. Access to and from the facility should also be protected to the height utilized above.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**CITY OF SPOKANE PLAN COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS
REGARDING THE 2021 FLOODPLAIN MANAGEMENT TEXT AMENDMENT**

A recommendation of the City of Spokane Plan Commission to the City Council to approve amendments to the Spokane Municipal Code proposed by the 2021 Floodplain Management text amendment. The proposal amends the Unified Development Code (UDC) Chapter 17A.020 Sections 17A.020.010 “A” Definitions, 17A.020.020 “B” Definitions, 17A.020.040 “D” Definitions, 17A.020.060 “F” Definitions, 17A.020.080 “H” Definitions, 17A.020.130 “M” Definitions, 17A.020.140 “N” Definitions, and 17A.020.190 “S” Definitions; and Chapter 17E.030 Sections 17E.030.030 Floodplain Management Purpose, 17E.030.050 General Provisions, 17E.030.060 Establishment of Development Permit, 17E.030.070 Designation of the Local Administrator, 17E.030.080 Duties and Responsibilities of the Local Administrator, 17E.030.090 Variance Procedure - Hearing Examiner, 17E.030.100 Variances, 17E.030.120 Resource Material, 17E.030.130 General Standards, 17E.030.140 Specific Standards, 17E.030.150 Before Regulatory Floodway, 17E.030.160 Floodways, and 17E.030.170 Standards for Shallow Flooding Areas (AO Zones).

FINDINGS OF FACT:

- A. The Floodplain Management review and update is State mandated and was completed by the City of Spokane in close collaboration with the Department of Ecology. This proposal is narrowly focused to achieve compliance with changes to the State *FEMA Model Ordinance*, and Federal changes put forth by the Federal Emergency Management Agency (FEMA).
- B. Authority of the City of Spokane to regulate development within the floodplain is based upon RCW 86.16.020. This amendment was developed by the City to comply with Chapter 173-158 WAC, which outlines the State’s minimum floodplain management requirements.
- C. The review and update of City regulations ensures the City meets minimum requirements to continue participation in the National Flood Insurance Program administered by FEMA.
- D. The proposed text amendment aligns with the following adopted Shaping Spokane Comprehensive Plan goals and policies:
 - 1. Chapter 9 Natural Environment, Goal 19 – Flood Hazard Management directs policy that protects life and property from flooding and erosion by directing development away from flood hazard areas;
 - 2. Chapter 3 Land Use, Policy LU 5.4 – Natural Features and Habitat Protection outlines that development should be accomplished in a manner that protects significant natural features and wildlife habitat; and
 - 3. Chapter 14 Shorelines, Goal 6 – Flood Hazard Reduction guides development such that flood damage is minimized or prevented in shoreline areas to protect ecological functions, shoreline habitat, lives, and public and private property.

- E. Amendments to Title 17, Unified Development Code, are subject to review and recommendation by the Plan Commission.
- F. On June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Unified Development Code pursuant to RCW 36.70A.106.
- G. A State Environmental Protection Act (SEPA) Determination of Nonsignificance was issued by Planning Services on September 2, 2021 and a 14-day comment period commenced September 2 through September 16, 2021. No comments were received during the comment period.
- H. The proposed text amendment was processed pursuant to the process established under RCW 36.70A.370 to ensure that the proposed changes will not result in unconstitutional takings of private property.
- I. The City's floodplain management update was reviewed against the Department of Ecology *FEMA Model Ordinance* and the Code of Federal Regulations Title 44.
- J. Information on the text amendment was presented to the public, neighboring jurisdictions, and partner agencies in a virtual Open House held via Webex on August 19, 2021. The Urban Development Committee was briefed on July 12, 2021 and the Community Assembly was briefed on September 5, 2021.
- K. A legal notice of public hearing was published in the *Spokesman-Review* on September 8 and 15, 2021.
- L. The Plan Commission held a public hearing on September 22, 2021 to obtain public input on the proposed amendments, if any.

CONCLUSIONS:

- 1. The Plan Commission has reviewed all public testimony received during the public hearing.
- 2. The Plan Commission finds that the proposed amendments are consistent with applicable provisions of the Comprehensive Plan and that the proposed amendment bears a substantial relation to the public health, safety, welfare, and protection of the environment.

RECOMMENDATION:

In the matter of the amendment to the Unified Development Code proposed by the 2021 Floodplain Management Text Amendment, by unanimous vote, the Plan Commission recommends to the Spokane City Council the approval of the proposed amendment to Chapter 17A.020 SMC and Chapter 17E.030 SMC.


Todd Beyreuther (Sep 27, 2021 17:05 PDT)

Todd Beyreuther, President
Spokane Plan Commission

Sep 27, 2021

09-22-2021_PC Findings and Conclusions

Final Audit Report

2021-09-28

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Agreement completed.

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STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT SERVICES DEPARTMENT

To:	City Plan Commission
Subject:	Floodplain Management Text Amendment
Staff Contact:	Amanda Beck, AICP, Assistant Planner II (509) 625-6414 abeck@spokanecity.org
Report Date:	September 13, 2021
Hearing Date:	September 22, 2021
Recommendation:	Approval

I. SUMMARY

This City-initiated text amendment is a State mandated review and update to the City's floodplain regulations. Proposed amendments would affect sections of Chapter 17A.020, Definitions, and various sections of Chapter 17E.030, Floodplain Management. The text amendment is intended to align the City's floodplain regulations with state and federal regulations, which have undergone recent changes.

II. BACKGROUND

Congress initiated the National Flood Insurance Program (NFIP) in 1968 under the National Flood Insurance Act to relieve the burden of disaster relief on the national treasury, and state and local tax bases. The NFIP is administered by the Federal Insurance Administration (FIA), which is part of the Federal Emergency Management Agency (FEMA). In 1973 Congress added several provisions to strengthen the NFIP under the Flood Disaster Protection Act. Through the provision of the 1973 act FEMA has been able to provide additional incentives to communities to join the program by substantially increasing the amount of flood insurance coverage available and providing penalties for communities and individuals that choose not to join the NFIP that are subsequently flooded.

The National Flood Insurance Program makes available affordable flood insurance to residents within communities that adopt approved floodplain management regulations. Communities that do not participate in the NFIP do not qualify for certain flood disaster relief.

The City of Spokane entered into the NFIP emergency program in 1973, and the following year the FIA provided a Flood Hazard Boundary Map which was a preliminary delineation of flood hazard areas within the City. By 1980 the City was accepted in the NFIP regular program and received its initial Flood Insurance Rate Maps (FIRMs) by 1982. In 2010, FEMA conducted an updated Flood Insurance Study of Spokane County which effectively updated all of the FIRMs for Spokane County. FIRMs delineate areas adjacent to rivers or other bodies of water that are subjected to flood risks and an insurance rate is determined for each area. The 100-year flood determines the geographic jurisdiction of NFIP-related programs. FEMA's new Digital FIRMs (DFIRMs) delineate flood insurance rate zones, limits of the 100-year floodway and floodplain, and often the limits to the 500-year floodplain as well.

The Department of Ecology is the state lead for floodplain management and FEMA's partner in enforcing floodplain management for Washington State. State statutes that address flood hazard management are outlined in Title 86 of the Revised Code of Washington, particularly [RCW 86.16](#) Floodplain Management, as well as [Chapter 173-158](#) of the Washington Administrative Code, and the Growth Management Act ([RCW 36.70A](#)).

Ecology updated the Flood Damage Prevention Ordinance Washington Model (commonly referred to as the *FEMA Model Ordinance*) on December 9, 2019. Additionally, in 2020 FEMA announced two significant policy changes. First, FEMA Policy #104-008-03 released February 2020 put forward updated design and performance standards for agricultural and accessory structures located within the Special Flood Hazard Areas (SFHAs, or the floodplain). Second, in August 2020 FEMA rescinded Region X's fish enhancement structures in the floodway policy, which had been enacted to allow for the completion of habitat restoration or fish habitat enhancement projects by allowing communities a rise in the floodway for fish habitat restoration/enhancement projects. This policy was applicable for FEMA Region X covering Washington, Oregon, Idaho, and Alaska.

Changes in FEMA policy, and subsequently to the Code of Federal Regulations [Title 44](#), as well as revisions to the minimum State requirements contained in the *FEMA Model Ordinance* necessitate a review of the Spokane Municipal Code to ensure that adopted regulations meet both federal and state changes. As such, City staff have been working with Ecology to review SMC Chapters 17A.020 and 17E.030 to ensure the City is compliant, and to continue participation in the NFIP. The last review of City regulations was completed in 2013 in conjunction with the Department of Ecology. Ecology staff conducted a FEMA Community Assistance Visit for a comprehensive assessment of the City's floodplain regulations to ensure compliance with the NFIP requirements, and the City's regulations were deemed in compliance.

III. PROCESS

TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Title 17 is known as the Unified Development Code (UDC) and is incorporated into the Spokane Municipal Code to implement the City's Comprehensive Plan, and by reference, the requirements of the Washington State Growth Management Act (GMA). Section [17G.025.010](#) establishes the procedure and decision criteria that the City uses to review and amend the UDC. The City may approve amendments to the UDC if it is found that a proposed amendment is consistent with the provisions of the Comprehensive Plan, and bears a substantial relation to public health, safety, welfare, and protection of the environment.

ROLE OF THE CITY PLAN COMMISSION

The proposed text amendment requires a review process set forth in Section 17G.025.010(F) SMC. The Plan Commission is responsible for holding a public hearing and forwarding its findings, conclusions, and recommendations to the City Council. Utilizing the decision criteria the Plan Commission may recommend approval, modification, or denial of the proposal.

The Plan Commission may incorporate the facts and findings of the staff report as the basis for its recommendation to the City Council or may modify the findings as necessary to support their final recommendation.

ROLE OF CITY COUNCIL

The City Council will also conduct a review process considering the proposed text amendment, public comments and testimony, the staff report, and the Plan Commission's recommendation. The final decision to approve, modify, or deny the proposed amendment rests with the City Council. Proposals adopted by ordinance after public hearings are official amendments to the Spokane Municipal Code.

COMMUNITY ENGAGEMENT

To ensure broad dissemination of a proposal and its alternatives, public meetings or other provisions for public comment and discussion should be held for text amendments. This also ensures that proposed amendments meet both City and State guidelines concerning public engagement.

City staff held internal and external opportunities for the public to review the proposed changes, as noted below:

- A project page on the City website with up-to-date information about events and project progress (<https://my.spokanecity.org/projects/2021-floodplain-management-update/>)
- Urban Experience Committee briefing (July 12, 2021)
- Plan Commission Workshop (July 14, 2021)
- Internal review group (July 27, 2021)
- Inclusion at the Community Assembly (August 5, 2021)
- City [blog post](#) highlighting the virtual open house (July 26, 2021)
- Virtual open house held via Webex (August 19, 2021)
- Plan Commission Workshop (September 8, 2021)

PUBLIC NOTIFICATION AND SEPA REVIEW

As outlined in Section 17G.025.010 SMC, proposals to amend the UDC shall be noticed in the *Official Gazette* and to interested parties prior to the Plan Commission review, and this shall include the SEPA checklist. Similarly, a public notice published in the *Spokesman-Review* fourteen days prior to the Plan Commission public hearing is required to be completed.

This application was properly noticed pursuant to Section 17G.025.010(E). See Exhibit 2 for the SEPA Determination of Nonsignificance. Noted below are the public noticing activities:

- Notice of Intent to Adopt submitted to the Department of Commerce (June 21, 2021)
- Notice of Intent to Adopt pursuant to 17G.025.010 SMC, which included the SEPA Checklist, emailed to City departments, Local, County, Tribal, and State contacts (August 13, 2021)
- SEPA Determination of Nonsignificance (DNS) issued (September 2, 2021), the comment period ended on September 16, 2021
- Notice of Public Hearing for the Plan Commission was published in the *Spokesman-Review* on September 8 and 15, 2021.

COMMENTS RECEIVED

Written and emailed comments received are provided to the Plan Commission. At the time of this writing staff has not received any comments on the proposed text amendment.

IV. ANALYSIS

PROPOSAL DESCRIPTION

This City-initiated text amendment is a State mandated review and update to the City's floodplain regulations. Proposed amendments would affect sections of Chapter 17A.020, Definitions, and various sections of Chapter 17E.030, Floodplain Management. Due to revisions from the Federal Emergency Management Agency (FEMA), and updates from the Department of Ecology to the Washington State *FEMA Model Ordinance*, the City is required to update floodplain regulations no later than December 31, 2021. As the state lead for floodplain management, City staff worked closely with Ecology to complete this review and amendment.

This proposed text amendment is to the Unified Development Code (UDC) Chapter 17A.020 Sections [17A.020.010](#) "A" Definitions, [17A.020.020](#) "B" Definitions, [17A.020.040](#) "D" Definitions, [17A.020.060](#) "F" Definitions, [17A.020.080](#) "H" Definitions, [17A.020.130](#) "M" Definitions, , [17A.020.140](#) "N" Definitions, and [17A.020.190](#) "S" Definitions; and Chapter 17E.030 Sections [17E.030.030](#) Floodplain Management Purpose, [17E.030.050](#) General Provisions, [17E.030.060](#) Establishment of Development Permit, [17E.030.070](#) Designation of the Local Administrator, [17E.030.080](#) Duties and Responsibilities of the Local Administrator, [17E.030.090](#) Variance Procedure - Hearing Examiner, [17E.030.100](#) Variances, [17E.030.120](#) Resource Material, [17E.030.130](#) General Standards, [17E.030.140](#) Specific Standards, [17E.030.150](#) Before Regulatory Floodway, [17E.030.160](#) Floodways, and [17E.030.170](#) Standards for Shallow Flooding Areas (AO Zones). The text amendment is intended to align the City's floodplain regulations with State and Federal regulations, which have undergone recent changes. Floodplain regulations are meant to allow appropriate use and enjoyment of land within the floodplain while protecting life and property.

See Exhibit 1 for the draft ordinance with strike-through text and proposed changes.

FINAL REVIEW CRITERIA

Section [17G.025.010](#) SMC establishes the review criteria for text amendments to the Unified Development Code. In order to approve a text amendment, City Council shall consider the findings and recommendations of the Plan Commission as well as the approval criteria outlined in the Code. The applicable criteria are shown below in ***bold italic*** with staff analysis following each criteria.

A. The proposed amendment is consistent with the applicable provisions of the comprehensive plan.

The proposed text amendment is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

Land Use Policy LU 5.4 – Natural Features and Habitat Protection. Ensure development is accomplished in a manner that protects significant natural features and wildlife habitat.

Staff Analysis: Meeting the FEMA and Department of Ecology minimum standards to manage development within the floodplain will ensure structures within the floodplain are built to withstand flood events, while protecting the ecosystem benefits of the floodplain, creating a more resilient community. Updating the City's regulations also ensures continued participation in the National Flood Insurance Program.

Natural Environment Goal 19 – Flood Hazard Management. Protect life and property from flooding and erosion by directing development away from flood hazard areas.

Staff Analysis: The City of Spokane has flood hazard areas that are subject to periodic inundation that may result in loss of life and property, cause health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Updating the Floodplain Management regulations ensures that existing and future structures are retrofitted or built to withstand flood events according to the 100-year flood plain or their corresponding flood zone, while maintaining the ability of the floodplain to absorb excess water along Latah Creek and the Spokane River.

Shoreline Master Program Goal SMP 6 – Flood Hazard Reduction. Prevent and minimize flood damage in shoreline areas to protect ecological functions, shoreline habitat, lives, and public and private property.

Staff Analysis: Flood losses may be caused by the cumulative effect of obstructions in areas of the floodplain that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to losses during flood events. Part of this review and update with the Department of Ecology is to ensure that the City's internal review process of permits confirms structures meet these minimum requirements while assessing the impact to the floodplain and Spokane's wetlands through the project level SEPA reviews and consistency with other development regulations (e.g. Critical Areas, the Shoreline Master Program, Building Code).

B. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

Staff Analysis: The City's floodplain regulations are written to protect life and safety by ensuring that our community is building and recovering safer, stronger, and smarter. Two core premises guide regulation. First, mapping and understanding flood risk within the community. The first component is necessary to then apply a regulatory criterion for development in identified flood-prone areas to avoid or minimize flood damage. Floodplain management mitigates for the impact of flooding on development (e.g. to minimize damage to buildings) and the effects of development on flooding (e.g. to avoid increasing flood levels or diverting floodwater onto adjacent properties).

V. CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed text amendment satisfies the applicable criteria for approval as set forth in Section [17G.025.010](#) SMC. To comply with RCW 36.70A.370 the proposed text amendment has been evaluate to ensure proposed changes do not result in unconstitutional takings of private property. Additionally, this is a State mandated update to City regulations to continue participation in FEMA's National Flood Insurance Program.

VI. RECOMMENDED ACTION

Staff recommends **approval of the proposed text amendment.**

VII. LIST OF EXHIBITS

1. Draft Ordinance
2. SEPA Determination of Nonsignificance
3. WA State Model Ordinance Checklist

ORDINANCE NO. _____

AN ORDINANCE relating to Administration Definitions; amending Spokane Municipal Code (SMC) Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, 17A.020.140, and 17A.020.190.

WHEREAS, the flood hazard areas of the City of Spokane are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, as a condition of participation in the National Flood Insurance Program (NFIP), the City of Spokane is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP and State of Washington minimum floodplain management regulations; and

WHEREAS, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for City residents; and

WHEREAS, the most recent update to the City's floodplain regulations occurred in 2011; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated Flood Damage Prevention Ordinance Washington Model that includes all the minimum standards required as a condition of participation in the NFIP; and

WHEREAS, in order to maintain participation in the NFIP and allow City of Spokane residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards by December 31, 2021; and

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

WHEREAS, on June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the UDC pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act ("SEPA") Checklist was prepared and a Determination of Non-Significance ("DNS") was issued on September 2, 2021, for the proposed amendment. The fourteen-day public comment period ended on September 16, 2021; and

WHEREAS, the Plan Commission held a workshop session to study the proposed amendment on July 14, 2021 and September 8, 2021; and

WHEREAS, prior to the Plan Commission public hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman-Review on September 8 and 15, 2021. The proposed UDC amendment was available for public review on the Planning and Development Services website at <https://my.spokanecity.org/projects/2021-floodplain-management-update/>; and

WHEREAS, on September 22, 2021 the City Plan Commission held a public hearing on the proposed UDC amendment and heard testimony from the public; and

WHEREAS, consistent with SMC 17G.025.010, the Plan Commission found that (i) the proposed amendment is consistent with applicable provisions of the City of Spokane Comprehensive Plan, and (ii) the proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment; and

WHEREAS, following a public hearing, the Plan Commission recommended approval of a number of minor and clarifying amendments to the Spokane Municipal Code regarding floodplain regulations, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, the Plan Commission's Findings of Fact, Conclusions, and Recommendations regarding the 2021 Floodplain Management Text Amendment, together with the Plan Commission's entire files relating to the same, are hereby incorporated into this ordinance.

Now, Therefore, The City of Spokane does ordain:

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

17A.020.010 “A” Definitions

A. Abandoned Sign Structure.

See [SMC 17C.240.015](#).

B. Aboveground Storage Tank or AST.

Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.

C. Accepted.

A project for which the required plans have been found to be technically adequate.

D. Accessory Dwelling Unit (ADU).

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. “Mother-in-law apartments,”
2. “Accessory apartments,” or
3. “Second units.”

E. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
 - a. Garages,
 - b. Decks,
 - c. Fences,
 - d. Trellises,
 - e. Flagpoles,
 - f. Stairways,
 - g. Heat pumps,
 - h. Awnings, and
 - i. Other structures.
3. See also [SMC 17A.020.160](#) (“Primary Structure”).

F. Accessory Use.

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

G. Activity.

See Regulated Activity.

H. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

I. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified anatomical areas,” as defined in [SMC 17A.020.190](#), or “specified sexual activities,” as defined in [SMC 17A.020.190](#). A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:
 - a. At least thirty percent of the establishment’s displayed merchandise consists of said items; or
 - b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment’s displayed merchandise consists of said items; or
 - c. At least thirty percent of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items; or
 - d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - f. The establishment regularly offers for sale or rental at least two thousand of said items; or
 - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using “adult,” “XXX,” “sex,” “erotic,” or substantially similar language, as an establishment that caters to adult sexual interests.

2. For purposes of this definition, the term “floor space” means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.

J. Adult Business.

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

K. Adult Entertainment Establishment.

1. An “adult entertainment establishment” is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to “specified sexual activities” as defined in [SMC 17A.020.190](#) or “specified anatomical areas” as defined in [SMC 17A.020.190](#) for observation by patrons therein.
2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

L. Adult Family Home.

A residential use as defined and licensed by the state of Washington in a dwelling unit.

M. Agency or Agencies.

The adopting jurisdiction(s), depending on the context.

N. Agricultural Activities.

1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;
 - b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
 - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
 - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;

- g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
 - h. Maintaining agricultural lands under production or cultivation.
2. The City of Spokane shoreline master program defines agriculture activities as:
- a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
 - b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.

O. Agricultural Land.

Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.

P. AKART.

An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Q. Alkali Wetlands.

Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

R. All Weather Surface.

A road surface which emergency vehicles and typical passenger vehicles can pass in all types of weather. If unpaved, the top course should be six inches minimum of compacted crushed rock meeting standards for a roadway surface.

S. Alley.

See “Public Way” ([SMC 17A.020.160](#)).

T. Alteration.

A physical change to a structure or site.

1. Alteration does not include normal maintenance and repair or total demolition.
2. Alteration does include the following:
 - a. Changes to the facade of a building.
 - b. Changes to the interior of a building.
 - c. Increases or decreases in floor area of a building; or
 - d. Changes to other structures on the site, or the development of new structures.

U. Alteration of Plat, Short Plat, or Binding Site Plan.

The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).

V. Alteration of Watercourse.

Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

((V)) W. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

((W)) X. [Deleted]

((X)) Y. [Deleted]

((Y)) Z. [Deleted]

((Z)) AA. API 653.

The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.

((AA)) AB. Appeal.

A request for review of the interpretation of any provision of [Title 17 SMC](#).

((AB)) AC. Appeal – Standing For.

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;

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

((AG)) AD. Applicant.

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

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

((AD)) AE. Application – Complete.

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

((AE)) AF. Aquaculture.

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

((AF)) AG. Aquatic Life.

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

((AG)) AH. Aquifer or Spokane Aquifer.

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

((AH)) AI. Aquifer Sensitive Area (ASA).

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of [SMC 17E.050.260](#).

((~~AI~~)) AJ. Aquifer Water Quality Indicators.

Common chemicals used for aquifer water quality screening. These are:

1. Calcium,
2. Magnesium,
3. Sodium,
4. Total hardness,
5. Chloride,
6. Nitrate-nitrogen, and
7. Phosphorus.

((~~AJ~~)) AK. Archaeological Areas and Historical Sites.

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.

((~~AK~~)) AL. Architectural feature.

Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

((~~AL~~)) AM. Architectural Roof Structure.

Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.

1. Area of Shallow Flooding.
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).
2. The base flood depths range from one to three feet.
3. A clearly defined channel does not exist.
4. The path of flooding is unpredictable and indeterminate.
5. Velocity flow may be evident.
6. AO is characterized as sheet flow and AH indicates ponding.

((~~AM~~)) AN. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.
3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

((~~AN~~)) AO. ((~~A~~))Area of Special Flood Hazard.

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

((AQ)) AP. Arterial.

See:

1. "Principal Arterials" – [SMC 17A.020.160](#),
2. "Minor Arterials" – [SMC 17A.020.130](#), or
3. "Collector Arterial" – [SMC 17A.020.030](#).

((AP)) AQ. Articulation.

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

((AQ)) AR. Assisted Living Facility.

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

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

((AR)) AS. Attached Housing.

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

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

((AS)) AT. Attached Structure.

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

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

((AT)) AU. Available Capacity.

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

((AU)) AV. Average Grade Level.

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

((AV)) AW. Awning

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

Section 2. That Section 17A.020.020 SMC is amended to read as follows:

17A.020.020 “B” Definitions

A. Backed Sign.

See [SMC 17C.240.015](#).

B. Balloon Sign.

See [SMC 17C.240.015](#).

C. Bank Carving.

The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

D. Bank Erosion.

The incorporation of masses of alluvium or other weak bank materials into a stream channel.

E. Bankfull Width.

1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
2. For lakes, ponds, and impoundments, line of mean high water.
3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

F. Banner.

See [SMC 17C.240.015](#).

G. Bas-relief.

Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.

H. Base Flood.

((4.)) The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the “one hundred year flood.”

~~((2. Designation on maps always includes the letters A or V.))~~

I. Base Flood Elevation (BFE)

The elevation to which floodwater is anticipated to rise during the base flood.

((J)) J. Basement.

The portion of a building having its floor sub-grade (below ground level) on all sides.

((J)) K. Bedrock.

Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.

((K)) L. Bee.

Any stage of development of the common domestic honeybee, *Apis mellifera* species.

((L)) M. Beekeeper.

A person owning, possession, or controlling one or more colonies of bees.

((M)) N. Best Available Science.

Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.

((N)) O. Best Management Practices.

The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.

((O)) P. Bicycle Facilities

Facilities designated for use by bicyclists and sometimes by other non-motorized users. The following types of bikeway facilities are identified and further defined in the Comprehensive Plan:

1. Bike-Friendly Route.
2. Shared lane.
3. Neighborhood Greenway.
4. Bicycle lane, both striped and physically protected.
5. Shared-use pathway.

((P)) Q. Binding Site Plan – Final.

A drawing to a scale which:

1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters provided in [SMC 17G.080.060](#);
2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and

3. contains provisions making any development be in conformity with the site plan.
4. A binding site plan can only be used on property zoned commercial or industrial.

((Q)) R. Binding Site Plan – Preliminary.

A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks, and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

((R)) S. Block.

A group of lots, tracts, or parcels within well-defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines, or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-of-way lines.

((S)) T. Block Frontage.

All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

((T)) U. Board.

The board of county commissioners of Spokane County.

((U)) V. Boating Facilities.

Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high-water marks.

((V)) W. Boundary Line Adjustment.

A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

((W)) X. Breakaway Wall.

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

((X)) Y. Breezeway.

A breezeway is a roofed passageway joining two separate structures.

((Y)) Z. Building.

1. A “building” is a structure, or part, used or intended for supporting or sheltering any use or occupancy.

2. The term includes “factory-built structure” and “mobile home.”
3. “Building” does not include a recreational vehicle.
4. “Building” means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.

((Z)) AA. Building Base.

The plinth or platform upon which a building wall appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

((AA)) AB. Building Coverage.

Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis, or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.
2. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.
3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.

((AB)) AC. Building Envelope.

The area of a lot that delineates where a building may be placed.

((AG)) AD. Building Frontage.

The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street

((AD)) AE. Build-to Line.

An alignment establishing a certain distance from the property line (street right-of-way line) along which the building is required to be built.

((AE)) AF. Bulkhead.

A solid or open pile wall erected generally parallel to and near the ordinary high-water mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a “hard” shoreline stabilization measure.

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

17A.020.040 “D” Definitions

A. Day.

A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires

a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

B. Debris Flow.

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

C. Debris Slide.

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

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

E. Dedication.

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

F. Degraded Wetland.

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

G. Demolition or Partial Demolition.

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

H. Density.

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

I. Denuded.

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

J. Department.

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

K. Design Departure.

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

L. Design Criteria.

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

M. Design Review Board.

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

N. Designation.

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

O. Desired Character.

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

P. Detailed Site Plan.

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

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

Q. Developable Area.

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

R. Development.

Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, binding site plan, conditional use permit, special use permit, shoreline

development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

S. Development – Shoreline.

“Development” for shoreline regulations shall be defined by WAC 173-27-030(6) as amended to read “Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment.

T. Development ((~~Activity~~))– Floodplain.

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

U. Development Approval.

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

V. Development Codes.

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

W. Development Permit.

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

X. Development Plan, Site.

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

Y. Dike.

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

Z. Direct Impact.

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

AA. Directional.

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

AB. Directional Sign.

See [SMC 17C.240.015](#).

AC. Director.

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

AD. Discharge (n).

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

AE. Discharge (v).

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, or placing of any material so that such material enters and exits from the MS4 or from any other publicly owned or operated drainage system that conveys storm water. The term includes other verb forms, where applicable.

AF. Discharger.

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

AG. District.

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

AH. Disturbance Area.

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

AI. Dock.

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

AJ. Documented Habitat.

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

AK. Domestic Animal.

1. Large Domestic Animals.

- a. Animals including, but not limited to, horses, donkeys, burros, llamas, alpacas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type.
 - b. Young of horses, mules, donkeys, burros, and llamas under one year in age.
 - c. Bovines under ten months in age.
 - d. Sheep, goats, and swine under three months in age are not included when counting large animals.
2. Small Domestic Animals.
- a. Fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined.
 - b. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type.
 - c. Small livestock are defined as:
 - i. swine- breeds include miniature Vietnamese, Chinese or oriental pot-bellied pigs (*sus scrofa vittatus*),
 - ii. other small pig breeds such as Kunekune, Choctaw, and Guinea hogs,
 - iii. all breeds of goats excluding mature large meat breeds such as Boers, and
 - iv. all breeds of sheep excluding mature large meat breeds such as Suffolk or Hampshire sheep.
 - v. No horned rams shall be permitted as a small livestock.
 - vi. Under no circumstance shall a small livestock exceed thirty-six inches shoulder height or one hundred and fifty pounds in weight.
 - d. Young small animals, livestock or fowl under three months in age are not included when counting small animal, livestock or fowl.

AL. Drainage Ditch.

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

AM. Dredge Spoil.

The material removed by dredging.

AN. Dredging.

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

AO. Drift Cell.

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

AP. Driveway.

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

AQ. Duplex.

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

AR. Dwelling Unit.

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

Section 4. That Section 17A.020.060 SMC is amended to read as follows:

17A.020.060 “F” Definitions

A. Facade.

All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

B. Facade Easement.

A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner’s exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.

The department, district, or agency responsible for providing the specific concurrency facility.

D. Factory-built Structure.

1. “Factory-built housing” is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is

either entirely or substantially prefabricated or assembled at a place other than a building site.]

2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

E. Fair Market Value.

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

F. Fascia Sign.

See [SMC 17C.240.015](#).

G. Feasible (Shoreline Master Program).

1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
 - a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - b. The action provides a reasonable likelihood of achieving its intended purpose; and
 - c. The action does not physically preclude achieving the project's primary intended legal use.
2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

H. Feature.

To give special prominence to.

I. Feeder Bluff.

Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these

natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

J. Fill.

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

K. Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter [17D.020 SMC](#), Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the life-supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

M. Flag.

See [SMC 17C.240.015](#).

N. Float.

A floating platform similar to a dock that is anchored or attached to pilings.

O. Flood Insurance Rate Map or FIRM.

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

P. Flood Insurance Study (FIS).

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Q. Flood or Flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland waters; ((or))

((2-)) b. The unusual and rapid accumulation of runoff of surface waters from any source((-)); or

c. Mudslides or mudflows, which are proximately caused by flooding as defined in section (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in section (1)(a) of this definition.

R. Flood Elevation Study.

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide or mudflow, and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

S. Flood Insurance Rate Map (FIRM).

The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

T. Floodplain or Flood Prone Area.

Any land area susceptible to being inundated by water from any source. See "Flood or Flooding."

U. Floodplain administrator.

The community official designated by title to administer and enforce the floodplain management regulations.

~~((S))~~ V. Floodway.

1. ~~((The area, as identified in the shoreline master program, that either:))~~ As identified in the Shoreline Master Program:, the area that either:

a. The floodway is the area that either

i. has been established in federal emergency management agency flood insurance rate maps or floodway maps; or

ii. consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

b. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

2. For floodplain management purposes, the floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

~~((T))~~ W. Floor Area.

The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
2. Roof area, including roof top parking.
3. Roof top mechanical equipment.
4. Attic area with a ceiling height less than six feet nine inches.
5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached

accessory structures (without living space), detached accessory structures (without living space).

((U)) X. ((Flood-proofing)) Flood Proofing.

~~((Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.))~~ Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

((V)) Y. Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

((W)) Z. Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

((X)) AA. Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

((Y)) AB. Freestanding Sign.

See [SMC 17C.240.015](#).

((Z)) AC. Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

AD. Functionally Dependent Water-Use.

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Section 5. That Section 17A.020.080 SMC is amended to read as follows:

17A.020.080 “H” Definitions

A. Habitat.

What plants and animals call "home." Habitat for a particular plant or animal consists of the elements it needs to survive. These elements may be tied to temperature, water, soil, sunlight, source of food, refuge from predators, place to reproduce and other living and non-living factors. (taken from department of fish and wildlife).

B. Habitat Blocks.

Sections of habitat, such as grasslands, forest lands, or riparian areas. These can be either adjacent to other sections, or blocks, of habitat or isolated within urban areas.

C. Habitat Conservation.

Protection or preservation of habitat by various means, such as regulation or acquisition.

D. Habitat Fragmentation.

The separation or breakup of a habitat area into smaller sections or habitat blocks by activities, such as development, logging, and agriculture, often resulting in degraded habitat due to blocked migration corridors and decreased access to water and feeding areas. It can also create isolated populations of wildlife and a decrease in their genetic diversity.

E. Habitat Management Plan.

A fish and wildlife management plan developed to preserve and protect the ecological conditions and habitat specific to a particular site or location. Habitat management plans incorporate best management practices.

F. Hazard Tree.

Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which, because of its location, is at risk of damaging permanent physical improvements to property or causing personal injury.

G. Hazardous Material.

Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.

H. Hearing Officer.

1. A person or reviewing body appointed by the mayor to consider appeals under [SMC 17E.010.140](#).
2. The officer makes reasonable rules and procedures for the conduct of the hearings authorized hereunder.

I. Height.

The height of a building is as defined in the International Building Code, Sec. 502.1 as "building height," the vertical distance from grade plane to the average height

of the highest roof surface. Building height for structures in the residential zones is referenced in [SMC 17C.110.215](#), Building Height.

J. High Quality Vegetative Buffer.

A wetland buffer comprised of multilevel dense native vegetation including shrubs.

K. Highest Adjacent Grade.

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

((K)) L. Historic Landmark.

An historic site, object, building or structure designated pursuant to this chapter that serves as an example of the cultural, historical, architectural or archaeological development of Spokane and Spokane County.

((J)) M. Historic Preservation Officer (HPO).

The person charged with the daily operation of the historic preservation office and who:

1. under the administrative direction of the director of planning, community and economic development, conducts the work program of the City/County historic preservation office; and
2. serves as the primary staff person for the City/County landmarks commission.

N. Historic Structure

For purposes of the floodplain regulations in [chapter 17E.030 SMC](#), any structure that is:

1. Listed individually in the National Register of Historic Places, as maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

((L)) Q. Hive.

Any Langstroth type structure with movable-frames intended for the housing of a bee colony. A hive typically consists of a cover, honey supers, brood chambers and a bottom board.

((M)) P. Homeowners' Association.

Any combination or group of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision, or planned unit development. A homeowners' association shall be an entity legally created under the laws of the State of Washington.

((N)) Q. House.

A detached dwelling unit located on its own lot.

((O)) R. Household.

A housekeeping unit consisting of:

3. an individual;
4. two or more related persons as defined in [SMC 17A.020.180\(M\)](#);
5. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
6. adult family homes as defined under Washington State law; or
7. a group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff; and
8. up to six residents not related by blood or marriage who live together in a single-family dwelling, or in conjunction with any of the above individuals or groups, shall also be considered a household.
9. For purposes of this section, minors living with parent, legal custodian (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.
10. Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C. 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.

((P)) S. Household Pet.

Any animal such as a cat, dog, rabbit, or bird (canary, parakeet, etc.), amphibian/reptile (turtle, lizard, etc.), rodent (rat, mouse, gerbil, etc.), or tropical fish that lives in or is kept within a residence or on a property contain the owner's residence. Young household pets under the age of four months are not included when counting household pets.

((Q)) T. Hydraulic Project Approval (HPA).

A permit issued by the State department of fish and wildlife for modifications to waters of the State in accordance with RCW 77.55.

((R)) U. Hydric Soil.

Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Field Indicators of Hydric Soils in the United States 6.0 or as amended.

((S)) V. Hydrophytic Vegetation.

Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

Section 6. That Section 17A.020.130 SMC is amended to read as follows:

17A.020.130 “M” Definitions

A. Main Assembly Area.

The principal room for persons gathering for religious services.

B. Maintenance.

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

C. Manufactured Home.

1. “Manufactured home” is a single-family dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.
2. “Manufactured home accessory structure” is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch, or storage structure, which is ordinarily appurtenant.

D. Manufactured Home Park.

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

E. Marquee Sign.

See [SMC 17C.240.015](#).

F. Marsh.

A low, flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, or other hydrophytic plants. Shallow water usually stands on a marsh at least during part of the year.

G. Mean Annual Flow.

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

H. Mean Sea Level.

For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

((H)) I. Mining.

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

((I)) J. Minor Arterials

A street providing service for trips of moderate length, connecting the principal arterial system to local streets, generally prioritizing mobility over access, and providing intra-community circulation.

((J)) K. Mitigation – Mitigate.

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

((K)) L. Mitigation – Mitigation Sequencing.

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

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation may include a combination of the above measures.

((L)) M. Mobile Home.

A factory-built dwelling built prior to June 15, 1976, to standards other than the housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the housing and urban development Manufactured Home Construction and Safety Standards Act.

((M)) N. Mobile Home Park.

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

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

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

((O)) P. Modular Home.

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

((P)) Q. Modulation.

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

((Q)) R. Monitoring.

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

((R)) S. Monument.

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

((S)) T. Monument Sign.

[See SMC 17C.240.015.](#)

((T)) U. Multi-family Residential Building.

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

((U)) V. Multiple Containment.

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

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

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

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

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

((W)) X. MUTCD.

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

Section 7. That Section 17A.020.140 SMC is amended to read as follows:

Section 17A.020.140 “N” Definitions

A. National Pollutant Discharge Elimination System (NPDES).

The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State department of ecology.

B. National Register.

The register maintained pursuant to P.L. 89-655, 80 Stat. 915, as amended.

C. Native Plant Community.

The collective product of individual plants indigenous to a particular locale responding to shared habitats.

D. Native Vegetation.

Plant species, which are indigenous to the planning area.

E. Natural Location of Drainage Systems.

The location of those predominate channels, swales, and pre-existing and established systems as defined by the earliest documented topographic contours existing for the subject property, either from maps or photographs, site inspections or other appropriate means.

F. New Construction – Floodplain.

~~((Structures for which the date of complete application for permit commenced on or after July 1, 2004.))~~ For the purposes of determining insurance rates, structures

for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

G. New Manufactured Home Park or Subdivision – Floodplain.((A))

A manufactured home park or subdivision for which a complete application, as defined by [SMC 17G.060.090](#), for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the permit for the individual unit.

H. NFPA 30.

The National Fire Prevention Association’s flammable and combustible liquids code.

I. “Noise level reduction (NLR)” means the amount of noise reduction required through construction and incorporation of sound reduction materials and design to reduce interior noise levels.

J. “Noise reduction coefficient (NRC)” means the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.

K. No Net Loss of Shoreline Ecological Functions.

A public policy goal that means the maintenance of the aggregate total of the City’s shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss standard commensurate with its scale and character.

L. Nominal Driveway Width.

The driveway width measured at the face of curb, from driveway joint to driveway joint, as shown in the standard plans.

M. Nomination.

The process by which a building, district, object, site, or structure is recommended for placement on a register.

N. Nonbuildable Tract.

Land reserved for specified uses including, but not limited to:

1. reserve tracts,
2. recreation,
3. open space,
4. critical areas,
5. surface water retention,
6. utility facilities and access.

Nonbuildable tracts are not considered lots or building sites.

O. Nonconforming Development.

An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.

P. Nonconforming Sign.

[See SMC 17C.240.015.](#)

Q. Nonconforming Situation.

A nonconforming residential density, nonconforming development or nonconforming use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development.

R. Nonconforming Use.

A use or the amount of floor area of a use that was allowed by right when established or a use that obtained a required land use approval when established, that is now prohibited in the zone due to a subsequent change in the zone or zoning regulations.

S. Non-water Oriented Uses.

A use that is not water-dependent, is not water-related, and is not water-enjoyment. Non-water oriented uses have little or no relationship to the shoreline and are not considered priority uses under the shoreline management act. Any use that does not meet the definition of water-dependent, water-related, or water-enjoyment is classified as non-water oriented.

T. Noxious Weeds.

Those plants which are non-native, highly destructive, and competitive as defined by chapter 17.10 RCW, or as amended.

U. Nursing Home.

A residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves.

1. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence.
2. This definition excludes hospitals or sanitariums.

Section 8. That Section 17A.020.190 SMC is amended to read as follows:

17A.020.190 “S” Definitions

A. Salmonid.

Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.

B. Sandwich Board Sign.

[See SMC 17C.240.015.](#)

C. Scrub-shrub Wetland.

An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.

D. Secondary Building Walls.

Exterior building walls that are not classified as primary building walls.

E. Secondary Containment.

A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.

F. Sediment.

Mineral or organic matter deposited as a result of erosion.

G. Sedimentation.

The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.

H. SEPA Rules.

Chapter 197-11 WAC adopted by the department of ecology.

I. Service Area.

A geographic area defined by the City, which encompasses public facilities that are part of a plan.

J. Serviceable.

Means presently useable.

K. Setback.

The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:

1. "Front setback" means a setback that is measured from a front lot line.
2. "Rear setback" means a setback that is measured from a rear lot line.
3. "Side setback" means a setback that is measured from a side lot line.
4. "Street setback" means a setback that is measured from a street lot line.

L. Sex Paraphernalia Store.

A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:

1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
2. Any establishment located within an enclosed regional shopping mall.

M. Sexual Device.

Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of

oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

N. Shall.

Unless the context indicates otherwise, the term “shall” means:

1. In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with “must”;
2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
3. The future tense of the verb “to be.”

O. Shallow Groundwater.

Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.

P. Shared Use Pathway.

A non-motorized transportation pathway shared by pedestrians, scooters and bicyclists. May be located next to a street or in a separate right-of-way.

Q. Shorelands.

Or “shoreline areas” or “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.

R. Shoreline and Ecosystems Enhancement Plan and Program.

[See SMC 17E.020.090](#), Habitat Management Plans.

S. Shoreline Buffer.

1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
3. The term “buffer area” has the same meaning as “buffer.”

T. Shoreline Enhancement.

Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.

U. Shoreline Environment Designations.

The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).

V. Shoreline Habitat and Natural Systems Enhancement Projects.

1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
2. Provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline, projects may include shoreline modification actions such as:
3. Modification of vegetation,
4. Removal of nonnative or invasive plants,
5. Shoreline stabilization, dredging, and filling.

W. Shoreline Jurisdiction.

See "Shorelands."

X. Shoreline Letter of Exemption.

Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under [SMC 17E.060.300](#) and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.

Y. Shoreline Master Program.

1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
2. For the City of Spokane, the shoreline master program includes the:
3. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
4. Shoreline Regulations ([chapter 17E.060 SMC](#)),
5. City of Spokane Shoreline Restoration Plan (stand-alone document), and
6. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

Z. Shoreline Mixed Use.

Combination of water-oriented and non-water oriented uses within the same structure or development area.

AA. Shoreline Modifications.

Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

AB. Shoreline Protection.

1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.
2. The terms "Shoreline protection measure" and this term have the same meaning.
3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.

AC. Shoreline Recreational Development.

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, water-related and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms

AD. Shoreline Restoration.

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

AE. Shoreline Stabilization.

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

AF. Shoreline Structure.

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

AG. Shorelines Hearings Board (SHB).

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

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

AH. Short Plat – Final.

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

AI. Short Plat – Preliminary.

1. A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a short subdivision required by this title and chapter 58.17 RCW.
2. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.

AJ. Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. (RCW 58.17.020(6)).

AK. Sign.

[See SMC 17C.240.015.](#)

AL. Sign – Animated Sign.

[See SMC 17C.240.015.](#)

AM. Sign – Electronic Message Center Sign.

[See SMC 17C.240.015.](#)

AN. Sign Face.

[See SMC 17C.240.015.](#)

AO. Sign – Flashing Sign.

[See SMC 17C.240.015.](#)

AP. Sign Maintenance.

[See SMC 17C.240.015.](#)

AQ. Sign – Off-premises.

[See SMC 17C.240.015.](#)

AR. Sign Repair.

[See SMC 17C.240.015.](#)

AS. Sign Structure.

[See SMC 17C.240.015.](#)

AT. Significant Vegetation Removal.

The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.

1. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
2. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

AU. Single-family Residential Building.

A dwelling containing only one dwelling unit.

AV. Single-room Occupancy Housing (SRO).

A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.
2. SRO includes structures commonly called residential hotels and rooming houses.

AW. Site.

Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

AX. Site – Archaeological.

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

AY. Site, Parent.

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

AZ. Slump.

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

BA. SMC.

The Spokane Municipal Code, as amended.

Spokane Municipal Code Amendment

Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, and 17A.020.190

BB. Soil.

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

BC. Sound Contours.

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

BD. Sound Transmission Class (STC).

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

BE. Special Drainage District (SDD).

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

BF. Special Event Sign.

See [SMC 17C.240.015](#).

BG. Species of Concern.

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

BH. Specified Anatomical Areas.

They are human:

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

BI. Specified Sexual Activities.

Any of the following:

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

BJ. Spokane Regional Stormwater Manual (SRSW).

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

BK. Spokane Register of Historic Places.

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

BL. Sports Field.

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

BM. Stabilization.

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

BN. Standard Plans.

Refers to the City of Spokane's standard plans.

BO. Standard References

Standard engineering and design references identified in [SMC 17D.060.030](#).

BP. Start of Construction

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

((BP)) BQ. State Candidate Species.

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

((BQ)) BR. State Endangered Species.

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

((BR)) BS. State Register.

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

((BS)) BT. State Sensitive Species.

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

((BT)) BU. State Threatened Species.

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

((BU)) BV. Stealth Facilities.

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

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

((BV)) BW. Stewardship.

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

((BW)) BX. Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

((BX)) BY. Stormwater Management Program (SWMP).

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

((BY)) BZ. Story.

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

1. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;
2. That portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;

3. That portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. A basement or unused under-floor space is a story if the finished floor level directly above is either more than:
 - a. Six feet above grade for more than half of the total perimeter, or
 - b. Twelve feet above grade at any point.

((BZ)) CA. Stream.

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

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

((GA)) CB. Street.

See "Public Way" ([SMC 17A.020.160](#)).

((GB)) CC. Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
 - a. Principal arterial.
 - b. Minor arterial.
 - c. Collector arterial.
 - d. Local access street.
 - e. Parkway.
2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under [SMC 17A.020.160](#), "P" Definitions.

((GG)) CD. Street Frontage.

The lot line abutting a street.

((GD)) CE. Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

((GE)) CF. Structural Alteration.

See [SMC 17C.240.015](#).

((GF)) CG. Structure.

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:
 - a. Buildings,
 - b. Decks,
 - c. Fences,
 - d. Towers,

- e. Flag poles,
 - f. Signs, and
 - g. Other similar objects.
2. Structure does not include paved areas or vegetative landscaping materials.
 3. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

((GG)) CH. Structure – Historic.

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

((CH)) CI. Subdivision.

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

((CI)) CJ. Subject Property.

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

((CJ)) CK. Sublevel Construction Controls.

Design and construction requirements provided in [SMC 17F.100.090](#).

((CK)) CL. Submerged Aquatic Beds.

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

((CL)) CM. Substantial Damage – Floodplain.

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

((CM)) CN. Substantial Development.

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

((CN)) CO. Substantial Improvement – Floodplain.

1. This definition includes structures that have incurred “substantial damage,” regardless of the actual work performed.
2. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred.
3. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural

part of the building commences, whether or not that alteration affects the external dimensions of the structure.

4. The term does not, however, include either any:

- a. Project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Alteration of a "historic structure" (~~((listed on the National Register of Historic or State Inventory of Historic Places))~~), provided the alteration will not preclude the structure's continued designation as a "historic structure."

~~((GO))~~ CP. Suffix.

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

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

ORDINANCE NO. _____

AN ORDINANCE relating to Floodplain Management amending Spokane Municipal Code (SMC) Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170.

WHEREAS, the flood hazard areas of the City of Spokane are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, as a condition of participation in the National Flood Insurance Program (NFIP), the City of Spokane is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP and State of Washington minimum floodplain management regulations; and

WHEREAS, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for City residents; and

WHEREAS, the most recent update to the City's floodplain regulations occurred in 2011; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated Flood Damage Prevention Ordinance Washington Model that includes all the minimum standards required as a condition of participation in the NFIP; and

WHEREAS, in order to maintain participation in the NFIP and allow City of Spokane residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards by December 31, 2021; and

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

WHEREAS, on June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the UDC pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act ("SEPA") Checklist was prepared and a Determination of Non-Significance ("DNS") was issued on September 2, 2021, for the proposed amendment. The fourteen-day public comment period ended on September 16, 2021; and

WHEREAS, the Plan Commission held a workshop session to study the proposed amendment on July 14, 2021 and September 8, 2021; and

WHEREAS, prior to the Plan Commission public hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman-Review on September 8 and 15, 2021. The proposed UDC amendment was available for public review on the Planning and Development Services website at <https://my.spokanecity.org/projects/2021-floodplain-management-update/>; and

WHEREAS, on September 22, 2021 the City Plan Commission held a public hearing on the proposed UDC amendment and heard testimony from the public; and

WHEREAS, consistent with SMC 17G.025.010, the Plan Commission found that (i) the proposed amendment is consistent with applicable provisions of the City of Spokane Comprehensive Plan, and (ii) the proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment; and

WHEREAS, following a public hearing, the Plan Commission recommended approval of a number of minor and clarifying amendments to the Spokane Municipal Code regarding floodplain regulations, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, the Plan Commission's Findings of Fact, Conclusions, and Recommendations regarding the 2021 Floodplain Management Text Amendment, together with the Plan Commission's entire files relating to the same, are hereby incorporated into this ordinance.

Now, Therefore, The City of Spokane does ordain:

Section 1. That Section 17E.030.030 SMC is amended to read as follows:

Section 17E.030.030 Purpose

It is the purpose of this chapter to promote the public health, safety and general welfare, reduce the annual cost of flood insurance, and to minimize to the extent allowed by these provisions public and private losses due to flood conditions in specific areas, and to protect ecological systems, and their functions and values, by provisions designed to:

- A. protect human life and health;
- B. minimize expenditures of public money and costly flood control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business interruptions;
- E. minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas subject to flooding;
- F. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. adopt procedures to notify potential buyers that property is in a special flood hazard area; and
- H. encourage those who occupy areas of special flood hazard to assume responsibility for their actions.

Section 2. That Section 17E.030.050 SMC is amended to read as follows:

Section 17E.030.050 General Provisions

In all areas of special flood hazards, the following standards are required:

- A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.
- B. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazards identified by the Federal Insurance ~~((Administration))~~ Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Spokane County, Washington and Incorporated Areas" dated July 6, 2010, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM) dated July 6, 2010, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The procedure for map corrections is set forth in the federal code of regulations, 44 CFR Part 70. The

Flood Insurance Study and Flood Insurance Rate Maps are on file in the City planning department.

The best available information for flood hazard area identification as outlined in Section 17E.030.080(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 17E.030.080(B).

C. Compliance

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

D. Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another Spokane Municipal Code section, shoreline master program and any revisions thereto, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under the laws of the State of Washington.

F. Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside of the areas of special flood hazards, or uses permitted within such areas, will be free from flooding or flood damages. This chapter does not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

G. Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Section 3. That Section 17E.030.060 SMC is amended to read as follows:

Section 17E.030.060 Establishment of Development Permit

A. Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in [SMC 17E.030.050\(B\)](#). The permit shall be for all structures including manufactured homes, as defined in [chapter 17A.020 SMC](#) and for all development, including fill and other activities also as defined in [chapter 17A.020 SMC](#).

B. A pre-development conference as set forth in [chapter 17G.060 SMC](#) is required for all development proposed in areas identified as potential critical areas within the City of Spokane, including areas of special flood hazard established in [SMC 17E.030.050\(B\)](#).

C. Application for Floodplain Development Permit.

Application for a floodplain development permit shall be made on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question: existing or proposed structures, fill, storage of materials, drainage facilities and the location of foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator((-));
2. Elevation in relation to mean sea level to which any structure has been floodproofed((-);
3. ~~((Certification))~~ Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in [SMC 17E.030.130\(\(-\);](#)
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development((-);
5. A completed critical areas checklist as established at [chapter 17G.060 SMC\(\(-\);](#)
6. A completed environmental checklist, unless the ~~((local administrator))~~ Floodplain Administrator as designated in [SMC 17E.030.070](#) has determined that the project is categorically exempt from [chapter 17E.050 SMC](#); and
7. Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation; and
8. ~~((All))~~ Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application, including all studies, reports and information required by reviewing departments or agencies to fully disclose potential environmental impacts of the proposal. These studies are

required to demonstrate acceptance by the applicable department or agencies prior to the application being certified complete.

D. Fee Processing.

Floodplain development permits shall be processed as set forth in [chapter 17G.060 SMC](#).

E. Fee Schedule.

The fees for processing a floodplain development permit are set forth in [SMC 8.02.066\(F\)](#).

Section 4. That Section 17E.030.070 SMC is amended to read as follows:

Section 17E.030.070 Designation of the ((Local)) Floodplain Administrator

The director of planning services and/or his or her designee is hereby appointed as ((local administrator)) Floodplain Administrator to administer ((and)), implement, and enforce this chapter by granting or denying development permit applications in accordance with its provisions.

Section 5. That Section 17E.030.080 SMC is amended to read as follows:

Section 17E.030.080 Duties and Responsibilities of the ((Local)) Floodplain Administrator

A. The duties and responsibilities of the ((local administrator)) Floodplain Administrator shall include, but not be limited to, review of all development permits to determine:

1. that the permit requirements of this chapter have been satisfied, all necessary information has been provided for a determination that the application is counter complete;
2. that all ((necessary)) other required state and federal permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; ((and))
3. that the site is reasonably safe from flooding;
4. ((if)) that the proposed development is not located in the floodway. If located in the floodway, assure that the encroachment provisions of [SMC 17E.030.160](#) are met((-));
5. if the proposed development complies with the policies, provisions, and requirements of the shoreline master program, as now or hereafter amended((-)); and
6. notify FEMA when annexations occur in the Special Flood Hazard Area.

B. Use of Other Base Flood Data in “A” Zones.

When base flood elevation data has not been provided (“A” Zones) in accordance with [SMC 17E.030.050](#), the ~~((local administrator))~~ Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer [SMC 17E.050.140](#) and [SMC 17E.050.160](#).

C. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection (B) of this section, the ~~((local administrator))~~ Floodplain Administrator shall record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed non-residential structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in the subsection above, the ~~((local administrator))~~ Floodplain Administrator shall:
 - a. obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed, and
 - b. maintain the flood proofing certifications required in [SMC 17E.030.060](#).
3. The ~~((local administrator))~~ Floodplain Administrator shall maintain for public inspection all records pertaining to the provisions of this chapter.
4. Certification required in [SMC 17E.030.160\(A\)](#) (No Rise Standard).
5. Records of all variance actions, including justification for their issuance.
6. Improvement and damage calculations.

D. Alteration of Watercourses.

Whenever a watercourse is to be altered or relocated:

1. The ~~((local administrator))~~ Floodplain Administrator shall notify adjacent communities and the Washington state department of ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate notification means (44 CFR 60.3(b)(6)).
2. The ~~((local administrator))~~ Floodplain Administrator shall require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries.

The ~~((local administrator))~~ Floodplain Administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the

boundary shall be given a reasonable opportunity to appeal the interpretation as provided in [SMC 17E.030.090](#). Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

F. Review of Building Permits

1. Where elevation data is not available either through the FIS, FIRM, or from another authoritative source outlined in Section 17E.030.080(B), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
2. Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

G. Changes to Special Flood Hazard Area (SFHA)

1. If a project will encroach on the regulatory floodway or alter boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive, approvals required by FEMA.
2. If a CLOMR or LOMR application is made, then the project proponent shall also supply the full CLOMR or LOMR documentation package, as applicable, to the Floodplain Administrator, including all required property owner notifications. The Floodplain Administrator may condition permits to address Letter of Map Change determinations after issuance of the permit.

Section 6. That Section 17E.030.090 SMC is amended to read as follows:

Section 17E.030. Variance Procedure – Hearing Examiner

- A. The hearing examiner shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The hearing examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the director in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the hearing examiner, or any taxpayer, may appeal such decisions to the Spokane County superior court, as provided in [chapter 17G.060 SMC](#).
- D. In passing upon such applications, the hearing examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
 1. danger that materials may be swept onto other lands to the injury of others

2. danger to life and property due to flooding or erosion damage;
 3. susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. importance of the services provided by the proposed facility to the community;
 5. necessity to the facility of a waterfront location, where applicable;
 6. availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. compatibility of the proposed use with existing and anticipated development;
 8. relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 11. costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
 12. cumulative impact of additional requests of like actions in the area; and
 13. relationship of the proposed development to the shoreline master program policies and regulations as now or hereafter amended, and floodplain management for that area.
- E. Upon consideration of the factors of subsection (D) of this section and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of the variances as he/she deems necessary to further the purposes of this chapter.
- F. The ~~((local administrator))~~ Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

Section 7. That Section 17E.030.100 SMC is amended to read as follows:

Section 17E.030.100 Variances

A. Conditions.

A variance shall be granted if conditions set forth in [SMC 17G.060.170\(E\)](#) are met. In addition to [SMC 17G.060.170\(E\)](#), the following additional conditions should be considered:

1. Generally, the only condition under which a variance from the elevation standard is issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the decision criteria in this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases. Variances from the standards and conditions of this chapter are not allowed for residential uses in the floodway except for historic buildings as allowed by this section.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or the Spokane Register of Historic Places, ~~((without regard to the procedures set forth in this section))~~ upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances will not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances will only be issued upon a:
 - a. showing of good and sufficient cause;
 - b. determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.

~~((7.)) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except this section, and otherwise complies with [SMC 17E.030.050](#).~~

~~((8.)) 7. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction below the BFE increases risks to life and property.~~

B. Variances will be processed as set forth in [Table 17G.060-3](#).

C. The fees for processing a variance are set forth in [SMC 8.02.066\(G\)](#).

Section 8. That Section 17E.030.120 SMC is henceforth repealed :

~~((Section 17E.030.120 Resource Material))~~

~~((The following required standards are prescribed in all areas of special flood hazards. Except where this chapter provides otherwise, the most current edition of the following publications may be used as reference documents:~~

- ~~A. "Guideline and Specification for Contractors," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~B. "Floodplain Management Conferences," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~C. "Guide for Ordinance Development," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~D. "Coordination During Flood Insurance Studies," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~E. "The Floodway: A Guide for Community Permit Officials," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~F. "Floodplain Management Handbook for Local Administrators," Washington State Department of Ecology.~~
- ~~G. "Program for Map Changes by Letter," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~H. "Appeals, Revisions, and Amendments to Flood Insurance Maps," Federal Emergency Management Agency, Federal Insurance Administration.~~
- ~~I. "Base Flood Elevation Determination," Federal Emergency Management Agency, Federal Insurance Administration.))~~

Spokane Municipal Code Amendment

Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170

Section 9. That Section 17E.030.130 SMC is amended to read as follows:

Section 17E.030.130 General Standards

In all areas of special flood hazards, the following standards, in addition to those imposed by other existing regulations are required:

A. Anchoring.

1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the buoyancy.
2. All manufactured homes shall likewise be anchored to prevent flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to:
 - a. use of over-the-top or frame ties is provided at each of the four corners of the manufactured home, with two additional ties per site at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;
 - b. frame ties is provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
 - c. all components at the anchoring system are capable of carrying a force of four thousand eight hundred pounds; and
 - d. any additions to the manufactured home are similarly anchored.
3. The guidebook "Manufactured Home Installation in Flood Hazard Areas, FEMA-85 (~~(-9/85)~~)" is adopted by reference for further manufactured home anchoring techniques.

~~((B. AO Zone Drainage.~~

~~Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.))~~

~~((C.))~~ **B. Construction Materials and Methods.**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or

located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Storage of Materials and Equipment

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

D. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. Any proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171).
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. ((Subdivision Proposals)) Development and Subdivision Proposals.

~~((All subdivisions proposals shall:~~

- ~~1. be consistent with this chapter;~~
- ~~2. be consistent with the need to minimize flood damage;~~
- ~~3. have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;~~
- ~~4. have adequate drainage provided to reduce exposure to flood damage; and~~
- ~~5. be generated by an engineer hired by the applicant for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less; where base flood elevation data has not been provided or is not available from another source.))~~

All development, including subdivisions, shall:

1. Be consistent with the need to minimize flood damage;
2. Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. Have adequate drainage provided to reduce exposure to flood damage; and
4. Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation

data shall be included as part of the application, and prepared by an engineer licensed in the State of Washington.

((F. Review of Building Permits.

~~Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building and land use permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, et cetera, where available. Failure to elevate at least two feet above highest adjacent grade in these zones may result in higher insurance rates. The applicant will provide studies and information as necessary for review.))~~

F. Minimum Requirements.

All development or which specific provisions are not specified in the Spokane Municipal Code or the state building codes, and adopted amendments, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the encroachment limitations of this ordinance if located in a regulatory floodway;
3. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials;
5. Meet the flood opening requirements of [SMC 17E.030.140\(A\)\(3\)](#), and
6. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Section 10. That Section 17E.030.140 SMC is amended to read as follows:

Section 17E.030.140 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in ~~((this chapter,))~~ Section 17E.030.050(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 17E.030.080(B), Use of Other Base Flood Data in "A" Zones, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure in AE and other A Zones where BFE has been determined or can be reasonably obtained shall have the lowest floor, including basement,

Spokane Municipal Code Amendment
Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170

elevated two feet above the base flood elevation. Mechanical equipment and utilities shall be waterproof or elevated least two foot above the BFE.

2. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- ~~((2-))~~ 3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.
 - b. The bottom of all openings must be no higher ~~((that))~~ than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
 - e. Alternatively, a registered engineer or architect may design and certify engineered openings.

B. Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall ~~((either have the lowest floor, including basement, elevated two feet above the base flood elevation; or, together with attendant utility and sanitary facilities, shall))~~ meet the requirements of subsection 1 or 2, below:

- ~~((1. be floodproofed so that below two feet or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~
- ~~2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~
- ~~3. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their~~

~~development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the local administrator as set forth in [SMC 17E.030.080](#);~~

- ~~4. nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A) of this section;}}~~

1. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

- a. In AE, A1-30 zones, or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement shall have the lowest floor, including basement, elevated two foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater.
- b. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.
- c. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or a registered architect and must meet or exceed the following minimum criteria:
 - i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- e. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
 - i. Alternatively, a registered engineer or architect may design and certify engineered openings.

2. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

- a. Be dry floodproofed so that below two foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in [SMC 17E.030.080](#);
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in [SMC 17E.030.140\(A\)\(3\)](#).

~~((5-))~~ 3. ((applicants)) Applicants who are floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level is rated as one foot below).

C. Manufactured Homes.

1. All manufactured homes to be placed or substantially improved ~~((within zones A1-A30, AH, AO and AE on the City's flood insurance rate map on sites))~~ on sites within the City's Special Flood Hazard Areas (SFHAs) shall be elevated on a permanent foundation such that:

- ~~((a. outside of a manufactured home park or subdivision;~~
- ~~b. in a new manufactured home park or subdivision;~~
- ~~c. in an expansion to an existing manufactured home park or subdivision, or~~
- ~~d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;~~

~~shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.~~

~~2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH,~~

~~AO and AE on the City's flood insurance rate map that are not subject to the above manufactured home provisions shall be elevated so that either:~~

- ~~a. the lowest floor of the manufactured home is elevated two feet or more above the base flood elevation; or~~
- ~~b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;))~~
- a. the lowest floor of the manufactured home is elevated two feet above the Base Flood Elevation (BFE); and
- b. it be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and
- c. comply with [SMC 17E.030.060\(C\)](#) in completing an Elevation Certificate with the other necessary permits.

D. Recreational Vehicles.

Recreational vehicles placed on sites (~~within zones A1-30, AH, AO and AE on the City's flood insurance rate map~~)) are required to either:

1. be on the site for fewer than one hundred and eighty consecutive days;
2. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. meet the requirements of subsection (C) of this section and the elevation and anchoring requirements for manufactured homes.

E. Livestock Sanctuary Areas

Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated two feet above the Base Flood Elevation (BFE). Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of Chapter 17E.030.

F. Enclosed Area Below the Lowest Floor.

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

Section 11. That Section 17E.030.150 SMC is amended to read as follows:

Section 17E.030.150 ((Before Regulatory Floodway)) AE Zones with Base Flood Elevations but No Floodways

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted ~~((within zones A1-30 and AE on the City's FIRM,))~~ unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

Section 12. That Section 17E.030.160 SMC is amended to read as follows:

Section 17E.030.160 Floodways

Located within areas of special flood hazard established in [SMC 17E.030.050](#) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and increase erosion potential, the following provisions apply:

A. No Rise Standard

Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any ~~((increasing))~~ increase in flood levels during the occurrence of the base flood discharge.

B. Residential Construction in Floodways.

Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

1. repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and
2. repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the ~~((assessed))~~ market value of the structure either:
 - a. before the repair or reconstruction is started; or
 - b. if the structure has been damaged, and is being restored, before the damage occurred.

3. Any ((project of)) improvement ((of a structure)) to structures identified as historic places or to correct existing violations of state or local health,

sanitary or safety code specification (~~((which))~~) that have been identified by the local code enforcement official and (~~((which))~~) are the minimum necessary to assure safe living conditions (~~((or to structures identified as historic places))~~) shall not be included in the fifty percent.

C. Replacement of Farmhouses in Floodway.

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

1. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
2. There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
3. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
4. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
5. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
6. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
7. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
8. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
9. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

D. Substantially Damaged Residences in Floodway.

1. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially

damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

2. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - a. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - b. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
 - c. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
 - d. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
 - e. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
 - f. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
 - g. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

~~((D-))~~ E. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [SMC 17E.030.130](#) ~~((and))~~ , [17E.030.140](#) , and [17E.030.130\(F\)](#).

Section 13. That Section 17E.030.170 SMC is amended to read as follows:

Section 17E.030.170 ((Standards for Shallow Flooding Areas (AO Zones))) Essential Public and Critical Facilities within Special Flood Hazard Areas

~~((A. Shallow flooding areas appear on FIRMS as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:~~

- ~~1. New construction and substantial improvements of residential structures and manufactures homes within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade to the structure, two feet or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).~~
- ~~2. New construction and substantial improvements of nonresidential structures within AO zones shall either:~~
 - ~~a. have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, two feet or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or~~
 - ~~b. together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in [SMC 17E.030.140\(B\)\(3\)](#).~~
- ~~3. Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.~~
- ~~4. Recreational vehicles placed on sites within AO zones on the community's FIRM are required to either:~~
 - ~~a. be on the site for fewer than one hundred eighty consecutive days, or~~
 - ~~b. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~
 - ~~c. meet the requirements of subsections (A)(1) and (A)(3) of this section and the anchoring requirements for manufactured homes ([SMC 17E.030.130\(A\)\(2\)](#)).~~

B. Essential Public Facilities.))

1. Construction of ((new)) essential public facilities, as defined in [SMC 17C.190.530](#), or another critical facility shall be, to the extent possible, located outside the limits of the special flood hazard area.

Spokane Municipal Code Amendment

Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170

2. Construction of new essential public facilities shall be permissible within the special flood hazard area if no feasible alternative site is available.
3. (~~Essential public facilities~~) Facilities constructed within the special flood hazard area shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site or to the height of the 500-year flood, whichever is higher.
4. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. All (~~essential public~~) facilities shall have access routes elevated to or above the level of the base flood elevation.
5. Access to and from the facility should also be protected to the height utilized above.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

EXHIBIT 2 – SEPA DETERMINATION OF NONSIGNIFICANCE

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(s): Floodplain Management Text Amendment

PROPONENT: City of Spokane

DESCRIPTION OF PROPOSAL: This proposal will amend the Spokane Municipal Code (SMC): Chapter 17A.020 Definitions, specifically "A" Definitions, "B" Definitions, "D" Definitions, "F" Definitions, "H" Definitions, "M" Definitions, and "S" Definitions; and Chapter 17E.030 Floodplain Management Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: This proposal has a City-wide impact, with focus on floodplains within the City's jurisdiction including lands along Latah Creek and the Spokane River. The text amendment is to ensure compliance with changes in federal and state laws. Details on the project will be made available at the website: <https://my.spokanecity.org/projects/2021-floodplain-management-update/>.

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 upon request.

There is no comment period for this DNS.

This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.

[X] This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5:00 p.m. on September 16, 2021 if they are intended to alter the DNS.

Responsible Official: Louis Meuler

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

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: September 2, 2021 **Signature:** *Louis Meuler*
Louis Meuler (Sep 2, 2021 11:14 PDT)

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 12:00 p.m. on September 23, 2021 (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.

A. BACKGROUND

1. **Name of proposed project:** Floodplain Management Text Amendment
2. **Applicant:** City of Spokane – Planning Services
Address: 808 W. Spokane Falls Boulevard
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6500
3. **Agent or Primary Contact:** Amanda Beck, Assistant Planner II
Address: 808 W. Spokane Falls Boulevard Email: abeck@spokanecity.org
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6414
4. **Location of Project:**
This is a City-wide non-project legislative action; it would apply to all floodplains and floodway areas within the City of Spokane boundary. The City of Spokane is located in Spokane County.
5. **Date checklist prepared:** June 21, 2021
6. **Agency requesting checklist:** City of Spokane, Washington
7. **Proposed timing or schedule (including phasing, if applicable):**
Begin text amendment process in June 2021, with City Council approval no later than December 31, 2021.
8. a. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:**
Amendments will be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in Federal and State statutes and regulations. Any future amendments would be after a Community Assistance Contact (CAC) or Community Assistance Visit (CAV) CAC or CAV with Ecology, to comply with minimum NFIP regulations.
- b. **Do you own or have options on land nearby or adjacent to this proposal? If yes, explain:**
Yes, the City of Spokane owns land including parks and administrative buildings within the City limits, or “affected geographical area” of this proposal.
9. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:**
FEMA flood insurance study of Spokane County completed in 2010, Critical Areas ordinances that were updated in 2017, the Shoreline Master Program Periodic Review amending SMC 17E.060 adopted in April 2021, and the Shaping Spokane Comprehensive Plan update in 2017. As a non-project action amending the municipal code to comply with changes in Federal and State regulations, no specific studies have been conducted for this action.

10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:

Floodplain Development Permits subject to Floodplain Management regulations are likely within the City. Additional SEPA project-level review will be conducted at the time such proposals are submitted and will be subject to threshold determinations.

11. List any government approvals or permits that will be needed for your proposal, if known:

Plan Commission public hearing and recommendation followed by City Council public hearings and final approval of the ordinance amending Chapter 17E.030. These legislative actions are all expected in 2021.

12. 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.

To comply with changes to the Washington State FEMA Model Ordinance, the City has initiated a text amendment to ensure compliance with Federal and State floodplain regulations and changes affecting all floodplains and floodways within its jurisdiction. The intent of this ordinance is to protect public health and safety, public and private property within floodplains, decrease insurance loss claims due to flooding, and to protect the functions and value of floodplains.

This proposal will amend Spokane Municipal Code (SMC): Chapter 17A.020 Definitions, specifically "A" Definitions, "B" Definitions, "D" Definitions, "F" Definitions, "H" Definitions, "M" Definitions, and "S" Definitions; and Chapter 17E.030 Floodplain Management Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170. The exact amendments to the code are available online at the following address: <https://my.spokanecity.org/projects/2021-floodplain-management-update/>.

13. Location of the proposal:

This is a City-wide non-project legislative action; it would apply to all floodplains and floodway areas within the City of Spokane.

14. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? ☒ Yes ☐ No

The General Sewer Service Area? ☒ Yes ☐ No

The Priority Sewer Service Area? ☒ Yes ☐ No

The City of Spokane? ☒ Yes ☐ No

15. The following questions supplement Part A.

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

- (1) **Describe any systems, other than those designed for the disposal of sanitary waste installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities).**

Not applicable, this is a non-project action and will not directly result in any direct modification of such systems.

- (2) **Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored?**

N/A, this is a non-project action.

- (3) **What protective measures will be taken to ensure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems.**

N/A, this is a non-project action.

- (4) **Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater?**

N/A, this is a non-project action.

b. Stormwater

- (1) **What are the depths on the site to groundwater and to bedrock (if known)?**

Varies throughout the City.

- (2) **Will stormwater be discharged into the ground? If so, describe any potential impacts.**

N/A

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (check one):

☒ Flat ☒ Rolling ☒ Hilly ☒ Steep slopes ☐ Mountainous

Other: While slopes in the City vary, this is a non-project code amendment that will not directly modify the topology of the City.

b. What is the steepest slope on the site (approximate percent slope)?

N/A, 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.**

N/A (non-project action)

- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

N/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.**

As a non-project action, the proposal will not require any fill or export of soils.

- f. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

N/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)?**

N/A (non-project action)

- h. **Proposed measures to reduce or control erosion or other impacts to the earth, if any:**

None.

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.**

N/A (non-project action)

- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

None.

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.**

The Spokane River and Latah Creek fall within the City's jurisdiction. Various private and public ponds and lakes are situated within the City as well as a number of ephemeral drainages.

- (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.**

None, (non-project action)

- (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 action)

- (5) **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

This proposal is an amendment to the floodplain regulations, concerning modification of floodplain standards and codes in the City to accommodate changes in State and Federal regulations. It is a non-project action and applicable City-wide.

- (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 (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.**

No (non-project action)

- (2) **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (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 (non-project action). The City requires that all development connect to existing sewer service at time of development/update.

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.**

Stormwater is collected, treated, and disposed of via various methods in the City, subject to the requirements of [Chapter 13.03 Sewers, Article III General Requirements](#) SMC.

- (2) Could waste materials enter ground or surface waters? If so, generally describe.**

N/A (non-project action)

- (3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

No (non-project action)

- d. Proposed Measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.**

None

4. Plants

- a. Check the type(s) of vegetation found on the site:**

Deciduous trees: ☒ alder ☒ maple ☒ aspen Other: Answer

Evergreen trees: ☒ fir ☒ cedar ☒ pine Other: Answer

☒ shrubs ☒ grass ☒ pasture ☒ crop or grain

☐ orchards, vineyards or other permanent crops

Wet soil plants: ☒ cattail ☒ buttercup ☒ bullrush ☐ skunk cabbage

Other: Answer

Water plants: ☒ water lily ☒ eelgrass ☐ milfoil

Other:

Any other types of vegetation: Note that this is a City-wide non-project action and would not directly alter or affect the various plants and trees located in the City.

- b. What kind and amount of vegetation will be removed or altered?**

None (non-project action)

- c. List threatened and endangered species known to be on or near the site:**

None (non-project action)

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

None (non-project action)

- e. **List all noxious weeds and invasive species known to be on or near the site:**

None (non-project action)

5. Animals

- a. **Check *and* List any birds and other animals which have been observed on or near the site or are known to be on or near the site:**

Birds: ☒ hawk ☒ heron ☒ eagle ☒ songbirds Other:

Mammals: ☒ deer ☒ bear ☒ elk ☐ beaver Other:

Fish: ☒ bass ☐ salmon ☒ trout ☐ herring ☒ shellfish

Other:

N/A, note this is a non-project action and would not directly alter or affect the various wildlife found in the City.

- b. **List any threatened or endangered animal species known to be on or near the site.**

None (non-project action)

- c. **Is the site part of a migration route? If so, explain.**

Various migratory birds transit through the city as part of normal migration patterns.

- d. **Proposed measures to preserve or enhance wildlife, if any:**

None (non-project action)

- e. **List any invasive animal species known to be on or near the site.**

None (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:**

No (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:**

None (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.**

N/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.**

N/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.**

None (non-project action)

- (4) Describe special emergency services that might be required.**

None (non-project action)

- (5) Proposed measures to reduce or control environmental health hazards, if any:**

None (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)?**

The city experiences typical noises present in any urban environment, including aircraft noise from operations at two airports and Fairchild Air Force Base. However, as a non-project amendment to the SMC the urban noise environment won't affect the proposal.

- (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.**

None (non-project action)

- (3) Proposed measure to reduce or control noise impacts, if any:**

None (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.**

The City contains a full range of urban land uses—as described in the Comprehensive Plan and Zoning Map. The proposal is a non-project action that will not directly modify or affect these 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?**

There are some farmlands in the City of Spokane, mainly located in the Latah/Hangman neighborhood in the southwest quadrant of the City. However, as a non-project proposal impacts to these uses are not expected.

- 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 (non-project action)

- c. **Describe any structures on the site.**

Varies throughout the City (non-project action)

- d. **Will any structures be demolished? If so, which?**

No (non-project action)

- e. **What is the current zoning classification of the site?**

Varies (non-project action)

- f. **What is the current comprehensive plan designation of the site?**

Varies (non-project action)

- g. **If applicable, what is the current shoreline master program designation of the site?**

The City includes various jurisdictional shoreline areas along the Spokane River. However, the proposal will not affect the standards or policies applied to those areas.

- h. **Has any part of the site been classified as a critical area by the city or the county? If so, specify.**

This is a non-project action that applies to the entire City, including parts classified as Critical Areas. The critical areas ordinance in SMC 17E applies to floodplains and would apply to any action within those and other critical areas.

- i. **Approximately how many people would reside or work in the completed project?**

N/A (non-project action)

- j. **Approximately how many people would the completed project displace?**

None (non-project action)

k. **Proposed measures to avoid or reduce displacement impacts, if any:**

None (non-project action)

l. **Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

This proposed amendment would bring the City's regulations into compliance with recent changes to Federal and State regulations, which would not conflict with the Shaping Spokane Comprehensive Plan but would in fact support many of the goals outlined in Chapter 9: Natural Environment.

m. **Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:**

None (non-project action)

9. Housing

a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

None (non-project action)

b. **Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing.**

None (non-project action)

c. **Proposed measures to reduce or control housing impacts, if any:**

None (non-project action)

10. Aesthetics

a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Not applicable, this is a non-project action.

b. **What views in the immediate vicinity would be altered or obstructed?**

None (non-project action)

c. **Proposed measures to reduce or control aesthetic impacts, if any:**

None (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?**

None (non-project action)

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

No (non-project action)

- c. **What existing off-site sources of light or glare may affect your proposal?**

None (non-project action)

- d. **Proposed measures to reduce or control light and glare impacts, if any:**

None (non-project action)

12. Recreation

- a. **What designated and informal recreational opportunities are in the immediate vicinity?**

The City contains numerous formal and informal recreational opportunities. As a non-project amendment to floodplain codes, no impacts to these resources are expected.

- b. **Would the proposed project displace any existing recreational uses? If so, describe.**

No (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:**

None (non-project action)

13. Historic and cultural preservation

- a. **Are there any buildings, structures, or sites, located on or near the site 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.**

The City contains various structures either listed or eligible for listing in both the national and local historic registers. However, as a non-project amendment to the floodplain standards in the SMC no impact to these structures is expected.

- 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.**

There exist within the City certain areas that qualify as tribal or historic uses. However, as a non-project amendment to code this proposal is not expected to affect them.

- 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.**

None. (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.**

None (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.**

The city is served by a comprehensive network of streets, highways, and freeways. As a non-project amendment to code, the proposal will not affect them.

- 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 and wider region with various routes.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

None (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).**

No (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.**

No (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? (Note: to assist in review and if known, indicate vehicle trips during PM peak, AM Peak, and Weekday (24 hours).**

None

- 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 (non-project action)

- h. Proposed measures to reduce or control transportation impacts, if any:**

None (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.**

No, this proposal should not result in an increased need for public services.

- b. **Proposed measures to reduce or control direct impacts on public services, if any:**

N/A

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:**

None (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: September 2, 2021 Signature: Amanda Beck

Project Proponent (Please print or type):

Name: City of Spokane Address: 808 W. Spokane Falls Boulevard
Phone: 509-625-6500 Spokane, WA, 99201

Checklist Preparer (If different from proponent):

Name: Amanda Beck Address: 808 W. Spokane Falls Boulevard
Phone: 509-625-6414 Spokane, WA, 99201

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: Tirrell Black

Based on this staff review of the environmental checklist and other pertinent information, 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?

This proposal is a state mandated update to floodplain regulations to comply with federal and state changes. These changes are largely intended to update terms and requirements already in place for actions within floodplains and to clarify responsibility and intent of existing requirements. No direct action or change to the physical environment is required by these changes. Accordingly, the proposal will not result in direct changes to water, air, or toxic/hazardous substances discharge. Nor will the proposal require the creation of any new or increased noise in the City.

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?

As described in answer 1 above, the proposal is unlikely to require any change to the existing environment and thus will be unlikely to affect plants, animals, fish, or marine life. The intent of floodplain regulations is to protect or conserve the ecological systems of floodplains, as well as protect life and property.

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?

As discussed above, the proposal will not develop or cause to be developed any uses or structures requiring energy resources. The changes are intended to increase protection of natural resources like surface waters while protecting structures from the detrimental impacts of flooding and water infiltration. Accordingly, the proposal has a beneficial impact on natural resources.

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?

The clarifications proposed under this text amendment would bring the City's regulations into compliance with the Endangered Species Act (44 CFR § 60.3(a)2) and other updated Federal and State requirements, with the intent to protect and/or conserve the water-dependent ecosystems relied upon by endangered species.

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?

This proposed text amendment would not affect shoreline use or use of lands within the floodplain, except to ensure that regulations would meet Federal and State regulations for floodplain management, including minimum requirements of the National Flood Insurance Program (NFIP), so it is unlikely incompatible use would be encouraged by this amendment.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal would not modify requirements for the planning, permitting, or construction of transportation or public services or utilities except in cases where those items are to be developed in or near floodplains. In those cases, the proposal directly updates regulations guiding such actions to ensure compliance with the latest Federal and State requirements for floodplain protection.

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 floodplain text amendment brings City regulations into compliance with Federal and State laws, including the Growth Management Act, and ensures the City's regulations remain consistent with adopted local plans. This amendment is to comply with recent changes to the FEMA Model Ordinance, and recent policy changes enacted by FEMA.

WA State Model Ordinance

2/24/2021 Version

Evaluation Sheet

Locality: _____

Reviewer: _____

Ordinance No.: _____

Review Date: _____

Ordinance Date: _____

Reason for Review: _____

Flood Zones: ☐A ☐AE/A1-30 ☐Floodway ☐AO (Appx. A) ☐V (Appx B) ☐VE/V1-30 (Appx. B)Puget Sound BiOp Door 3 ☐Yes ☐No

CRS Level: _____

Criteria & Model Ordinance Reference	Comments and References
Section 1.0 - Statutory Authorization, Findings of Fact, Purpose, and Objectives	<i>(Not mandatory to adopt section 1.0)</i>
1.1 Statutory Authorization The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the {Decision Making Body} of {Community Name}, does ordain as follows:	This language is included in the approving ordinance adopted by the Spokane City Council.
1.2 Findings of Fact The flood hazard areas of {Community Name} are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadvertently anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.	This language is included in the approving ordinance adopted by the Spokane City Council, and also SMC 17E.030.020.

<p>1.3 Statement of Purpose</p> <p>It is the purpose of this ordinance to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:</p> <ol style="list-style-type: none"> 1) Protect human life and health; 2) Minimize expenditure of public money for costly flood control projects; 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; 4) Minimize prolonged business interruptions; 5) Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas; 6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding; 7) Notify potential buyers that the property is in a Special Flood Hazard Area; 8) Notify those who occupy flood hazard areas that they assume responsibility for their actions; and 9) Participate in and maintain eligibility for flood insurance and disaster relief. 	<p>Mirrored language is included in SMC 17E.030.030, only lacking item #9.</p>
<p>1.4 Methods of Reducing Flood Losses</p> <p>In order to accomplish its purposes, this ordinance includes methods and provisions for:</p> <ol style="list-style-type: none"> 1) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities, 2) Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction; 3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters; 4) Controlling filling, grading, dredging, and other development, which may increase flood damage; and 5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas. 	<p>This language is included in SMC 17E.030.040.</p>

Section 2.0 – Definitions	Included		44 CFR 59.1 <i>*Terms with one asterisk are a specific minimum requirement and typically must be adopted.</i> <i>Unless specifically defined below, terms or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage, and to give this ordinance the most reasonable application.</i>
	Yes	No	
*Alteration of watercourse: Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.	Yes		Language included in SMC 17A.020.010
Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.	Yes		Similar language existing in SMC 17A.020.010
Area of shallow flooding: A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.	Yes		Similar language existing in SMC 17A.020.010
*Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".	Yes		Existing language updated to read: "The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. Special Flood Hazard Area is synonymous in meaning with the phrase "area of special flood hazard."
ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.		No	Definition not included in SMC 17A.020.010
*Base flood: The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").	Yes		Language included in SMC 17A.020.020
*Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.	Yes		Language added to SMC 17A.020.020 with this ordinance
*Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.	Yes		Similar language existing in SMC 17A.020.020
Building: See "Structure."	Yes		Definition in SMC 17A.020.020
Building Code: The currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.		No	Definition not included in SMC 17A.020.020

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.	Yes		Similar language existing SMC 17A.020.020
Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.		No	Definition not included in SMC 17A.020.030 as Spokane is not a coastal municipality
Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.	Yes		Similar language existing in SMC 17A.020.030
*Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.	Yes		Language included in SMC 17A.020.040
Elevated Building: For insurance purposes, a non- basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.	Yes		Language included in SMC 17A.020.050
Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).		No	Definition not included in SMC 17A.020.050
Essential Facility: This term has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.		No	Definition not included in SMC 17A.020.050
Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.	Yes		Definition included in SMC 17A.020.050

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).	Yes		Definition included in SMC 17A.020.050
Farmhouse: A single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.		No	Definition not included in SMC 17A.020.060
*Flood or Flooding: 1) A general and temporary condition of partial or complete inundation of normally dry land areas from: a) The overflow of inland or tidal waters. b) The unusual and rapid accumulation or runoff of surface waters from any source. c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.	Yes		Existing language in SMC 17A.020.060 updated to required language
*Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).	Yes		Language added to SMC 17A.020.060 with this ordinance
*Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).	Yes		Language added to SMC 17A.020.060 with this ordinance

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."	Yes		Language added to SMC 17A.020.060 with this ordinance
*Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.	Yes		Language added to SMC 17A.020.060 with this ordinance
Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.		No	Language not included in SMC 17A.020.060
*Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.	Yes		Existing language in SMC 17A.020.060 updated to required language
*Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."	Yes		Language added to SMC 17A.020.060 in addition to definition required for Washington Shoreline Management Act
*Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.	Yes		Language added to SMC 17A.020.060 with this ordinance
*Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.	Yes		Language added to SMC 17A.020.080 with this ordinance

<p>*Historic structure: Any structure that is:</p> <ol style="list-style-type: none"> 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: 5) By an approved state program as determined by the Secretary of the Interior, or 6) Directly by the Secretary of the Interior in states without approved programs. 	Yes		Language added to SMC 17A.020.080 with this ordinance
<p>*Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).</p>	Yes		<p>Similar definition exists in SMC 17A.020.120:</p> <p>"The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of SMC 17E.030.140."</p>
<p>Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."</p>	Yes		Similar definition exists in SMC 17A.020.130
<p>Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.</p>	Yes		Similar definition exists in SMC 17A.020.130
<p>*Mean Sea Level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.</p>	Yes		Definition added to SMC 17A.020.130 with this ordinance

*New construction: For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.	Yes		Definition in SMC 17A.020.140 updated with required language
New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.	Yes		Similar definition exists in SMC 17A.020.140
One-hundred-year flood or 100-year flood: See “Base flood.”		No	Cross-referenced definition not included in SMC 17A.020.150, rely on SMC 17A.020.020
Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.		No	definition not included in SMC 17A.020.180
*Recreational Vehicle: A vehicle, 1) Built on a single chassis; 2) 400 square feet or less when measured at the largest horizontal projection; 3) Designed to be self-propelled or permanently towable by a light duty truck; and 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.	Yes		Definition included in SMC 17A.020.180

<p>*Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.</p>	Yes		Definition added to SMC 17A.020.190 with this ordinance
<p>*Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.</p>	Yes		Definition added to existing language in SMC 17A.020.190 with this ordinance
<p>*Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.</p>	Yes		Definition updated with this ordinance
<p>*Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the reconstruction, rehabilitation, addition, or other improvement is started. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:</p> <ol style="list-style-type: none"> 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." 	Yes		Definition updated and modified with this ordinance

Revised: February 2021

*Variance: A grant of relief by a community from the terms of a floodplain management regulation.	Yes		Existing language in SMC 17A.020.220: "A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by Title 17 SMC."
Water Dependent: A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.	Yes		Similar language exists in SMC 17A.020.230
Water surface elevation: The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.		No	Language not included in SMC 17A.020.230

Section 3.0 – General Provisions	Code of Federal Regulations Requirement
3.1 Lands to Which This Ordinance Applies This ordinance shall apply to all special flood hazard areas within the boundaries of {Community Name} .	(44 CFR 59.22(a)) Included in SMC 17E.030.050(A)
3.2 Basis for Establishing the Areas of Special Flood Hazard The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for {exact title of study} " dated {date} , and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated {date} , and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at {community address} . The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 4.3-2.	Mandatory 44 CFR 60.3 (preamble) and 44 CFR 60.2(h) Language included in SMC 17E.030.050(B)
3.3 Compliance All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.	Mandatory (44 CFR 60.2(h)) Language added to SMC 17E.030.050
3.4 Penalties For Noncompliance No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than _____ or imprisoned for not more than ____ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the ____ from	Mandatory (44 CFR 60.2(h)) Language included in SMC 17E.030.180

Revised: February 2021

taking such other lawful action as is necessary to prevent or remedy any violation.	
3.5 Abrogation and Greater Restrictions This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.	Included in SMC 17E.030.050(D)
3.6 Interpretation In the interpretation and application of this ordinance, all provisions shall be: <ol style="list-style-type: none"> 1) Considered as minimum requirements; 2) Liberally construed in favor of the governing body; and, 3) Deemed neither to limit nor repeal any other powers granted under state statutes. 	<i>Recommended language</i> Included in SMC 17E.030.050(E)
3.7 Warning And Disclaimer of Liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of {Community Name} , any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.	<i>Recommended language</i> Included in SMC 17E.030.050(F)
3.8 Severability This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.	<i>Mandatory (44 CFR 60.1(b))</i> <i>The severability cause may be included in the adopting ordinance and left uncoded.</i> Added to SMC 17E.030.050

Section 4.0 – Administration	
<p>4.1 Establishment of Development Permit</p> <p>4.1-1 Development Permit Required</p> <p>A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”</p>	<p><i>Mandatory (44 CFR 60.3(b)(1))</i></p> <p>Existing in SMC 17E.030.060</p>
<p>4.1-2 Application for Development Permit</p> <p>Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:</p> <ol style="list-style-type: none"> 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator. 2) Elevation in relation to mean sea level to which any structure has been flood proofed; 3) Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 5.2-2; 4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development; 5) Where a structure is proposed in a V,V1-30, or VE zone, a V-zone design certificate; 6) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and <p>Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.</p>	<p><i>The format of Section 4.1-2 is not mandatory but the elevation information in subsection 1 and information in subsections 2 through 7 is mandatory.</i></p> <p><i>Elevation Certificates are not mandatory outside of Community Rating System communities but are highly recommended.</i></p> <p>Updated language in SMC 17E.030.060(C)</p>
<p>4.2 Designation of the Floodplain Administrator</p> <p>The {job title of the appropriate administrative official} is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.</p>	<p><i>Mandatory (44 CFR 59.22(b)(1))</i></p> <p>Similar language exists in SMC 17E.030.070</p>

<p>4.3 Duties & Responsibilities of the Floodplain Administrator</p> <p>Duties of the (<i>Floodplain Administrator</i>) shall include, but not be limited to:</p>	<p><i>Mandatory (44 CFR 60.1 (b))</i></p> <p>Included in SMC 17E.030.080</p>
<p>4.3-1 Permit Review</p> <p>Review all development permits to determine that:</p> <ol style="list-style-type: none"> 1) The permit requirements of this ordinance have been satisfied; 2) All other required state and federal permits have been obtained; 3) The site is reasonably safe from flooding; 4) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 5.4-1 are met. 5) Notify FEMA when annexations occur in the Special Flood Hazard Area. 	<p><i>Mandatory (44 CFR 60.1 (b))</i></p> <p>Updated language in SMC 17E.030.080(A)</p>
<p>4.3-2 Use of Other Base Flood Data (In A and V Zones)</p> <p>When base flood elevation data has not been provided (in A or V zones) in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD,</p> <p>the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.4 FLOODWAYS.</p>	<p><i>Mandatory (44 CFR 60.3(b)(4))</i></p> <p>Language included in SMC 17E.030.080(B)</p>
<p>4.3-3 Information to be Obtained and Maintained</p> <ol style="list-style-type: none"> 1) Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 4.3-2, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. 2) Documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones. 3) For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 4.3-2: <ol style="list-style-type: none"> a) Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed. b) Maintain the flood proofing certifications required in Section 4.1-2(3). 4) Certification required by Section 5.4.1 {or the numbering system used by the community} (floodway encroachments). 5) Records of all variance actions, including justification for their issuance. 6) Improvement and damage calculations. 7) Maintain for public inspection all records pertaining to the provisions of this ordinance. 	<p><i>Required verbatim per (44 CFR 60.3 (b)(5))</i></p> <p><i>(44 CFR 60.3(b)(5)(i) and (iii))</i> <i>(44 CFR 60.3(e)(2))</i> <i>(44 CFR 60.3(b)(5)(i) and (iii))</i> <i>(44 CFR 60.3(b)(5)(ii))</i> <i>(44 CFR 60.3(b)(5)(iii))</i> <i>(44 CFR 60.3(d)(3))</i> <i>(44 CFR 60.6(a)(6))</i> <i>(44 CFR 60.3(b)(5)(iii))</i></p> <p>Updated language in SMC 17E.030.080(C) except for 4.3-3(2)</p>

<p>4.3-4 Alteration of Watercourses</p> <p>Whenever a watercourse is to be altered or relocated:</p> <ol style="list-style-type: none"> 1) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and 2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. 	<p><i>Mandatory per (44CFR 60.3(b)(6)) and (44CFR 60.3(b)(7))</i></p> <p>Updated language in SMC 17E.030.080(D)</p>
<p>4.3-5 Interpretation of FIRM Boundaries</p> <p>Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.</p>	<p><i>This section is not required, but if the Local Administrators are performing this task on a regular basis, it should be adopted per (44 CFR 59-76)</i></p> <p>Updated language in SMC 17E.030.080(E)</p>
<p>4.3-6 Review of Building Permits</p> <p>Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (as required by Section 4.3-2), applications for floodplain development shall be reviewed to assure that proposed construction will be <i>reasonably safe from flooding</i>. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.</p> <p>(Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)</p>	<p><i>Mandatory per (44 CFR 60.3(a)(3))</i></p> <p>Language added from other section of SMC to be included in SMC 17E.030.080(F)</p>
<p>4.3-7 Changes to Special Flood Hazard Area</p> <p>If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project approval shall be conditioned accordingly.</p>	<p><i>Recommended.</i></p> <p><i>However, be aware that 44 CFR 65.3 requires communities to submit new technical information regarding changes affecting flooding conditions. Section 4.3-7 gives a community the authority to require necessary information from project proponents.</i></p> <p>Language added to 17E.030.080</p>

Section 5.0 – Provisions for Flood Hazard Reduction	<i>(Section 5.0 is required)</i>
5.1 General Standards In all areas of special flood hazards, the following standards are required:	Language exists in SMC 17E.030.130
5.1-1 Anchoring 1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. 2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.	<p><i>Mandatory per (44 CFR 60.3(a)(b)), (44 CFR 60.3(a)(3)(i)), and (44 CFR 60.3(b)(8))</i></p> <p><i>Refer to guidebook FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."</i></p> <p>Language updated in SMC 17E.030.130(A)</p>
5.1-2 Construction Materials and Methods 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. 3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.	<p><i>Mandatory</i> <i>(44 CFR 60.3(a)(3)(ii-iv))</i></p> <p>Language exists in SMC 17E.030.130</p>
5.1-3 Storage of Materials and Equipment 1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas. 2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.	<p><i>Recommended</i></p> <p>Language added to SMC 17E.030.130</p>
5.1-4 Utilities 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems; 2) Water wells shall be located on high ground that is not in the floodway;* 3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; 4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.	<p><i>Mandatory per (44 CFR 60.3(a)(5)(6))</i></p> <p><i>WAC 173-160-171 prohibits new water wells in floodways.</i></p> <p>Language exists in SMC 17E.030.130(D) including reference to WAC</p>

<p>5.1-5 Development and Subdivision Proposals</p> <p>All development, including subdivisions, shall:</p> <ol style="list-style-type: none"> 1) Be consistent with the need to minimize flood damage; 2) Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; 3) Have adequate drainage provided to reduce exposure to flood damage. 4) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application. 	<p style="text-align: center;"><i>Mandatory</i> (44 CFR 60.3(a)(4) and (b)(3))</p> <p>Language updated in SMC 17E.030.130(E)</p>
<p>5.2 Specific Standards</p> <p>In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 4.3-2, USE OF OTHER BASE FLOOD DATA. The following provisions are required:</p>	<p style="text-align: center;"><i>Mandatory per (44 CFR 60.3(c)(1))</i> (Additional standards were clarified in FEMA Technical Bulletin 11-01 to allow below-grade crawlspace construction for buildings located in the special flood hazard areas. However, the standards in 11-01 must be specifically adopted, and adopting them can result in a 20% increase in flood insurance premiums.)</p> <p style="text-align: center;">Included in SMC 17E.030.140</p>
<p>5.2-1 Residential Construction</p> <ol style="list-style-type: none"> 1) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE. 2) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A. 3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade. 4) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in Appendix B. 5) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria: <ol style="list-style-type: none"> a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. b) The bottom of all openings shall be no higher than one foot above grade. c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided 	<p style="text-align: center;"><i>Mandatory per</i> (44 CFR 60.3(c)(2) and (5)), (44 CFR 60.3(c)(7)), (44 CFR 60.3(b)(2)), (44 CFR 60.3(e)), and (44 CFR 60.3(c)(5))</p> <p>Language updated in SMC 17E.030.140(A), excluding language in 5.2-1(2) and (4)</p>

Revised: February 2021

<p>that they permit the automatic entry and exit of floodwater.</p> <p>d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.</p> <p>Alternatively, a registered engineer or architect may design and certify engineered openings.</p>	
<p>5.2-2 Nonresidential Construction</p> <p>New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the following requirements:</p> <ol style="list-style-type: none"> 1) Meet the standards in Section 5.2-1, or 2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements: <ol style="list-style-type: none"> a) Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater; b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(3); d) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 5.2-1(5); <p>(Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.)</p>	<p><i>Mandatory per (44 CFR 60.3(c)(3) and (4))</i></p> <p><i>Nonresidential construction must meet the requirements of subsection 1 or 2.</i></p> <p>Language updated in SMC 17E.030.140(B)</p>

<p>5.2-3 Manufactured Homes</p> <p>1) All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement*.</p> <p>This applies to manufactured homes:</p> <ul style="list-style-type: none"> a) Outside of a manufactured home park or subdivision, b) In a new manufactured home park or subdivision, c) In an expansion to an existing manufactured home park or subdivision, or d) In an existing manufactured home park or subdivision on a site which a manufactured home has incurred “substantial damage” as the result of a flood; and <p>2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions shall be elevated so that either:</p> <ul style="list-style-type: none"> a) The lowest floor of the manufactured home is elevated one foot or more* b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. 	<p><i>Mandatory per(44 CFR 60.3(c)(6)(12))</i></p> <p><i>* If this phrase is applied to all manufactured homes in the floodplain, then the remaining verbiage is not necessary to adopt.</i></p> <p>Updated language in SMC 17E.030.140(C) to read: “All manufactured homes to be placed or substantially improved on sites within the City’s Special Flood Hazard Areas (SFHAs) shall be elevated on a permanent foundation such that:</p> <ul style="list-style-type: none"> a. the lowest floor of the manufactured home is elevated two feet above the Base Flood Elevation (BFE); and b. it be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and c. comply with SMC 17E.030.060(C) in completing an Elevation Certificate with the other necessary permits.”
<p>5.2-4 Recreational Vehicles</p> <p>Recreational vehicles placed on sites are required to either:</p> <ul style="list-style-type: none"> 1) Be on the site for fewer than 180 days, or 2) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or 3) Meet the requirements of 5.2-3, above. 	<p><i>Mandatory</i> <i>(44 CFR 60.3(c)(14))</i></p> <p>Language exists in SMC 17E.030.140(D)</p>
<p>5.2-5 Enclosed Area Below the Lowest Floor</p> <p>If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.</p>	<p><i>Mandatory</i> <i>(44 CFR 60.3(c)(5))</i></p> <p>Added language to SMC 17E.030.140</p>

<p>5.2-6 Small Accessory Structures (Detached Garages & Small Storage Structures)</p> <p>For A Zones (A, AE, A1-30, AH, AO):</p> <p>1) In A, AE, A1-30, AH, and AO flood zones, small accessory structures (less than or equal to the size of a one story, two car garage) used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:</p> <ul style="list-style-type: none"> a) Use of the small accessory structure must be limited to parking of vehicles or limited storage; b) The portions of the small accessory structure located below the BFE must be built using flood resistant materials; c) The small accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement; d) Any machinery or equipment servicing the small accessory structure must be elevated or flood proofed to or above the BFE; e) If located in a floodway, then the small accessory structure must comply with floodway encroachment provisions in Section 5.4-1; f) The small accessory structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5). g) The structure shall have low damage potential, and h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use. i) The structure shall not be used for human habitation. <p>2) In V, VE, V1-30, and VO flood zones, small accessory structures constructed pursuant to this section may be no more than 100 square feet in size.</p> <p>3) Detached garages, storage structures, and other small accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1.</p> <p>4) Upon completion of the structure, certification that the requirement of this section have been satisfied shall be provided to the Floodplain Administrator for verification.</p>	<p style="text-align: center;"><i>Recommended</i></p> <p>Not included in SMC, Spokane does not have AO Zones.</p>
<p>5.3 AE and A1-30 Zones with Base Flood Elevations but No Floodways</p> <p>In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.</p>	<p style="text-align: center;"><i>Mandatory</i> (44 CFR 60.3(c)(10))</p> <p>Language included in SMC 17E.030.150</p>

<p>5.4 Floodways</p> <p>Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:</p>	<p><i>(More restrictive language for floodway development per RCW 86.16)</i></p> <p>Language exists in SMC 17E.030.160</p>
<p>5.4-1 No Rise Standard</p> <p>Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.</p>	<p><i>Mandatory</i> <i>(44 CFR 60.3(d)(3))</i></p> <p>Updated language in SMC 17E.030.160(A)</p>
<p>5.4-2 Residential Construction in Floodways</p> <p>Construction or reconstruction of residential structures is prohibited within designated floodways*, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.</p> <p>1) Replacement of Farmhouses in Floodway Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:</p> <ol style="list-style-type: none"> The new farmhouse is a replacement for an existing farmhouse on the same farm site; There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway; Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse; A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing; A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse; For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the 	<p><i>Mandatory (RCW 86.16.041)</i></p> <p><i>Subsections 1 and 2 can be eliminated at local option.</i></p> <p>Updated language in SMC 17E.030.160(B) and added language for Replacement of Farmhouses in Floodway as SMC 17E.030.160(C) and Substantially Damaged Residences in Floodway in SMC 17E.030.160(D)</p>

improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;

- g) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwaters into the system;
- h) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and
- i) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

2) Substantially Damaged Residences in Floodway

- a) For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-

076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

- i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
- ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
- iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
- iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.

<ul style="list-style-type: none"> v) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system. vi) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters. vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage. 	
<p>5.4-3 All Other Building Standards Apply in the Floodway</p> <p>If Section 5.4-1 is satisfied or construction is allowed pursuant to Section 5.4-2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, Provision For Flood Hazard Reduction.</p>	<p><i>Mandatory (44 CFR 60.3(d)(1-4)</i></p> <p>Language included in SMC 17E.030.160(E)</p>
<p>5.5 General Requirements for Other Development</p> <p>All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any {community name} amendments, shall:</p> <ol style="list-style-type: none"> 1) Be located and constructed to minimize flood damage; 2) Meet the encroachment limitations of this ordinance if located in a regulatory floodway; 3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood; 4) Be constructed of flood damage-resistant materials; 5) Meet the flood opening requirements of Section 5.2-1(5), and 6) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations. 	<p><i>Optional Provision</i></p> <p>Language added to SMC 17E.030.130</p>

<p>5.6 Critical Facility</p> <p>Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.</p>	<p><i>Optional Provision</i></p> <p>Language updated in SMC 17E.030.170</p>
<p>5.7 Livestock Sanctuary Areas</p> <p>Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.</p>	<p><i>Required by RCW 86.16.190. A city that does not allow livestock can forgo this section. While state law requires that local governments make provision for critter pads, it is extremely important to note that RCW 86.16.190 does not relax NFIP standards, including the no rise standard in floodways, in any way.</i></p> <p><i>Note: To be “elevated sufficiently to protect livestock” typically means to be elevated at least one foot above the BFE.</i></p> <p>Livestock are permitted in the RA Zone, so language added to SMC 17E.030.140 with elevation requirement concurring with section to require 2 feet above BFE</p>

Section 6.0 - Variances	
<p>Variances from the floodplain management standards shall only be issued if meeting all of the applicable criteria in sections 6.1 and 6.2. Variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.</p>	<p><i>Recommended</i></p> <p>Conditions for consideration of a variance is included in SMC 17E.030.100, and duties of the Hearing Examiner are outlined in SMC 17E.030.090</p>

6.1 Requirements for Variances

1) Variances shall only be issued:

- a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
- c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- d) Upon a showing of good and sufficient cause;
- e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
- f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 **{or the numbering system used by the community}** of this ordinance in the definition of "Functionally Dependent Use."

2) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

3) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 4.0 and 5.0 **{or the numbering system used by the community}** of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

Recommended. However, any variance provisions need to meet the standards in

44 CFR 60.6

Language included and updated in
SMC 17E.030.100

<p>6.2 Variance Criteria</p> <p>1) In considering variance applications, the {Governing Body} shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:</p> <ul style="list-style-type: none"> a) The danger that materials may be swept onto other lands to the injury of others; b) The danger to life and property due to flooding or erosion damage; c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; d) The importance of the services provided by the proposed facility to the community; e) The necessity to the facility of a waterfront location, where applicable; f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage; g) The compatibility of the proposed use with existing and anticipated development; h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area; i) The safety of access to the property in time of flood for ordinary and emergency vehicles; j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and, f) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges. 	<p><i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i></p> <p>Language included and updated in SMC 17E.030.090</p>
<p>6.3 Additional Requirements for the Issuance of a Variance</p> <p>1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:</p> <ul style="list-style-type: none"> a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and b. Such construction below the BFE increases risks to life and property. <p>2) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.</p> <p>3) The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.</p> <p>Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or</p>	<p><i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i></p> <p>Similar language included and updated in SMC 17E.030.100</p>

financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

APPENDIX A - STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)	(44 CFR 60.3(c)7, 8 and 11)
<p>Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:</p> <ol style="list-style-type: none"> 1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above* the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified). 2. New construction and substantial improvements of nonresidential structures within AO zones shall either: <ol style="list-style-type: none"> a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above* the depth number specified on the FIRM (at least two feet if no depth number is specified); or b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in section 5.2-2(2). 3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. 4. Recreational vehicles placed on sites within AO zones on the community's FIRM either: <ol style="list-style-type: none"> a. Be on the site for fewer than 180 consecutive days, or b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or 	<p><i>The preamble is an optional provision.</i></p> <p><i>Per 44 CFR 60.3(c)(7), all other Appendix A standards are mandatory IF there are Mapped AO zones in the community.</i></p> <p><i>44 CFR 60.3(c)(8)(i), 44 CFR 60.3(c)(8)(ii), and 44 CFR 60.3(c)(11)</i></p> <p>Not included in SMC as the City of Spokane does not have AO Zones.</p>

- c. Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.2-3).

APPENDIX B - STANDARDS FOR COASTAL HIGH HAZARD AREAS (V ZONES)	44 CFR 60.3(e)(2 – 8)
<p>Located within areas of special flood hazard established in Section 3.2 are Coastal High Hazard Areas, designated as zones V1-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:</p> <ol style="list-style-type: none"> 1. All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that: <ol style="list-style-type: none"> a) Elevation: <ol style="list-style-type: none"> i. Residential Buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level. ii) Nonresidential buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level or meets the elevation requirements of ASCE 24, whichever is higher; and b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). <p>A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (1)(a)(i) and (2)(a)(ii).</p> 2. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The (Floodplain Administrator) shall maintain a record of all such information. 3. All new construction within zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide. 4. Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM have the space below the lowest 	<p><i>The preamble is an optional provision.</i></p> <p><i>Per 44 CFR 60.3(e)(4), all other standards in Appendix B are mandatory if the community has any V1-30, VE or V zones mapped on its FIRM.</i></p> <p><i>44 CFR 60.3(e)(4), 44 CFR 60.3(e)(4)(i), 44 CFR 60.3(e)(4)(ii), 44 CFR 60.3(e)(2), 44 CFR 60.3(e)(3), 44 CFR 60.3(e)(5), 44 CFR 60.3(e)(5)(i), 44 CFR 60.3(e)(6), 44 CFR 60.3(e)(7), 44 CFR 60.3(e)(8)(i-iv), and 44 CFR 60.3(e)(9)(i-iii)</i></p> <p>Not included in the SMC as the City of Spokane does not have V Zones, the municipality is not a coastal city.</p>

floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

- a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
- b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

- 5. Prohibit the use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM.
- 6. Prohibit man-made alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.
- 7. All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites:
 - a) Outside of a manufactured home park or subdivision,
 - b) In a new manufactured home park or subdivision,
 - c) In an expansion to an existing manufactured home park or subdivision, or
 - d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall meet the standards of paragraphs (1) through (6) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the FIRM shall meet the requirements of Section 5.2-3.
- 8. Recreational vehicles placed on sites within V or VE zones on the community's FIRM shall either:

<ul style="list-style-type: none"> a) Be on the site for fewer than 180 consecutivedays, or b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or c) Meet the requirements of subsections (1) through (6) of this section. 	
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Agenda Sheet for City Council Meeting of: 10/25/2021

<u>Date Rec'd</u>	10/6/2021
<u>Clerk's File #</u>	FIN 2021-0001
<u>Renews #</u>	
<u>Cross Ref #</u>	OPR 2021-0667
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	

<u>Submitting Dept</u>	FINANCE, TREASURY & ADMIN
<u>Contact Name/Phone</u>	PAUL INGIOSI 509-625-6061
<u>Contact E-Mail</u>	PINGIOSI@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Hearings
<u>Agenda Item Name</u>	0410 - SET REVENUE HEARING

Agenda Wording

Setting public hearing on possible revenue sources for the 2022 Budget on October 25, 2021.

Summary (Background)

A city such as Spokane that collects a regular property tax levy must hold a public hearing on possible revenue sources for the 2022 current expense budget, including consideration of possible increases in property tax revenues (RCW 84.55.120). This hearing must be held before the meeting at which the City Council considers levy adoption. The property tax ordinance will be on the Council's November 8, 2021, agenda.

Lease? NO Grant related? NO Public Works? NO
Fiscal Impact **Budget Account**

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

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	INGIOSI, PAUL	<u>Study Session\Other</u>	Finance & Administration Committee - 10/18/21
<u>Division Director</u>	MURRAY, MICHELLE	<u>Council Sponsor</u>	Council President Beggs
<u>Finance</u>	MURRAY, MICHELLE	<u>Distribution List</u>	
<u>Legal</u>	PICCOLO, MIKE	twallace@spokanecity.org	
<u>For the Mayor</u>	ORMSBY, MICHAEL	jstratton@spokanecity.org	
<u>Additional Approvals</u>		jmiller@spokanecity.org	
<u>Purchasing</u>			